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Klaus SCHWABE, coordinator

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Zur Einführung

Klaus Schwabe

In zweierlei Hinsicht unterscheidet sich diese Themen-gebundene Nummer unserer Zeitschrift von den bisher erschienenen Heften: Zum einen wagt sie den Sprung in eine unmittelbare Vergangenheit, für die der Rückgriff auf die archivalische Überlieferung noch nicht möglich ist; zum anderen behandelt sie ein Kapitel der Geschichte der Europäischen Gemeinschaft bzw. Union (EG/EU), das auch der wohlwollenste Chronist kaum als Erfolg bewerten kann. Wenn hier trotzdem der Versuch gewagt wird, für den Zeitraum von etwa 1990 bis zum Vertrag von Dayton aus dem Jahre 1995 – soweit dies der eng bemessene Raum einer Zeitschriftennummer zulässt – eine Art Zwischenbilanz der bisherigen historischen Erforschung der Rolle Europas in der Jugoslawienkrise zu ziehen, so hat dies mehrere Gründe: Zum einen ist es die Überzeugung des Herausgebers, dass die historische Aufarbeitung markanter Meilensteine in der jüngsten europäischen Integrationsgeschichte auch schon ohne die Möglichkeit, archivalische Quellen heranzuziehen, beginnen sollte. Die europäische Reaktion auf die Jugoslawienkrise bildete einen derartigen Einschnitt, lieferte sie doch – und dies ist ein zweiter Grund für den hier gewagten Versuch – das wichtigste Fallbeispiel für den Versuch der EG/EU, eine friedensbedrohende Krise außerhalb ihrer Grenzen gemeinsam beizulegen und damit die 1970 im Prinzip vereinbarte europäische außenpolitische Zusammenarbeit (EPZ) zu aktivieren. Der 1991 ausgehandelte Vertrag von Maastricht verlieh diesem Anliegen mit der in ihm vorgesehenen Gemeinsamen Außen- und Sicherheitspolitik (GASP) eine noch höhere Aktualität. Als diese Zusammenarbeit mit dem Bürgerkrieg im ehemaligen Jugoslawien ihre Bewährungsprobe erlebte, musste sich drittens zeigen, wieweit die Verfolgung nationaler Interessen die Ausbildung eines gemeinsamen Interesses der EG zuließ. Wie nachzuweisen sein wird, ist dies nur begrenzt gelungen: Bekanntlich ist das europäische Jugoslawien-Krisen-Management im Endeffekt gescheitert. Dieser Misserfolg liefert den vierten Grund für unser Vorhaben; beleuchtet er doch wesentliche Defizite im Verfahren und kennzeichnet er die engen Grenzen der Kompetenzen der Europäischen Kommission bei dem Unterfangen, eine europäischen Außenpolitik zu praktizieren – Mängel, die zu kennen auch aus heutiger Sicht nicht unwichtig ist. Fünftens wurde die Jugoslawienkrise ein Prüfstein für die transatlantische Zusammenarbeit zwischen der EG/EU und den USA und besitzt damit gerade im Lichte der jüngsten durch den Irakkrieg ausgelösten Krise in den europäisch-amerikanischen Beziehungen ihre Bedeutung.

Die hier veröffentlichten Beiträge untersuchen das europäische Verhalten in der Krise im auseinander brechenden Jugoslawien aus der Sicht der größeren und einiger – leider nicht aller – kleinerer Mitgliedsstaaten der EG. Von den drei verbleibenden Artikeln befasst sich einer mit den Vorbedingungen für die Reaktion Europas auf das Auseinanderfallen Jugoslawiens, ein weiterer mit der Sanktionspolitik der EG und ein letzter mit der Rolle der USA. Dass die Gesamtproblematik unseres Themas damit nur ausschnittartig beleuchtet werden konnte, musste hingenommen werden. Nur kur-

sorisch berücksichtigt werden konnte zum Beispiel der Faktor öffentliche Meinung. Insbesondere für die Bundesrepublik Deutschland ist dies eine bedauerliche Lücke, doch konnte für dieses wichtige Thema trotz intensiver Suche kein Mitarbeiter gefunden werden.[1] Reichlich entschädigt für diesen Mangel wird der Leser allerdings durch die intensive Würdigung, welche die Haltung der Öffentlichkeit in den Niederlanden durch den Beitrag von Bob de Graaff erhält.

Aus Termingründen musste den Beiträgern auch bei der formalen und inhaltlichen Ausgestaltung ihrer Arbeiten weitgehend freie Hand gelassen werden. So konnte bei diesem mehrsprachigen Manuskript aus technischen Gründen lediglich innerhalb der Einzelbeiträge eine einheitliche Schreibweise serbo-kroatischer Namen eingehalten werden. Ferner weisen die einzelnen Beiträge unterschiedliche Zeitrahmen auf. Neben Lücken waren auch Überschneidungen unvermeidlich. Diese Zwangslage hat immerhin den einen entschiedenen Vorteil, dass sie bei der Behandlung dieses umstrittenen Themas – anders als die sonst vielfach apologetische Sekundärliteratur – die Gegenüberstellung verschiedener Standpunkte erlaubte. So stößt der Leser für die Rolle der Badinter-Kommission bei der Anerkennung von Slowenien und Kroatien, für den Sarajewobesuch des französischen Staatspräsidenten, für die Gründe für das Scheitern des Vance-Owen-Planes zur Lösung des Jugoslawienproblems oder für die Vorgeschichte der militärischen Intervention der NATO von Ende August 1995 (um nur einige Beispiele zu nennen) auf höchst unterschiedliche Bewertungen, die, so hofft der Herausgeber, den Anstoß für weitere vertiefte Untersuchungen liefern werden.

Um dem Leser dieses Heftes die Orientierung in einem komplizierten Ereignisablauf zu erleichtern, hielt es der Herausgeber für richtig, seine Einführung nachfolgend durch einen knappen Überblick über die Hauptdaten der Jugoslawienkrise zu ergänzen, und – in Anlehnung an die hier veröffentlichten Beiträge – die Grundeinstellung der europäischen Hauptakteure anzudeuten sowie die wichtigsten gemeinsam-europäischen Grundsatzentscheidungen zur Beilegung der Krise aufzuführen.

Der Zerfall des jugoslawischen Bundesstaates bildet einen Aspekt der großen Wende, mit der die Vorherrschaft der UdSSR in Osteuropa zusammenbrach. Überall stärkte der Sieg des nationalstaatlichen Unabhängigkeitsstrebens gegenüber der UdSSR das nationale Selbstbewusstsein – so auch in Jugoslawien. Und doch bildete dieser Bundesstaat einen Sonderfall. Dort hatte schon einige Jahre zuvor der Tod Titos (1980) zu einem nationalen Profilierungsstreben der Serben geführt –

1. Vgl. allgemein dazu: V. MEIER, *Die politische Bedeutung der Medien in der Konfliktbewältigung*, in: R. BIERMANN (Hrsg.), *Deutsche Konfliktbewältigung auf dem Balkan. Erfahrungen und Lehren aus dem Einsatz*, Nomos, Baden- Baden, 2002, S.139-152. Weitere allgemeine Literatur jüngsten Datums: D. EISERMANN, *Der lange Weg nach Dayton .Die westliche Politik und der Krieg im ehemaligen Jugoslawien 1991-1995,* Nomos, Baden-Baden, 2000; R. LUKIC, *L'Agonie Yougoslave (1986-2003). Les Etats Unis et l'Europe face aux guerres balkaniques*, Les Presses Universitaires Laval, Québec, 2003; J. GOW, *Triumph of the Lack of Will: International Diplomacy and the Yugoslav War* , Hurst, London, 1997; V. MEIER, *Wie Jugoslawien verspielt wurde,* Beck'sche Verlagsbuchhandlung, München, 1995; H.-P. SCHWARZ, *Die neueste Zeitgeschichte. „Geschichte schreiben , während sie noch qualmt"*, in: *Vierteljahrshefte für Zeitgeschichte*, 51. Jahrgang, 1(Januar 2003), S.11-13.

zunächst auf Kosten der im Kosovo lebenden albanischen Mehrheit. Die große Wende von 1989/90 verstärkte die Tendenz einer Renationalisierung auch bei einigen der jugoslawischen Gliedrepubliken, an erster Stelle in Slowenien, etwas später in Kroatien. Das Besondere an der Lage in Jugoslawien war, dass die mit der Wende einhergehende europaweite Demokratisierungs- und Liberalisierungswelle zwar das wirtschaftlich am weitesten fortgeschrittene Slowenien sowie Kroatien erfasste, nicht aber Serbien, dessen politische Führung unter Slobodan Milosevic nur dem Namen nach mit ihrer kommunistischen Vergangenheit brach**.** Dadurch vertiefte sich der Gegensatz zwischen den auseinanderdriftenden Nationalitäten.

Dabei darf zweierlei nicht übersehen werden – zum einen, dass sich bei der Mehrheit der Bevölkerung Jugoslawiens nationale Zugehörigkeit – nicht unähnlich wie in Nordirland – primär religiös und nicht sprachlich definiert, zum anderen, dass auch die jugoslawischen Nachfolgestaaten (bis auf Slowenien) Vielvölkerstaaten sind und ihre Verselbständigung, wenn man an den historischen Grenzen festhielt, ihrerseits Minderheitenprobleme aufwarf. Die Anwendung des Selbstbestimmungsrechtes entsprechend der Nationalitätenkarte, wie sie kurzfristig in der niederländischen Regierung erörtert wurde, hätte sowohl das ehemalige Jugoslawien wie auch ihre Teilrepubliken zerstückelt. Wollte man dies vermeiden, musste man am Fortbestehen von multiethnischen Staatswesen festhalten.

Mit der Welle der Verselbständigung der osteuropäischen Staaten spitzte sich auch die Lage in Jugoslawien zu: Eine im September 1989 verabschiedete neue slowenische Verfassung beanspruchte ausdrücklich das Recht zur Trennung vom jugoslawischen Gesamtstaat. Auf ihrem Parteitag im Januar 1990 zerbrach die gesamtjugoslawische kommunistische Partei an dem slowenisch-serbischen Gegensatz. Im April erbrachten freie Wahlen in Slowenien und Kroatien nicht-kommunistische Mehrheiten. Mit ihrer knapp 12 Prozent der Gesamtbevölkerung umfassenden serbischen Minderheit geriet die kroatische Republik schon im Sommer 1990 in lokale Konflikte. Das Schicksal der außerhalb Serbiens (einschließlich Vojvodina und Kosovo) lebenden, geographisch aber voneinander getrennten serbischen Minderheiten gab dann den eigentlichen Zündstoff für den Jugoslawienkonflikt ab, forderte diese – immerhin knapp zwei Millionen Einwohner umfassende – Irredenta doch nun den Anschluss an die unter der Führung von Milosevic stehende serbischen Nation. Im Dezember 1990 sprach sich eine Volksabstimmung in Slowenien mit klarer Mehrheit für die Unabhängigkeit aus; gleiches geschah im Mai 1991 in Kroatien. Kurz zuvor hatte sich auch im jugoslawischen Bundesstaat die Krise zugespitzt, als die serbischen Mitglieder des jugoslawischen Staatspräsidiums die – an sich routinemäßig anstehende – Übernahme des Vorsitzes durch einen Kroaten zu unterbinden wussten. Im Juni 1991 proklamierten Slowenien und Kroatien ihre Unabhängigkeit. Während die jugoslawische Bundesarmee nach kleineren und für sie eher ungünstig verlaufenen Scharmützeln in Slowenien den Dingen ihren Lauf ließ, trat sie gegen das abtrünnige Kroatien anfang August mit einer von Freischärlern unterstützten massiven Panzeroffensive an. Im Oktober lag Dubrovnik unter serbischem Beschuss. Mit der Eroberung und beginnenden ethnischen Reinigung der vorwiegend serbisch bewohnten Teile Kroatiens und

einer Konsolidierung der kroatischen Abwehr trat Ende 1991 ein gewisser Stillstand ein. Inzwischen war die jugoslawische Bundesregierung (das Staatspräsidium) im Oktober 1991 unwiderruflich unter die ausschließliche Kontrolle Serbiens gefallen. Der gesamtjugoslawische Präsident Stipe Mesic sah sich endgültig kaltgestellt.

Was anfangs wie ein innerjugoslawischer Bürgerkrieg aussah, erfasste im März 1992 auch die Republik Bosnien-Herzegowina. Deren bosniakisch (= muslimisch)-kroatische Mehrheit hatte sich in einer Volksabstimmung im Februar desselben Jahres für die Unabhängigkeit ausgesprochen, wobei die serbische Minderheit die Abstimmung boykottierte, nachdem sie sich schon im November 1991 vom übrigen Bosnien losgesagt hatte. Im ersten Kriegsjahr erwiesen sich die serbisch kontrollierten Streitkräfte an allen Fronten als siegreich. Um die vielfach verschachtelte Nationalitätenkarte im eigenen Interesse ein für alle mal zu korrigieren, setzte die serbische Seite ihre Politik einer ethnischen Säuberung fort. Opfer dieser von Kriegsverbrechen begleiteten Praxis wurden bis 1995 insgesamt allein an die 4 Millionen Flüchtlinge und, wie man schätzt, an die 250.000 Tote. Sarajewo, die Hauptstadt Bosnien-Herzegowinas, wurde von serbischen Truppen belagert. Eine erste Wendung nahm der Nationalitätenkrieg erst im Januar 1993 mit einer kroatischen Offensive in das von serbischen Truppen bedrohte Dalmatien. Kompliziert wurde die Lage durch einen im April des gleichen Jahres ausbrechenden Sonderkrieg zwischen den in Bosnien-Herzegowina lebenden Kroaten und den Bosniaken, der erst durch ein Eingreifen von außen beendet werden konnte: Es waren die USA, denen dies anfang 1994 gelang und die dann im März desselben Jahres auch die Proklamation einer „kroatisch-muslimischen“ Föderation durchsetzten. Im weiteren Auf und Ab des Krieges erwiesen sich schließlich die kroatischen und bosniakischen Streitkräfte als siegreich – die kroatischen seit Mitte 1995 mit inoffizieller militärischer Unterstützung durch die USA. Es gelang, die serbischen Geländegewinne in Ostkroatien und in Bosnien-Herzegowina weitgehend rückgängig zu machen. Ein erheblicher Teil der serbischen Bevölkerung Ostkroatiens ergriff die Flucht, um so einer ethnischen Säuberung durch die Sieger zu entgehen. Das militärische Übergewicht der verbündeten Kroaten und Bosniaken wurde immer deutlicher. Die militärische Intervention der NATO gegen die Serben begann mit US-Jägern, die die Flugverbotszone von Sarajewo seit dem Februar 1994 kontrollierten, und mündete Ende August 1995 in massiven Einsätzen, an denen sich auch die Artillerie einer neu geschaffenen europäischen Eingreiftruppe beteiligte.

Angesichts dieser militärischen Lage lenkte die serbische Seite ein. Unter amerikanischem Druck und auf amerikanischem Boden begannen am 1. November 1995 Friedensverhandlungen, bei denen die fanatisierten Sprecher der bosnisch-serbischen Republik von der Belgrader Zentralregierung vertreten wurden. Das schließlich am 21.11.1995 unterzeichneten Friedensvertragswerk von Dayton erkannte Kroatien und Bosnien-Herzegowina innerhalb ihrer historischen Grenzen an. Für Bosnien-Herzegowina schuf es ein gemeinsames staatliches Dach, unter dem eine kroatisch-muslimische Föderation und eine serbische Republik, beide weitgehend autonom,

nebeneinander existieren. Gemeinsame Hauptstadt und Sitz der zentralen Regierungsorgane wurde Sarajewo. Das neue Staatswesen wurde einem militärisch nur der NATO verantwortlichen internationalen Protektorat unterstellt.

Welche Haltung nahm Europa – die Europäische Gemeinschaft und deren Mitglieder – zu dem Geschehen im auseinanderbrechenden Jugoslawien ein? Für den Anfang der Krise ist zunächst festzuhalten, dass die Entwicklungen in dem Vielvölkerstaat bis in die zweite Hälfte des Jahres 1991 hinein völlig im Schatten der gleichzeitigen weltpolitischen Ereignisse gestanden haben – des sich abzeichnenden Zerfalls der Sowjetunion, der Ratifizierung des deutschen Wiedervereinigungsvertrages durch die UdSSR und vor allem des ersten Golfkrieges. Wie Rafael Biermann in seinem Beitrag überzeugend nachweist, ergaben sich aus diesem weltpolitischen Erfahrungshorizont für praktisch alle zeitgenössischen Politiker außerhalb Jugoslawiens gravierende Fehleinschätzungen. Dazu gehörte vor allem die Überzeugung, dass es zum Fortbestand der jugoslawischen Bundesrepublik keine Alternative gäbe. Aus diesen Gründen überwog die Neigung, den global vorhandenen Krisenherden nicht noch einen weiteren hinzuzufügen und deshalb in Jugoslawien, das mit dem Ende des Kalten Krieges ohnehin seine strategische Bedeutung verloren hatte, den *status quo* zu bewahren. Indem die serbisch geführte jugoslawische Bundesrepublik diesen gegen die slowenischen und kroatischen Ansprüche zu verteidigen schien, galt sie aus französischer Sicht, wie Joseph Crulic zeigt, zunächst auch nicht als Angreifer. Die Verselbständigung der ethnischen Bestandteile dieses Vielvölkerstaates rührte aus der Sicht einiger EG-Mitglieder zudem an das in der Helsinki-Akte verankerte Prinzip der Unversehrbarkeit der Nachkriegsgrenzen Europas.

Abgesehen von derartigen im Effekt eher taktischen Überlegungen, die von den europäischen Akteuren angestellt wurden (und die in den Einzelbeiträgen ausführlich gewürdigt werden), setzte sich seit dem Beginn der Kampfhandlungen indessen die eine alles überragende Überzeugung durch, dass es unerlässlich sei, eine Ausbreitung des jugoslawischen Brandherdes auf das übrige Europa unter allen Umständen zu verhindern. Misslang dies, dann war nicht nur das Wiedererstehen längst tot geglaubter europäischer Rivalitäten zu befürchten, sondern auch ein Scheitern der gleichzeitig in Maastricht laufenden schwierigen Verhandlungen über eine europäische Union. Mit den Worten von Jacques Delors: Eine „Ansteckung“ mit dem jugoslawischen Bazillus musste unbedingt vermieden werden; denn „das Auseinanderfallen Jugoslawiens“ war, um den französische Außenminister Roland Dumas zu zitieren, nur „ein Drama“, das Auseinanderfallen der europäischen Gemeinschaft dagegen würde eine „Katastrophe“ sein. In diesem Punkte erzielten nicht zuletzt Frankreich und Deutschland, wie Bob de Graaff in seinem Beitrag ausführt, eine völlige Übereinstimmung.

Die deutsche Seite stand allerdings dem Unabhängigkeitsstreben der jugoslawischen Teilrepubliken von vorn herein wohlwollender gegenüber als die Westmächte und konnte für diese Haltung auch die KSZE gewinnen. Wie in den betreffenden Artikeln nachzulesen, spielten in diesen Meinungsunterschied die Erfahrung der deutschen Wiedervereinigung und geschichtliche Momente mit hinein. In Überein-

stimmung mit dem Beitrag von Michael Libal muss in diesem Zusammenhang festgehalten werden, dass in keinem europäischen Lande der Druck einer breiten Öffentlichkeit zugunsten von „Selbstbestimmung in Jugoslawien“ so stark gewesen ist und alle historisch-politischen Gesichtspunkte, die vielleicht für ein Weiterbestehen Jugoslawiens gesprochen hätten, so weit in den Hintergrund gedrängt hat, wie gerade in Deutschland. Schon 1991 war die Bundesrepublik weniger bereit als die meisten ihrer EG-Partner, Gewaltanwendung zur Erhaltung eines serbisch dominierten Jugoslawiens stillschweigend hinzunehmen oder gar zu billigen. Dabei leisteten sich die deutschen Medien einige Ungereimtheiten, indem sie einerseits eine im strengen Sinne gar nicht praktikable Selbstbestimmung für die Völker Jugoslawiens forderten, im gleichen Atemzuge und bei aller „Betroffenheit“ andererseits aber auch jede Art von militärischem Engagement der Bundesrepublik verwarfen. Ähnlich wie dies de Graaff für die Niederlande herausarbeitet, galt auch in Deutschland profilbildende Gesinnung mehr als konkrete Verantwortungsbereitschaft. Die Bundesrepublik hielt an ihrer Serben-kritischen harten Linie während des ganzen Krieges konsequent fest und fand darin in der Regierung Clinton schließlich einen Bundesgenossen. Da sie sich unter keinen Umständen an einer militärischen Intervention beteiligen wollte, blieb ihr Einfluss im weiteren trotzdem begrenzt.

Das europäische Bemühen um ein jugoslawisches Krisenmanagement ist vor dem Hintergrund dieser unterschiedlichen Sichtweisen zu sehen. Über zwei Punkte bestand über lange Zeit hinweg immerhin Einigkeit: zum einen in der Verurteilung von Gewalt bei jeder möglichen inner-jugoslawischen Neugliederung sowie in der Bevorzugung einer Konföderationsverfassung für ein reformiertes Jugoslawien, für die sich besonders Italien verwandte (vgl. hierzu den Artikel von Georg Meyr), zum anderen in der Ablehnung jeder Art von militärischer Intervention der EG-Mitglieder in das Geschehen in Jugoslawien. Dies war vor allem die Überzeugung des französischen Staatspräsidenten François Mitterand, für die er gute militärische und politische Gründe anführen konnte. Wie dem Beitrag von Klaus Larres zu entnehmen ist, schloss sich die US-Regierung Bush trotz rhetorisch-diplomatischer Unterstützung der Bosniaken diesem Gewaltverzicht im „europäischen Hinterhof“ vorbehaltlos an. Die Westmächte konnten deshalb bei allen Vermittlungsbemühungen nicht einmal militärisch drohen. Deutschland hatte sich in Erinnerung an den Zweiten Weltkrieg ohnehin schon vorher auf einen unbedingten Verzicht auf einen Einsatz von Waffen in Jugoslawien festgelegt. Natürlich war dies auch die Haltung der europäischen Kommission und ihres Präsidenten Jacques Delors, die für ein militärisches Engagement, wie er betonte, auch keine Rechtsgrundlage besaß. Wenn der luxemburgische Außenminister Jacques Poos und andere Politiker unter diesen Voraussetzungen vollmundig von einer „Stunde Europas“, „und nicht Amerikas“, sprachen, dann waren sie damit nicht nur einer Art europäischen Größenwahn verfallen – „Hybris“, wie Biermann mit Recht sagt –, sondern stellten sich auch durch ihre Unkenntnis der politisch und juristisch gegebenen Tatsachen bloß.

Wollten die Europäer dem Blutvergießen im zerfallenden Jugoslawien ein Ende setzen, so blieben ihnen also nur Druckmittel politischer oder wirtschaftlicher Art oder aber die Möglichkeit diplomatischer Vermittlung. Über die erste Alternative können wir uns kurz fassen, da sie in den Einzelbeiträgen – so vor allem bei de Wilde – eingehend gewürdigt wird. Einen ersten vorsichtigen Versuch, eine Zuspitzung der Jugoslawienkrise zu verhindern, unternahm die europäische Kommission durch ihren Vorsitzenden Jacques Delors und den luxemburgischen Ministerpräsidenten und EG-Präsidenten Jacques Santer im Mai 1991. Delors bot seinen Belgrader Gesprächspartnern ein „jugoslawisches Maastricht" an, das heißt eine jugoslawische Wirtschafts- und Währungsunion – bei Anerkennung grundlegender Menschen- und Minderheitenrechte und bei sonstiger weitestgehender Unabhängigkeit der Einzelrepubliken. Bei der Annahme dieses Kompromisses stellten sie finanzielle Hilfen der EG in Aussicht. Der Regierung Milosevic war das Schicksal ihrer außerhalb Serbiens lebenden Landsleute indessen wichtiger als der Frieden in dem ehemaligen Bundesstaat. Angesichts ausbrechender Feindseligkeiten verhängte die EG anfang Juli 1991 ein Waffenembargo über ganz Jugoslawien, dem sich wenige Monate später die UN anschloss. Es sollte den Konflikt „austrocknen", begünstigte freilich *de facto* die serbische Seite. Im November wurden Jugoslawien gewährte Zollvergünstigungen suspendiert. Den Nachteil hatten zunächst alle jugoslawischen Republiken.

Bemühungen der die EG vertretenden „Troika" (der Außenminister der Niederlande, Luxemburgs und Italiens, seit Juli Portugals anstelle Italiens) um eine Waffenruhe folgten unter niederländischer Federführung die Konferenzen von Brioni (7.Juli) und Den Haag (27. August bzw. 18. Oktober 1991). Immerhin wurden eine Streitschlichtungskommission unter dem Vorsitz des Franzosen Robert Badinter und eine Beobachtungsmission vereinbart. Anfang Oktober 1991 unterbreitete der neue EG-Vermittler, der Brite Lord Peter Carrington, einen nach ihm benannten Plan, der ähnlich wie die vorausgegangenen Vorschläge von Delors eine lose Assoziation der jugoslawischen Republiken in ihren bisherigen Grenzen und einen besonderen Minderheitenschutz vorsah, – ein Plan, den Belgrad jedoch ablehnte.

Nachdem ein französischer Versuch, die Westeuropäische Union als militärischen Arm der EG zu mobilisieren, an der Ablehnung Großbritanniens gescheitert war, erwirkte die französische Regierung über den UN-Sicherheitsrat schon im September 1991 eine Einschaltung der Weltorganisation und damit auch der USA sowie der UdSSR bzw. Russlands in den Jugoslawienkonflikt. Fortan ergab sich eine Art informeller Arbeitsteilung zwischen den beiden internationalen Organisationen: Die EG/EU erstellte vor allem Pläne für eine langfristig-politische Lösung des ex-jugoslawischen Problems, die UN hingegen bemühte sich um die Vermittlung einer Waffenruhe. Am 7. Oktober ernannte sie den ehemaligen US-Außenminister Cyrus Vance zu ihrem Bevollmächtigen in Jugoslawien, am 15. Dezember vereinbarte sie die Entsendung einer bis zu 10.000 Mann starken Blauhelmtruppe, die die Einhaltung eines Waffenstillstandes überwachen sollte. Ein solcher kam unter Vermittlung von Vance am 2. Januar 1992 zwischen Kroatien und Serbien zustande, wurde in der Folgezeit freilich immer wieder von kleineren Gefechten unterbrochen.

Ob die EG-Mitglieder weiter auf die Erhaltung Jugoslawiens hinarbeiteten oder aber sich mit dessen Zerfall abfanden bzw. auf einen solchen sogar hinwirkten, hing politisch davon ab, ob sie sich zu einer Anerkennung der beiden *de facto* selbständig gewordenen Republiken entscheiden würden oder nicht. Ein irgendwie geartetes Weiterbestehen Jugoslawiens erhoffte bis in den Herbst von 1991 hinein noch die Mehrheit der EG-Mitgliedsstaaten, wenn auch mit schwindender Überzeugungskraft. Eine Ausnahme machte die deutsche Bundesrepublik, die seit dem Sommer 1991 zusammen mit Österreich mit wachsendem Nachdruck auf die diplomatische Anerkennung der abgefallenen Republiken drängte. Am 15. Januar 1992 hatte sie ihr Ziel ereicht, nachdem sie selbst schon am 23. Dezember 1991 diesen Schritt vollzogen hatte. Die völkerrechtliche und politische Problematik dieser höchst strittigen deutschen Initiative wird in den meisten Beiträgen – von deutscher Seite von Michael Libal, aus der Perspektive der niederländischen Präsidentschaft unter Außenminister Hans Van den Broek von Bob de Graaff – in aller wünschenswerten Genauigkeit erörtert, so dass an dieser Stelle nicht weiter darauf eingegangen zu werden braucht. Es darf allerdings nicht verschwiegen werden, dass die deutsche Diplomatie, wie auch Libal feststellt, zweierlei nicht vorausgesehen hat, als sie sich zu dem momentanen Alleingang in der Anerkennung von Slowenien und Kroatien entschloss: das überaus kritische ausländische Echo auf diese vermeintliche Eigenmächtigkeit sowie den mehrjährigen Fortgang und die Ausweitung des Krieges. Ob sie auch den Hass nicht vorausgesehen hat, den ihr Schritt in Serbien auslösen würde?

Immerhin schlossen sich die USA und die EG-Staaten dann aber doch der deutschen Initiative an: Im Frühjahr 1992 erkannten sie auch ein selbständiges Bosnien-Herzegowina an. Dieser Schritt zeigte zweierlei: einmal, dass die Regierung Milosevic international immer mehr an Kredit verspielt hatte, zum anderen, dass die EG-Partnerstaaten ihre ursprüngliche Absicht endgültig aufgegeben hatten, den völkerrechtlich weiter bestehenden, faktisch aber untergegangenen jugoslawischen Gesamtstaat zu retten. Dieser Gesinnungswandel ging weniger auf die „Serbisierung“ Jugoslawiens zurück, als auf die von serbischer Seite inszenierten ethnischen Säuberungen sowie auf den Vormarsch serbischer Truppen in Bosnien-Herzegowina, der, wie jetzt nicht mehr geleugnet werden konnte, die Grenzen eines international anerkannten Staates verletzte und damit gegen das Völkerrecht (Verträge von Helsinki) verstieß.

Den Bruch mit dem sich immer noch Jugoslawien nennenden serbisch kontrollierten Rumpfstaat vollzogen die EG-Länder im Mai 1992 durch die Abberufung ihrer Botschafter aus Belgrad und durch einen im gleichen Monat von der UN beschlossenen Wirtschaftsboykott gegen das von Belgrad kontrollierte Restjugoslawien. Die diplomatische Initiative war jetzt auf Frankreich übergegangen. Ein ohne weitere internationale Absprache durchgeführter Blitzbesuch des französischen Staatspräsidenten François Mitterrand in Sarajewo am 28.Juni 1992 machte den Weg frei für eine militärisch abgedeckte humanitäre Hilfe, vor allem für die serbisch belagerte bosnisch-herzegowinische Hauptstadt. Er bestätigte aber auch den Verzicht der EG-Mächte auf eine militärische Intervention im eigentlichen Sinne – ein Verzicht, dem sich der Vorsitzende der Europäischen Kommission Delors übri-

gens nicht mehr anschloss. Ein von der neuen US-Regierung Bill Clinton 1993 eingebrachter und besonders von muslimischen UN-Mitgliedern unterstützter Vorschlag, das über die Kriegsteilnehmer verhängte Waffenembargo aufzuheben und gleichzeitig serbische Übergriffe mit NATO-Bombenabwürfen zu beantworten („lift and strike"), wurde von den EG-Ländern (außerdem von Kroatien) im April 1993 abgelehnt. Allerdings wurde die von Menschenrechtsorganisationen und von Intellektuellen allenthalb (wie de Graaff belegt, besonders nachdrücklich in den Niederlanden) geforderte humanitäre Intervention von UN-Blauhelmen (in der Mehrheit britisch-französische Einheiten) militärisch abgesichert. Aus dieser humanitären entwickelte sich dann schließlich doch eine militärisch-politische Intervention, die seit Mai 1993 nach Meinungsumfragen auch in den meisten EU-Ländern gefordert wurde (die drei Ausnahmen waren Dänemark, Deutschland und Griechenland). Truppen wurden nach dem Vorbild des ersten Golfkrieges zum Schutz von im Namen der UN proklamierten, von einer muslimische Bevölkerung bewohnten Sicherheitszonen (so in Sarajewo) eingesetzt. Nachdem serbische Granaten unter der Bevölkerung Sarajewos zweimal ein Blutbad angerichtet hatten, rief die UN im Februar 1994 die NATO zuhilfe. Frankreich erwirkte über den NATO-Rat einen Abzug der schweren serbischen Waffen aus einer Sperrzone von 20 km um Sarajewo herum. NATO-Luftstreitkräfte überwachten ein schon Ende 1992 über den bosnischen Luftraum verhängtes Flugverbot, zu dessen Durchsetzung gegenüber serbischen Verstößen US-Jäger im Februar 1994 erste Einsätze flogen. Großbritannien stemmte sich, wie der Beitrag von Jane Sharp hervorhebt, weiter nach Kräften gegen eine von den USA und der Bundesrepublik mit zunehmendem Nachdruck geforderte militärische Intervention des Westens und gab schließlich nur nach, um die durch den Bosnienkrieg arg strapazierte *special relationship* zu Amerika nicht noch weiter zu belasten.

Im Sommer 1995 wuchs vor allem bei den USA die Bereitschaft, mithilfe der NATO unmittelbar militärisch in den Krieg in Bosnien-Herzegowina einzugreifen. Eine ganze Reihe von Faktoren kam zusammen, um einen endgültigen Kurswechsel des atlantischen Bündnisses zu erzielen: Serbische Geiselnahmen aus den Reihen der UN-Truppen, die Gefahr eines totalen Rückzuges der UN aus dem ehemaligen Jugoslawien und damit das Risiko eines Prestigeverlustes auch für die amerikanische Führungsmacht der NATO, der serbische Völkermord an den Bosniaken in der von niederländischen Truppen zu schützenden Sicherheitszone von Srebrenica, die militärischen Erfolge der kroatischen und bosniakischen Truppen und nicht zuletzt der Wechsel im französischen Staatspräsidium von François Mitterrand zu Jacques Chirac , der anders als sein Vorgänger eine gemeinsame militärische Intervention des Westens gegen die bosnisch–serbischen Verbände nicht mehr ablehnte. Chirac einigte sich deshalb Ende Mai 1995 auch rasch mit dem britischen Premierminister John Major über die Aufstellung einer schnellen Eingreiftruppe unter UN-Befehl. Klaus Larres legt die Gründe dar, deretwegen der US Präsident Clinton die im Entscheidenden passive Rolle seiner Regierung schließlich aufgab. Danach sind es nicht zuletzt innenpolitische Erwägungen gewesen – die nächsten Präsidentschaftswahlen rückten heran – , die dem Präsidenten nahe

legten, den Eindruck der Hilflosigkeit und Unglaubwürdigkeit, den seine Balkanpolitik gemacht hatte, zu korrigieren: Es ging letztlich um das außenpolitische Ansehen der USA und damit seiner Regierung. So fasste die Regierung Clinton im August 1995 den entscheidenden Entschluss, nötigenfalls allein zu handeln und zum Beispiel das Waffenembargo einseitig aufzuheben, um die Serbien zu einem Waffenstillstand und der Annahme eines Vermittlungsplanes mit dem Ziel einer bosnisch-herzegowinischen Gesamtkonföderation zu zwingen.

Tatsächlich stellten sich die Europäer jetzt hinter die USA. In der Militäroperation „Deliberate Force" nahmen NATO-Streitkräfte seit dem 30. August 1995 – nach einer abermaligen Beschießung des Marktplatzes von Sarajewo durch serbische Artillerie – serbische Stellungen um Sarajewo unter Beschuss. Gleichzeitig sondierte der amerikanische Bevollmächtigte Richard Holbrooke bei den Kriegsparteien über die Möglichkeiten einer politischen Beilegung des Konfliktes. Zusammen mit den Erfolgen der bosniakisch-kroatischen Truppen hat dieser Militärschlag der NATO die serbische Seite schließlich zum Einlenken veranlasst und den Weg zum Abkommen von Dayton geöffnet.

Ein Grund für das lange Zögern der EG-Mitglieder, der USA und der NATO, im bald so genannten „dritten Balkankrieg" gegen die serbische Seite militärisch vorzugehen, lag an dem Fehlen eines konsensfähigen Konzepts für die Zukunft der Vielvölkerrepublik Bosnien-Herzegowina – ein anderer in der französischen und, wie Jane Sharp betont, vor allem britischen Abneigung, sich bei einer Intervention in den innerjugoslawischen Krieg mit der zunächst stärkeren Seite – das heißt den Serben – anzulegen. Dahinter standen die Schwierigkeiten, die jede Lösung des Problems nach sich ziehen musste. Hatte die Völkergemeinschaft im Namen des Selbstbestimmungsrechtes der Völker den Zerfall des jugoslawischen Vielvölkerstaates schließlich gutgeheißen, so sah sie sich jetzt wegen der Lage vor Ort gezwungen, für die Erhaltung eines multi-ethnischen Bosniens zu optieren. Dies war einer der Zwecke des schon erwähnten Planes, den der von der EG ernannte Vermittler, Lord Peter Carrington, im Oktober 1991 vorlegte und der ähnlich wie der Vorschlag Delors' auf eine „enge und wirksame jugoslawische Föderation" hinzielte, die ihrerseits auf einer Wirtschafts- und Währungsunion beruhte. Er wurde schließlich von der serbischen Seite abgelehnt.

Alle weiteren Vermittlungsvorschläge bezogen sich fortan ausschließlich auf die Republik Bosnien-Herzegowina. Ein erstes im Frühjahr 1992 diskutiertes Projekt stammte von dem portugiesischen Diplomaten und Vertreter der portugiesischen Präsidentschaft im EG-Ministerrat José Cutilheiro. Den serbischen Vorstellungen sehr nahe kommend, orientierte es sich an der Schweizer Kantonalverfassung, indem es eine Aufgliederung der Republik in ethnisch definierte Unterbezirke vorsah, die ihrerseits Bestandteile einer Konföderation werden sollten. Cutilheiros Konzept erwies sich bei der vielerorts vorwiegenden ethnischen Mischsiedlung als undurchführbar, ja kontraproduktiv, weil es den Anlass für weitere ethnische Säuberungen lieferte.

Ein darauf von Vance und Carringtons Nachfolger, Lord David Owen, ausgearbeiteter Plan, wählte einen Ansatz, der sich von den bisherigen Vorschlägen diametral unterschied, indem er die multiethnische Besiedlungsstruktur für die ganze

Republik Bosnien-Herzegowina gerade aufrechterhalten wollte. Der Vance-Owen-Plan wurde im Januar 1993 der in Genf in Permanenz tagenden internationalen Konferenz für das ehemalige Jugoslawien vorgelegt. Diese ging ihrerseits aus einer Konferenz hervor, bei der sich Vertreter der EG-Länder und der UN im August 1992 in London getroffen hatten, um über die völkerrechtlichen Rahmenbedingungen einer politischen Beilegung des Konfliktes zwischen den jugoslawischen Nachfolgestaaten zu beraten. Der Vance-Owen-Plan zielte gleichfalls auf eine konföderative Lösung ab. Die bosnisch-herzegowinische Republik sollte aber in zehn im Prinzip multiethnische Einzelprovinzen aufgeteilt werden, deren politische Leitungsinstanzen – der Bevölkerungsstärke der Einzelethnien proportional entsprechend – von Vertretern aller drei Nationalitäten besetzt werden sollten. Maßgeblich sollte die Bevölkerungsverteilung vor dem Kriege, das heißt vor den ethnischen Säuberungen, sein. Ein Hauptziel dieses Planes war es, die Entstehung eines kompakten ausschließlich serbischen Siedlungsgebietes zu verhindern und damit der Möglichkeit seines Anschlusses an ein Großserbien vorzubeugen. Detaillierte Zusatzbestimmungen regelten ein Auseinanderrücken der kämpfenden Truppen, eine internationale militärische Überwachung des Friedenszustandes und eine Demilitarisierung Sarajewos.

Der Plan, so viel versprechend er anfangs aussah, scheiterte aus zwei Gründen: Zum einen hielt die neue amerikanische Regierung unter Clinton nicht viel von ihm, weil er die mohammedanischen Bosniaken zu benachteiligen schien und überdies als militärisch nicht durchsetzbar angesehen wurde. Zum anderen, lehnte ihn im Mai 1993 das bosnisch-serbische Parlament ab. Die Idee eines geschlossenen Vielvölkerstaates musste damit aufgegeben werden. Ein neuer von dem neuen UN Vermittler, dem ehemaligen norwegischen Außenminister Thorvald Stoltenberg, und wieder unter Federführung von Owen entworfener Plan nahm auf die zwischen den Ethnien bestehenden Grenzen größere Rücksicht. Er teilte Bosnien-Herzegowina in drei Gebiete auf, von denen eines vornehmlich den Serben, ein anderes den Bosniaken und ein drittes den Kroaten zugeschlagen wurde und die sich insgesamt einer lockeren Konföderation unterordnen sollten.

Auf dieser Grundlage verhandelten seit August 1993 zunächst UN und EG in Genf, bis seit April 1994 eine aus Russland, den USA, Großbritannien, Frankreich und Deutschland zusammengesetzte „Kontaktgruppe“ die Vermittlung in die Hand nahm. Es hatte sich herausgestellt, dass die beiden internationalen Organisationen für diese Aufgabe zu wenig Autorität besaßen. Neben zahlreichen komplizierten Einzelstreitpunkten bildete die Frage nach dem serbischen bzw. kroatisch-bosniakischen Anteil an dem bosnisch-herzegowinischen Gesamtterritorium den eigentlichen Zankapfel. Einen im Juli 1994 angebotenen Teilungsplan, der auf der UN-EU–Vermittlungsformel (dem gerade erwähnten Owen-Stoltenberg-Plan vom August 1993) fußte und der der bosnisch-serbischen Republik 49%, der kroatisch-bosniakischen Föderation andererseits 51 % des Territoriums anbot, lehnten die bosnischen Serben kurze Zeit danach in einer Volksabstimmung ab. Wirtschaftliche Anreize, mit denen die EU die Annahme des Teilungsplanes belohnen wollte, hatten sich wie schon bei früheren Gelegenheiten als wirkungslos erwiesen. Der

Krieg dauerte über ein weiteres Jahr fort, bis ihm die Intervention der USA und ihrer Verbündeten ein Ende setzte und sich auch die serbische Seite mit den Abkommen von Dayton zur Annahme der konföderalen Lösung für ganz Bosnien-Herzegowina bereit fand.

Wie ist die Rolle Europas in den ersten fünf Jahren des Konfliktes in Ex-Jugoslawien zu beurteilen? In der Literatur ist immer wieder von einem „Versagen" des in der EG/EU geeinten Europa angesichts seiner ersten großen Herausforderung nach dem Kalten Kriege die Rede; Europa, so heißt es, habe Jugoslawien „verspielt" (V. Meier). Diese Kritik ist in einer Hinsicht unberechtigt: Es ist schlechthin unbeweisbar, ob eine energischere Intervention der EG 1990 oder 1991 die Jugoslawische Föderation noch gerettet hätte, hingen doch die Chancen für einen derartigen Erfolg nicht nur von der Entschlossenheit des Westens ab, sondern mehr noch von der inneren Situation in Jugoslawien selbst, die schon seit 1990 einigermaßen verfahren war. Was jedoch die Aktionsfähigkeit der EG/EU anlangt, so trifft die Kritik ins Schwarze – und zwar nicht nur weil sich die EG schon seit Ende 1991 als unfähig erwiesen hatte, den militärischen Konflikt im zerfallenden Jugoslawien faktisch zu beenden, sondern auch weil sie in der operativen Vorbereitung einer Friedensregelung, endgültig seit der Bildung der Kontaktgruppe im Jahre 1994, immer mehr in den Hintergrund geriet. Es galt am Ende nur noch das Wort der vermittelnden Großmächte, denen schließlich gar nichts anderes übrig blieb, als den unilateralen Machtspruch der USA anzuerkennen, der dann den Frieden brachte. Militärisch entscheidend wurde jetzt die NATO unter amerikanischer Führung, und zwar zu einem Zeitpunkt, als die beiden europäischen Hauptmächte, Frankreich und Großbritannien, ernsthaft erwogen, ihre Truppen ganz aus dem Kriegsgebiet abzuziehen und damit das klägliche Scheitern der „europäischen" Politik in Ex-Jugoslawien vor aller Welt einzugestehen. Es war deutlich geworden und ist mittlerweile unstrittig, dass die bis 1995 fehlende Bereitschaft der EG/EU (und natürlich auch der USA) ihre Vermittlungsbemühungen mit glaubwürdigem militärischen Druck abzustützen, den Hauptgrund für deren Misserfolg darstellt.

Doch um gerecht zu sein, muss man die Jugoslawienkrise in einen weiteren Zusammenhang stellen. Dabei ist daran zu erinnern, dass in den ersten drei Jahren des Jugoslawienkonflikts bei keiner Großmacht – schon gar nicht den USA – die Bereitschaft zum militärischen Eingreifen oder doch zu einer Drohung damit vorhanden gewesen ist. Innerhalb der EG/EU besaß keine Instanz die dafür nötigen Kompetenzen, ja es fehlte schon ein institutionelles Organ, in dem die im Prinzip seit 1970 vereinbarte gemeinsame außenpolitische Zusammenarbeit der EG überhaupt praktiziert werden konnte.

Die EG hatte sich damit 1991 auf eine Aufgabe eingelassen, die sie allein überfordern musste. Bei diesen Voraussetzungen muss es als bemerkenswert festgehalten werden, dass sie an ihrer selbst gestellten Aufgabe zwar gescheitert, aber doch nicht zerbrochen ist. Die Wellen der Erregung schlugen zwar immer wieder hoch, wenn der französische Außenminister Roland Dumas zum Beispiel von einem „germano-papistischen Komplott" in der Jugoslawienkrise sprach; aber am Ende fand die EU/EG doch immer zu einem Konsens, auf jeden Fall einen Minimalkon-

sens. Die von Dumas befürchtete „Katastrophe“ trat nicht ein, das gemeinsame Interesse der EG/EU erwies sich als stärker. Die EG/EU konnte sich immer wieder auf die gemeinsame Linie einer primär wirtschaftlich gestützten politischen Vermittlung einigen. Auch die schließlich in Dayton getroffenen Abkommen griffen auf Pläne zurück, die vorher unter der Federführung von EU und UN entwickelt worden waren. Gleichzeitig war die EG/EU bemüht, aus ihrem Versagen im Jugoslawienkonflikt zu lernen und funktionsfähige Organe zur Verwirklichung einer gemeinsamen Außenpolitik zu schaffen. Hier erwies sie sich als durchaus innovativ. Sie setzte eine Überwachungsmission ein und schuf das Amt eines Sonderbeauftragten, der sie bei den internationalen Verhandlungen zur Beilegung des dritten Balkankrieges vertrat. Nach diesem Präzedenzfall wurde mit dem Vertrag von Amsterdam die Institution eines Hohen Vertreters der Gemeinsamen Außenpolitik (GASP) geschaffen.

Die positiven Seiten der Gesamtbilanz der europäischen Politik gegenüber dem Krieg der jugoslawischen Nachfolgestaaten können freilich ein bedenkliches Defizit nicht verschleiern, das der Konflikt unbarmherzig bloßlegte und das jüngst im Vorfeld des zweiten Golfkrieges noch schärfer in Erscheinung trat: Die Europäische Union als solche war und ist weder institutionell noch politisch eine Sicherheitsgemeinschaft. Wie die Jugoslawienkrise so wird auch jede weitere global bedeutsame militärische Krise erneut dieses Manko sichtbar machen und damit die Frage aufwerfen, ob die Europäische Union, sobald wirklich existenz-bedrohende Sicherheitsprobleme für eines oder mehrere ihrer Mitglieder akut werden, angesichts dieses Mangels ihren Zusammenhalt zu wahren vermag oder aber auf ihren Zerfall zusteuert. Gerade in unseren Tagen, da die Europäische Union die größte Erweiterung ihrer Geschichte erlebt hat, besitzt diese Frage eine besondere Aktualität.

Die Verordnung (EG) Nr. 1/2003

Der Band erläutert die wesentlichen Neuerungen, die ab dem 01. Mai 2004 das **europäische Wettbewerbsrecht** bestimmen. Der Wechsel vom Erlaubnisvorbehalt zur Legalausnahme hat tiefgreifende Veränderungen im System des europäischen Wettbewerbsrechts zur Folge.

Das Autorenteam gewährleistet durch seine umfangreiche Erfahrung auf dem Gebiet des europäischen Wettbewerbsrechts sowohl Praxisnähe als auch hohe wissenschaftliche Qualität.

Die Darstellung analysiert und bewertet in kritischer Weise die Vor- und Nachteile dieses Systemwechsels und erörtert wesentliche Grundfragen des Kartellverfahrensrechts, die in Zukunft für die administrative und gerichtliche Praxis von Bedeutung sein werden.

Das Werk stellt damit eine unabdingbare Lektüre für alle diejenigen dar, die sich ab Mai mit der Anwendung und dem Vollzug des neuen europäischen Wettbewerbsrechts auseinandersetzen werden.

Grundzüge des europäischen Kartellverfahrensrechts

Die Verordnung (EG) Nr. 1/2003

Von Prof. Dr. Jürgen Schwarze und RA Dr. Andreas Weitbrecht, LL.M., Brüssel

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Introductory Remarks

This issue differs in two respects from other thematic issues of our journal: first, it ventures into the immediate past for which archival material is not yet accessible; second, it deals with a chapter of the history of European integration which even a charitable chronicler cannot call a success. Despite these obstacles this number attempts, albeit provisionally, to take stock of what research so far has brought to light about the role the European Community (later the European Union) played in the unfolding process of disruption in the Yugoslav federation from the summer of 1991 up to the conclusion of the Dayton Agreements (1995).

The following four considerations underlay the decision to risk this experiment. First of all, the editor is convinced that historians, even without access to archival sources, should not shirk away from analyzing turning points in the most recent history of European integration in the light of long-term historical record. European policies vis-à-vis the Yugoslav crisis represented a significant case in the application of European political cooperation, which had been initiated as early as 1970. In late 1991, at the same time as events were unfolding in Yugoslavia, the Maastricht Treaty further extending European political cooperation was under consideration. The increasingly bloody course of events which developed in Yugoslavia challenged the European Community's capacity to defuse and to settle a peace-threatening crisis in its immediate neighbourhood. The long-term significance of West Europe's reactions to the Yugoslav crisis provides a second reason for dealing with it in this number of our journal. What happened in Yugoslavia – and this is a third motivation for this publication - tested the ability and the resolution (or the lack of both) of the EC and its members to develop a common European stance in a security-related issue, and to subordinate their national interests to it. The crisis brought to light significant deficits in European foreign policy making. Seen from this angle, the following articles reveal lessons for the future. The fourth reason for this publication was the fact that international reactions to the Yugoslav crisis developed into a touchstone of transatlantic cooperation and thus also acquired a particular meaning for our own time.

The following contributions examine European responses to the Yugoslav crisis during its five initial years from 1990 to 1995, from the perspective of the four major and some of the minor players within the European Community. Another two articles are devoted to the roles adopted by the European Commission and the United States respectively. The editor has to admit that this collection is, however, inevitably less than complete. It does not cover all of the member states of the European Community, and deals only in part with contemporary public opinion. Especially in Germany, where the media were exceptionally influential with regard to the Yugoslav problem, this is a regrettable omission; and yet, despite extended efforts, the editor did not succeed in securing a contributor who felt able to fill this gap comprehensively. Nevertheless, the reader is compensated for this *lacuna* by the thorough treatment of public opinion in the Netherlands in the article by Bob de Graaff.

Owing to the deadlines to be respected in a journal, the editor had to leave the authors a rather free hand in writing their contributions. This has the advantage that each author has been able to deal independently with the highly controversial subject matter of this issue. On balance, this collection, therefore, was able to avoid the one-sidedness that is typical of many other similar publications. At any event, the editor hopes that the differences of judgement that have come to light in this series of articles will encourage further research.

The subject matter to which this issue of our journal is devoted is extraordinarily complicated. The editor, therefore, has felt obliged to add a few paragraphs in order to provide a preliminary orientation to the reader. For this purpose the editor will first sketch the historical background of the war in Yugoslavia and the course it subsequently took. He will then give a brief account of the major decisions by which the European Community tried to cope with the crisis in former Yugoslavia.

The dissolution of the Yugoslav Federal Republic was a by-product of the epoch making change of 1989/90, which resulted in the collapse of Soviet rule over Eastern Europe. The success of attempts to gain full national independence from the Soviet Union increased national self-assurance. Yugoslavia was a case in point, but events played out there in a different way. As early as 1980 Tito's death had triggered a movement among the Serb population, which sought to reassert their predominance within their historical domain. The foremost victim of this effort was the Albanian majority living in the Kosovo province. Fearing a similar kind of discrimination, some of the non-Serb Republics of the Federation reacted by publicly stressing their own autonomy. The great upheaval of 1989/1990 intensified nationalist separatism, particularly in Slovenia and Croatia. The conflict between the Serbs and these two republics gained momentum because the liberal-democratic reform movement found its way into Croatia and Slovenia but not into Serbia, where Communist rule remained intact, at least in fact, if not in name.

One fundamental condition prevailing in the Yugoslav Federation cannot be overemphasized enough: not only the Federation itself, but each of the individual republics, with the single exception of Slovenia, formed a multi-ethnic political community. If any of them aimed at national independence within historically established borders, it was bound to "inherit" the problem of how to deal with minorities. A division of Yugoslavia exclusively based on the criterion of nationality (or ethnicity), in other words, would have led to a dismemberment of the individual republics themselves. So any effort to prevent a chaotic 'Balkanisation' of Yugoslavia had somehow to retain the principle of multi-ethnicity.

The resurgence of fully independent nation states in Eastern Europe added fuel to the intra-Yugoslav crisis. In September 1989 Slovenia, for example, adopted a constitution, which claimed the right to separate from the Federation. In January 1990 the Yugoslav Communist party dissolved into its ethnic components. Free elections held in Slovenia and Croatia resulted in non-Communist majorities. The prospect of becoming a minority in a newly established Croatian nation state unsettled the Serbian population of Croatia. For the first time Serbian militia fighters clashed with the Croatian police. Increasingly, the future of the Serbian minorities

living in the various non-Serbian Republics of the Yugoslav federation became the bone of contention between Serbia and the other Republics. Based on a majority won in a plebiscite, both Slovenia and Croatia then declared their independence in June 1991. The Yugoslav federal army intervened. In the face of determined resistance, and after a few skirmishes, the army abandoned Slovenia. At the same time, it attacked Croatia with full force. The whole Eastern part of Croatia (Slavonia) was occupied by Yugoslav-Serbian troops. Hoping to create a contiguous purely Serbian territory in Croatia, Serbian forces then resorted to ethnical cleansing. Only at the end of 1991 did Croatia manage to set up an effective defence of its remaining territory.

What at first glance looked like an intra-Yugoslav civil war spilled over into the republic of Bosnia-Hercegovina in March 1992. Four weeks earlier a majority, consisting of Muslim Bosnians (henceforth called Bosniacs) and Croats, had endorsed independence in a plebiscite. Even before that happened, the Serbian minority had declared independence from Bosnia-Hercegovina. Afterwards they decided to boycott the general Bosnian plebiscite. During the first year of warfare the Serb forces were by and large victorious. Ethnical cleansing continued. The number of those who became victims of this policy – to be copied later in some instances by the Croats – amounted to 4 million refugees and 250,000 dead. Sarajevo, the capital of Bosnia-Hercegovina, came under Serbian siege. It was only in January 1993 that the military situation began to turn in favour of Croatia. To complicate matters even further, fighting broke out between the Bosniacs and Croats in April 1993. American pressure ended this side-show war in March 1994 and established a Croat-Muslim Federation of Bosnia-Hercegovina. The combined forces of these two nationalities finally gained the upper hand vis-à-vis the Serb armies. Much of the Croat territory lost to them could be reconquered. Unofficial American support contributed to these victories. In February 1994 two American fighters operating under NATO command had engaged Serbian planes for the first time; a concerted air support against Serbian forces began in November 1994; a newly created European rapid deployment force intervened in August 1995.

In the summer of 1995 the Serbian leadership under Slobodan Milosevic had to admit that a favourable outcome of the war had become unlikely. American mediation and pressure led to the opening of peace negotiations in Dayton, Ohio. A set of peace agreements was signed on 21 November 1995. They confirmed the historical boundaries of the former Yugoslav Republics. Legally, Bosnia-Hercegovina continued to be a united political entity. In reality, it was divided into a Croatian-Muslim federation and a Serb republic. Sarajevo remained the capital of this loose combination and the seat of its few central agencies. The new Bosnia-Hercegovina as a whole became an international protectorate for which NATO, supported by an international protective force, became responsible.

How did Europe, i.e. the European Community/Union as well as the individual European powers, react to the crisis brewing in what had been Yugoslavia? In order to assess this response one should above all keep in mind what Rafael Biermann in his contribution correctly underlines - the fact that from the West European perspective the dissolution of Yugoslavia was largely overshadowed by the repercussions

originating in the end of the Cold War – i.e. the ratification of the Two-plus Four Treaty reuniting Germany, the domestic crisis in Soviet Russia and the first Gulf War. This fixation on events unrelated to Yugoslavia resulted in grave misjudgements, especially in the mistaken belief that there did not exist any palpable alternative to the continued existence of a Yugoslav Federation. As a result the prevailing tendency was to maintain the status quo in a country which, due to the end of the Cold War, had lost its strategic importance. "Separatist" national aspirations often were regarded as a violation of the Helsinki agreement on the inviolability of the borders fixed at the end of World War II.

Notwithstanding the tactical disagreements that arose between the major European actors from the beginning of the fighting in Yugoslavia (as fully described in the different contributions), the members of the European Community shared the strong feeling that the Yugoslav conflagration should not be permitted to spread to the rest of Europe, thereby reawakening ancient rivalries and jeopardizing the successful outcome of the negotiations currently held in Maastricht, in order to establish a European Union. This belief was shared by Jacques Delors, the president of the European Commission, and by the French Foreign minister Roland Dumas, who pointed out that the dissolution of Yugoslavia was a "drama": the disruption of the European Community, however, would be a "catastrophe".

As Michael Libal's article demonstrates, the new Germany and German media in particular tended more and more to judge the Yugoslav crisis in the light of the principle of self-determination as claimed by Slovenia and Croatia. At the same time, however, the German government shared the basic conviction upheld by its partners in the European Community and by the United States that no violence should be used in any process of restructuring Yugoslavia and that any military intervention from outside was out of the question. Consequently, the West could not even afford to threaten the use of military force in case it tried to mediate and to pressure the contenders into accepting peaceful solutions to the conflict. As to the European Commission, Delors correctly observed that it lacked even a legal base for any military action. To talk of "Europe's hour", as did some political leaders like the Luxemburg Foreign minister Jacques Poos, revealed both a glaring ignorance of the nature of the Yugoslav crisis, and plain European hubris.

Given their renunciation of the use of military means the Europeans were confined to political and economic tools in their efforts to mediate. The economic policies the EC agreed on, in order first to prevent and then to terminate the Yugoslav war can be studied in the article contributed by Tanguy de Wilde d'Estmael. The political moves aiming at a mediation require a more specific summary. The first authority to offer its good services in order to fend off a deepening of the Yugoslav crisis was the European Commission. Delors and the then president of the Council of ministers, the Luxemburg Prime minister Jacques Santer, went to Belgrade in May 1991 to propose a "Yugoslav Maastricht", i.e. a Yugoslav economic and currency union within the framework of a loose confederation which nevertheless would guarantee basic individual and minority rights. The visitors promised financial support by the European Commission if this compromise was accepted. Milosevic,

more interested in the future of the Serbian minorities in the non-Serbian Republics, rejected the proposal. As hostilities broke out the European Commission imposed a weapons embargo on the whole of Yugoslavia in early July 1991 – a sanction which the United Nations joined in September. At both instances it was overlooked that this embargo actually discriminated against the defecting republics, as the Serb government largely controlled the armament supplies of the Yugoslav military forces.

Meanwhile, the European Commission represented by the "troika", which in turn was composed of the Dutch, Luxemburg and Italian (Portuguese since the beginning of July) Foreign ministers, convened conferences in Brioni and The Hague (the last on 18 October 1991) in an effort to bring about a ceasefire and a peaceful settlement of the conflict. It appointed Lord Peter Carrington to act as the European mediator. In early October he presented a first plan of a political settlement which the Serb government rejected. After a French proposal to mobilize the WEU as the military instrument of the EC had been rejected by Great Britain, the French government, acting as a member of the UN Security Council, succeeded in September 1991 in transferring the responsibility for a military termination to the United Nations. What followed was an informal division of labour, the EC working out proposals for a long term political settlement of the problem of Ex-Yugoslavia, the UN trying to broker a cessation of hostilities. On 7 October 1991 the UN Security Council appointed Cyrus Vance, the former US-secretary of State, as UN representative in Yugoslavia, and on 15 December it agreed on the deployment of a 10,000 strong peacekeeping force (called UNPROFOR) to the former federation. Its purpose was to supervise an armistice and the demilitarization of areas to be evacuated by Yugoslav forces. Vance concluded another cease-fire agreement between the Serbs and the Croats on 2 January 1992, that was, for the following months, interrupted only by smaller skirmishes. Further UN resolutions followed after war had broken out in Bosnia-Hercegovina. One of them accepted on 13 August 1992 authorized humanitarian aid, if necessary, under military protection; another one agreed on in late 1992 established a no-fly zone over the whole of the embattled republic.

Whether members of the EC preferred to maintain Yugoslavia as united political entity, or whether they were resigned to or even promoted its dissolution, depended on whether or not they opted for a diplomatic recognition to the two de facto independent republics. Until the autumn of 1991 the majority of the EC members, even though with dwindling confidence, banked on a survival of some kind of a Yugoslav federation. Austria, not yet member of the EC, and Germany, were the two exceptions in urging diplomatic recognition of the two breakaway republics. Gradually, they succeeded in winning EC support. On 15 January 1992 the members of the EC recognized Slovenia and Croatia after Germany had anticipated this step already on 23 December 1991. The legal and political pros and cons of this highly controversial decision will be discussed in most of the contributions to this issue – in an especially authoritative manner by Michael Libal, a historic witness to the planning then conducted in the German Foreign ministry, and by Bob de Graaff, who explains the perspective of the contemporary Dutch chairmanship of the EC. It is thus unnecessary to repeat the various arguments of this controversy. Nonetheless, it

should be mentioned that German diplomacy in those critical days evidently failed to foresee two consequences of its seemingly unilateral decision to recognize the two formerly Yugoslav republics as independent states: the highly critical echo it would evoke outside Germany, and the continuation of the war for nearly four years despite the recognition of Slovenia and Croatia. Did it also underestimate the hatred its policy would create in Serbia?

Recognition of the republic of Bosnia-Hercegovina was the logical consequence and thus proved less controversial when it was extended by the United States and the EC members on 6 April l992. This step demonstrated that the government of Milosevic had lost most of its international credit and that all members of the EC had given up efforts to salvage the wreck of what once had been Yugoslavia, although Belgrade claimed that it continued to exist. This change of attitude resulted less from the process of "Serbification" of former Yugoslavia than from the feelings of revulsion the Serbs' policy of ethnic cleansing aroused and the fact that in attacking Bosnia-Hercegovina, Serb troops violated international law by invading a now internationally recognized state.

The EC members finalized their rupture with Serb "Yugoslavia" in May 1992 by recalling their ambassadors from Belgrade and joining an international economic embargo imposed on the Serb aggressor by a UN resolution. The diplomatic initiative increasingly reverted to France. Without consulting the EC members, the French president François Mitterrand paid a surprise visit to Sarajevo on 28 June 1992, and thus opened the way for a militarily supported airlift that was to deliver humanitarian aid goods to the beleaguered city – a measure agreed on before by the UN but obstructed by the Serb military. At the same time, Mitterrand, by his appearance, confirmed his opposition to a direct military intervention by European troops – an attitude that Delors no longer was prepared to endorse.

In line with this policy the EC members (in agreement with Croatia) rejected a proposition put forward by the new American administration of president Bill Clinton and supported by Muslim members of the United Nations. According to this proposal (named "operation lift and strike") the arms embargo imposed on all of former Yugoslavia was to be lifted and Serb interferences with UN humanitarian aid measures were to be countered by air strikes. Instead, the United States and its allies in May 1993 agreed on the establishment of safe areas for the protection of the Bosniac population against Serb incursions. Public opinion in Europe meanwhile came out in favour of a strong international military-political intervention in Ex-Yugoslavia, Denmark, Germany and Greece alone maintaining their opposition to it.

In February 1994 after a Serb shell had hit a market in Sarajevo leaving behind it numerous casualties the UN demanded support by NATO forces. Through NATO, France achieved the withdrawal of Serbian heavy weapons from an exclusion zone of 20 km around Sarajevo. During this whole period the British government resisted all efforts to launch a large-scale military intervention in the Yugoslav war. As Jane Sharp shows it ultimately yielded to increased American pressures (supported by Germany) for the only reason that it did not want to jeopardize the Anglo-American

special relationship, which had suffered under the strain of disagreements that continued to come up between the two powers with regard to former Yugoslavia.

In the middle of 1995 a number of factors induced the West to consider an increased involvement in the war that raged in Bosnia-Hercegovina – the humiliation the UN suffered when Serb units virtually turned UN soldiers into hostages, the genocide committed by a Serb soldiery among the population of the safe area of Srebrenica, the danger of a total withdrawal from Bosnia-Hercegovina of the UN, Croat-Bosniac military advances, and a newly elected French president, Jacques Chirac who did not share his predecessor's disinclination to resort to more robust military measures in the Yugoslav war. In May 1995 the British Prime minister John Major and Chirac agreed on setting up a European Rapid Reaction Force under UN authority.

As we learn from Klaus Larres' contribution the situation changed in the United States as well, where members of Congress demanded a higher military profile of the West in former Yugoslavia. In August 1995 the Clinton administration finally decided to act unilaterally if unavoidable, in lifting the arms embargo and bringing about peace. France and Great Britain supported this decision. Since August 30, 1995, the operation "deliberate force" demonstrated the military superiority of the combined forces in fighting the Serbs. The United States coupled their escalated war effort with diplomatic soundings for a peace settlement (Richard Holbroke). The ground for the Dayton agreements was finally prepared.

One reason of the delay of this settlement and of the continued hesitation of the West to employ its full military capacity to end the war went back to the lack of a succinct concept of a political solution for the Yugoslav problem – a concept that would be agreeable to both of the contending parties. The chances of success had been additionally compromised by the fact that the EC members and the United States had pursued two contradictory objectives in former Yugoslavia: in 1991, they had ended up accepting the principle of national self-determination for the components of the Yugoslav federation. As this very principle was inapplicable in Bosnia-Hercegovina the EC had to shift its ground and to insist on saving the multi-ethnic character of that Republic. Any attempt to overcome this discrepancy and to arrive at some compromise was bound to prove exceedingly difficult. The first draft settlement named after Lord Carrington and submitted in October 1991 had tried to maintain the multi-ethnic character of the former Yugoslav Federation. Similarly as Delors and Santer had done before, it proposed a loose association of Yugoslav Republics within a commonly shared economic and financial frame.

All following plans were designed for Bosnia-Hercegovina alone. A first plan worked out under the direction of the Portuguese diplomat José Cutilheiro was based on the principle of ethnically determined territorial units, sometimes called cantons after the Swiss model, which were to form parts of a decentralized confederation. The Cutilheiro plan came close to what the Serbs were demanding. It did not only prove incompatible with the multiethnic structure of the new republic, but also encouraged ethnic cleansing by the Serbs.

A plan developed by Cyrus Vance and Lord David Owen, Carrington's successor, chose the opposite approach. It devised a settlement that rigidly upheld the multiethnic principle for the whole of the republic. In early January 1993 it was submitted to the permanent International Conference on former Yugoslavia seated in Geneva – itself an outgrowth of a conference held in London in August 1992, for the first time co-chaired by the EC and the UN, and, among other things, devoted to the legal frame of any settlement in Ex-Yugoslavia . The Vance-Owen-Plan provided for the creation of a confederation composed of ten provinces. These provinces were to be administered by multi-ethnic political bodies composed in accordance with the proportional strength the ethnic groups living in the given province had held before the outbreak of the war (and the beginning of ethnic cleansing). One of the major aims of the Vance-Owen Plan was to thwart Greater Serbian designs for a contiguous Serbian territory in Bosnia, which one day might want to be merged with the Serb state. Detailed additional provisions prescribed the conditions for the separation of forces, the control of heavy weapons and other peace-keeping measures. This plan, promising as it was in theory, failed to materialize for two reasons: For one, America's new Clinton administration criticized it as discriminating against the (Muslim) Bosniacs and as being militarily unenforceable. Second, the parliament of the Bosnian Serb "republic" rejected it in May 1993. Under the circumstances the EC/UN experts had to revert to a solution which took more account of the ethnic dividing lines.

A third plan worked out under the auspices of Owen and the new UN mediator Thorvald Stoltenberg, former Norwegian Foreign minister, divided Bosnia-Hercegovina into predominantly Serb, Croat and Bosniac sub-republics combined in a loosely organized "Union of Republics of Bosnia and Hercegovina". The Owen-Stoltenberg plan, first presented to the Geneva Permanent International Conference in August 1993, provided the basis for extended negotiations. As this body turned out not to yield sufficient authority to pressure the contending parties into accepting the suggested compromises, a new contact group consisting solely of Russia, the United States, France, Great Britain and Germany was formed in April 1994. Within a few weeks this group worked out a plan for the division of Bosnia-Hercegovina into a Serb, a Croatian and a Bosniac component. A Serb-Bosnian republic was to control 49%, the newly created (predominantly Bosniac-Croatian) "Federation of Bosnia-Hercegovina" 51% of the territory within its historical borders. Again the Bosnian Serbs rejected the plan, although, if accepted, it held out the prospect of financial incentives. The war dragged on for another year until the American intervention based on the resolution to keep Bosnia-Hercegovina under international military control after the war finally put an end to it. During the negotiations paving the way for the Dayton agreements the Serbs finally had accepted a common, though weak political structure holding the Serb Republic and the (Croatian-Bosniac) Federation of Bosnia-Hercegovina together.

How is the European role during the war of dissolution of Yugoslavia to be viewed from today's perspective? In the literature there is a lot of talk about the so-called European "failure" in dealing with the Yugoslav crisis. In one respect, this

kind of criticism is unjustified. For nobody can prove that a more forceful European intervention would have saved the Yugoslav Federation in 1990 or 1991, because this was primarily not a question of European resolution but of the degree of coherence the Yugoslav Federation was able to maintain, and prospects in this respect were dim even in 1990.

Regarding the European Community's ability to present itself as a political actor this criticism, however, is not far off the mark. In fact, the EC very soon proved not only incapable of setting an end to the Yugoslav war; it was also more and more pushed into the background of the efforts to arrive at a political settlement. In the end, the final verdict of the major powers prevailed, who in turn had to give way to American leadership, which ultimately brought about peace. Under American leadership, NATO had become the militarily decisive factor at a moment when the two major European powers, France and Great Britain, considered a recall of their troops from former Yugoslavia and thus their abdication as players in the drama of Ex-Yugoslavia. It had become evident and has remained an uncontested assessment ever since that the singular "lack of will" (James Gow) that "triumphed" in the chancelleries on both sides of the Atlantic until 1995, more specifically: that the lack of resolution to back up diplomatic mediation by credible military pressure, was responsible for the failure to bring early peace to former Yugoslavia.

The European Community thus had embarked on a policy that transcended its capabilities. Seen from that perspective it remains all the more remarkable that the EC failed but did not break up in trying to tackle the Yugoslav problem. There were embittered debates on the best course to follow. In the end, however, the members of the EC/EU managed to arrive at a consensus, at times admittedly to no more than a minimal one. Still, the "catastrophe" feared by the French Foreign minister never occurred, the common interest of the EC/EU members prevailed, and the EC/EU could agree on a policy of mediation based on economic pressure. The EC/EU significantly contributed to the various plans developed for a political settlement. At the same time, it attempted to learn from that unhappy experience by creating effective instruments to design and to implement a common foreign policy. It thus paved the way for what the Amsterdam Conference achieved in creating the position of a European Representative in charge of a common European foreign policy.

These positive aspects, however, cannot hide a serious deficit brutally disclosed by Europe's reaction to the war in Yugoslavia and again, more recently, by its response to the second Gulf war. Both instances revealed the fact that the European Union per se does not represent a community of shared security interests. Whenever another military crisis of a life threatening dimension will come up this deficit is likely to reappear, and the question will arise once more whether in such a challenging situation the European Union will be able to close its ranks or whether it will enter the road towards disintegration. Especially nowadays, in the light of the largest extension the European Union has ever experienced, this question possesses a particular urgency.

Eine neue europäische Rechtsform

Genossenschaften haben im Kreditwesen, im Einzelhandel, im Wohnungsbau und in der Landwirtschaft vieler EU-Mitgliedstaaten einen erheblichen Anteil an der wirtschaftlichen Entwicklung des europäischen Binnenmarktes.

Mit der **Verordnung vom 22. Juli 2003** hat die EU eine neue Rechtsform eingeführt: Die Europäische Genossenschaft (Societas Cooperativa Europaea; SCE). Nicht nur für bestehende Genossenschaften, sondern auch für Unternehmen anderer Rechtsform sowie für Verbraucherorganisationen schafft sie die Möglichkeit, grenzüberschreitend tätig zu werden und so die Vorteile wirtschaftlicher Kooperation im Binnenmarkt zu nutzen.

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Mit Beiträgen von Prof. Dr. Elie Alfandari, Prof. Dr. Emanuele Cusa, Dr. Martin Ebers, Barnard Piot, Prof. Dr. Dr. h.c. Reiner Schulze, Ian Snaith M.A.

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Back to the Roots. The European Community and the Dissolution of Yugoslavia – Policies under the Impact of Global Sea-Change

Rafael Biermann

For everyone trying to track the origins of European Community (EC) policy towards the break-up of the former Socialist Federal Republic of Yugoslavia (SFRY), there is a striking, yet strange dichotomy:[1] the vigorous efforts of the West European governments to extinguish the fires of war and ethnic cleansing spreading all over Yugoslavia starting with the first Troika[2] visit to Belgrade in April 1991 and especially the Jacques Delors/Jacques Santer visit in May 1991 contrast sharply with the ominous absence of any mediation attempt the years before when the inter-republican conflicts in Yugoslavia were progressively undermining the very foundations of that country. After all, doomsday scenarios were circulating all the way back since the death of Jozip Broz Tito in 1980 or, for some insiders, already since the Croat Spring in 1971 and the heavily debated federal constitution of 1974.

Equally striking is that almost all the publications dealing with EC/EU policy towards former Yugoslavia up until today start essentially with the visits of April/ May 1991, as if nothing had happened before. The silence on the diplomatic front is accompanied by a silence on the scholarly front. For sure, there is enough to write about regarding the time following April 1991: the EC sponsored Conference on Yugoslavia starting in September 1991 with the "Carrington plan" refused by Serbia; the Badinter Commission findings and the bitter struggle among the major EC members on whether to recognize Croatia and Slovenia as sovereign states; the joint efforts of EC and UN in the International Conference on Former Yugoslavia 1992 to 1995 to end the war in Bosnia by the diverse peace plans of Lord Robert Owen and others; the pivotal UNPROFOR troop contributions especially of France and Great Britain; later the post conflict peace-building in Bosnia and Herzegovina and the conflicts in Kosovo 1998/9 and Macedonia 2001 and the Stability Pact for South Eastern Europe as a primarily European endeavour.

The European crisis management efforts throughout this period were experiencing times of increasing and decreasing intensity, with a European prominence in the first phase of conflict in Slovenia and Croatia until early 1992, then taking the UN into the boat as a first sign of frustration and impotence, then

1. This article is based on research done in the course of writing a habilitation on conflict prevention in Kosovo which was handed in at Bonn University in winter 2003. At some points, the author has to omit detailed references in order not to go beyond the scope set for this article. More details can be found in the habilitation, titled *Die Kosovo-Politik der internationalen Gemeinschaft vor Kriegsausbruch. Dramaturgie und Ursachen einer gescheiterten Konfliktprävention*. It will be published in spring 2005 by Schöningh Verlag, Paderborn.
2. The Troika consisted of the present, the past and the coming six-month presidency of the EC, mostly on Heads of State and Government or on Foreign ministers level, representing the Community especially in international affairs.

the Contact Group, the US and NATO taking over the initiative 1994/5, progressively sidelining the EU which had exhausted all its diplomatic and economic means available at that time. However, since April 1991 the EC/EU all the way until today has been the primary international organization dealing with the Yugoslav crisis, with the US as major, though highly volatile partner. Never did the West Europeans since the message of summer 1991 – "this is the hour of Europe" (Jacques Poos, Foreign minister of Luxembourg as acting EC presidency) – leave the scene again. Indeed, the entire development of a Common Foreign and Security Policy (CFSP) and lately the European Security and Defence Policy (ESDP) is completely unimaginable without the mental and material impact of the Balkan wars, which took place in parallel to and profoundly inspired the intergovernmental conferences of Maastricht, Amsterdam and Nice.

This article, however, will go back to the roots of European policy towards Yugoslavia before April 1991 which indeed set the course for international diplomacy towards the Yugoslav crisis for the years to come. Many of the European policy ambiguities and failures, which so much frustrated almost everyone during the Bosnian agony, were indeed evident already in this period of crisis formation. Where was the EC when former Yugoslavia began to fall apart? What was the diagnosis in the capitals? Why was there no demarche, so little sense of alarm, no mediation effort, no coherent policy of sticks and carrots to prevent the crisis from escalating? Was it a problem of early warning or of early action, as conflict prevention theory defines?[3] We will first look at the internal developments in former Yugoslavia until 1991, then analyze the European response and its adequacy.

1. The demise of Yugoslavia – root cause

Surely, this was not a conflict, which suddenly erupted without sufficient early warning indicators. It was a conflict which built up step by step, gaining momentum already in 1986/7 with the rise of Slobodan Milošević and the

3. See e.g. D. CORTRIGHT (ed.), *The Price of Peace. Incentives and International Conflict Prevention*, Carnegie Commission on Preventing Deadly Conflict Series, Lanham, Maryland, 1997; B.W. JENTLESON (ed.), *Opportunities Missed, Opportunities Seized. Preventive Diplomacy in the Post-Cold War World*, Carnegie Commission on Preventing Deadly Conflict Series, Lanham, Maryland, 2000; P. WALLENSTEEN (ed.), *Preventing Violent Conflicts. Past Record and Future Challenges*, Department of Peace and Conflict Research, Uppsala University, Stockholm, 1998; K. van WALRAVEN (ed.), *Early Warning and Conflict Prevention. Limitations and Possibilitites*, Netherlands Institute of International Relations 'Clingendael', The Hague – London – Boston, 1998.

escalating Slovene-Serb conflict.[4] Since its foundation, the second Yugoslavia was a most delicate balancing act. This was evident for everyone who had studied the dramatic degeneration of the "Kingdom of Serbs, Croats and Slovenes",[5] the history of the Ustaša regime and the Yugoslav civil war of the inter-war period. Of course, Josip Broz Tito drew some important lessons: ending the monarchy, strengthening ethnic identity by creating six republics and two "autonomous regions" for the most numerous ethnic groups, keeping the Serb drive for supremacy under control and decentralizing party and economy. Yet, the Croat-Serb antagonism, the North-South economic disparity, the tension between centralisation and decentralisation were structural.

New inadequacies were added: Tabooing any debate about the recent gruesome history of the Yugoslav peoples was to forfeit any reconciliation, thereby inviting the demagogues of the late 1980s to revive the distorted memories of the past for obvious current purposes. Simply denying the existence of competing nationalisms by propagating the hollow doctrine of "brotherhood and unity" meant subdueing conflicts which had to re-surface again. And the structural deficiencies of a socialist state and economy could not be overcome simply by propagating a "third path" between capitalism and socialism which in fact did not remove the deficiencies of a socialist economy. Close observers like Lawrence Eagleburger and Brent Scrowcroft who had served in Belgrade in these decades interpreted already the Kosovo Albanian student revolt of 1968 and the Croat Spring of 1971 as signals of growing ethnic tension. They were deeply concerned about the confederalizing effects of the 1974 constitution and distrusted the seeming stability of this country.[6]

This is not the place to recall the chain of events leading to the dissolution of Yugoslavia or taking sides in the controversial debate over the root causes of this process. However, it is important for this analysis to recount the trends of the late 1980s. For since the mid-1980s the destabilization of Yugoslavia was accelerating, the prospects of keeping Yugoslavia together were deteriorating steadily. In hindsight, five developments merit attention:

Firstly, with the rise of Slobodan Milošević to power in 1986/7, first as head of the Serb Communist party, then as president of the Serb republic, the delicate equilibrium of power both in the Serb republic and in the whole of Yugoslavia was

4. The following section is based on an extensive body of literature, some of which are S. WOODWARD: *Balkan Tragedy: Chaos and Dissolution after the Cold War*, The Brookings Institution, Washington, 1995; C. BENNETT, *Yugoslavia's Bloody Collapse*, Hurst & Company, London, 1995; D. MELČIĆ (ed.), *Der Jugoslawien-Konflikt. Handbuch zu Vorgeschichte, Verlauf und Konsequenzen*, Westdeutscher Verlag, Wiesbaden, 1999; L. SILBER and A. LITTLE, Bruderkrieg, Verlag Styria, Graz/Wien/Köln 1995 (original: *The Death of Yugoslavia*, London 1995); R. BIERMANN (ed.), *Deutsche Konfliktbewältigung auf dem Balkan. Erfahrungen und Lehren aus dem Einsatz*, Schriften des Zentrum für Europäische Integrationsforschung, Nomos, Baden-Baden, 2002.

5. The first Yugoslavia, founded in 1918, becoming a monarchist dictatorship in 1929.

6. Brent Scowcroft in a conversation with the author on November 6, 2002 in Washington, D.C. Scowcroft was assistant military attaché in Belgrade 1959 to 1961, Eagleburger US ambassador to Belgrade from 1977 to 1981.

tipped in favour of Serbia proper. It was the agenda as well as the means Milošević employed which raised deep suspicion and awakened bitter memories in the other republics.[7] He pursued a chauvinist agenda from the beginning, trying both to gain the votes of the many Serb patriots who since 1974 deeply resisted the far-reaching, almost extra-territorial autonomy of Kosovo and Vojvodina, and to recklessly re-establish Serb supremacy at the central state and party level to the detriment of the other five republics. It was a policy which fell on very fertile ground, as the notorious memorandum of the Serb Academy of Sciences in 1986 indicated.[8] Miloševićs policy, which instrumentalized the new wave of Serb radical nationalism already building up, culminated in the toppling and removal of the two provincial leaderships of Kosovo and Vojvodina and even the republican leadership of Montenegro in late 1988 and early 1989, paving the way for the abolition of autonomy of both provinces in 1989/90. It also resulted in the formation of puppet regimes in Priština, Novi Sad and Titograd (today Podgorica), meaning that Milošević in future could command four of the eight votes of the federal presidency.

This was a dramatic shift of power, which alarmed the other republics. There was ample proof that Serbia was leaving the framework as set by Tito: the cold-blooded, though elaborate strategy Slobodan Milošević employed to oust his political mentor and close friend Ivan Stambolić at the Eighth Central Committee Plenum of the Serb communists in September 1987 (who later disappeared and was found dead in 2003); the for communist tradition atypical populist and demagogic style of appealing directly to the masses as exemplified in the "meetings of truth"[9] campaign of 1988/89; Miloševićs way of presenting himself as the saviour of the Serb nation at the expense of others in his Kosovo Polje speech of April 1987 and

7. T. BREMER, N. POPOV, H.-G. STOBBE (eds.), *The road to war in Serbia. Trauma and catharsis*, Berlin Verlag, Budapest, 2000; F. BIEBER, *Serbischer Nationalismus vom Tode Titos zum Sturz Milošević*, unpublished dissertation, University of Vienna, March 2001; T. JUDAH, *The Serbs. History, Myth and the Destruction of Yugoslavia*, Yale University Press, New Haven/ London, 1997; L.J. COHEN, Slobodan Milošević, in: P. RADAN and A. PAVKOVIĆ (ed.), *The Serbs and their Leaders in the Twentieth Century*, Ashgate, Aldershot, 1997, pp.230-260.
8. The Memorandum was the most ardent articulation of the rising radical Serb nationalism in the mid-1980s, a programmatic document of the highest ranking scholarly authority in Serbia with close connection to politics. It made for the first time the severe Serb criticism of the 1974 constitution public, speaking of "discrimination" and an "anti-Serb coalition" in Yugoslavia which tried to keep the Serb republic weak and fragmented. The memorandum called for re-centralizing the state and ending the "genocide" of the Serbs in Kosovo; see S. TRIFINOVSKA (ed.), *Former Yugoslavia Through Documents: From its Dissolution to the Peace Settlement*, Martinus Nijhoff Publishers, The Hague/Boston/London, 1999, pp.4-44.
9. This campaign, originating from a local organization of Kosovo Serbs under Miroslav Šolević, drew five million people in about a hundred huge demonstrations from July 1988 to March 1989, campaigning in Kosovo, Vojvodina and Montenegro to topple the local state and party leaderships and restoring Serb dominance. This "grass roots" movement was clearly supported, if not orchestrated by Milošević.

in the Gazimestan festivities of June 1989;[10] his totalitarian drive of purging the party and the media in Serbia and creating a sophisticated system of nepotism and control; and the orchestrated Serb media campaign first against the "secessionists" in Kosovo and for a revision of the 1974 constitution, later for a "Greater Serbia", to name just a few examples.

Secondly, this policy had to pour oil into the flames of the already simmering Slovene-Serb conflict, which in fact was just a new, yet now after Tito different chapter of the old North-South conflict in Yugoslavia.[11] Mentally, the Slovenes had already before the rise of Milošević been on their way of leaving the union, which gave them little and cost them increasingly. For centuries, they saw themselves belonging not to the Balkans, but to Central Europe. Yet in 1985/6 still a majority of Slovene citizens was loyal to the Yugoslav idea. It was Milošević's policy which became the catalyst for the process of Slovene disassociation with Yugoslavia, and it bestowed it also with the legitimacy it needed. With the election of Milan Kučan as party secretary at the tenth party congress of the Slovene communists in April 1986 a reform-minded leadership rose to power in Ljubljana, which was soon pressured by the popular opposition movement to start substantial democratic, human rights and market oriented reforms in Ljubljana and beyond, to end the considerable financial transfers to the poor and underdeveloped republics and provinces in the South and to orient the own republic towards the Northern neighbours and the EC. The next years saw the Serb and the Slovene leaderships clashing as protagonists of two totally diverging concepts of Yugoslavia's future: Slovenia favouring a further confederalization, liberalization and Europeanization, Serbia steering a centralist and totalitarian course. As Serbia was increasingly becoming the dominant power in both the federal presidency and the party leadership, there was a constant fear in Slovenia that the Yugoslav People's Army (JNA) would declare a state of emergency in Slovenia and roll back all democratic developments like the hundreds of grass-root NGOs springing up in that republic. The rising nationalism in Serbia and the brutal repression in Kosovo further estranged the Slovenes, with Slovenian media and later the leadership the only ones in the country daring to openly criticise Milošević.

Thus, Kučan in January 1989 already declared,

> "the future of Yugoslavia is unavoidably connected with the democratic evolution of the community. Yugoslavia must simply be a democratic community or it will not [exist] at all".[12]

10. In Kosovo Polje Milošević in a significant policy shift for the first time exhorted the Kosovo Serb nationalist movement by declaring in a speech widely televised: "No one should dare to beat you". At Gazimestan, the memorial site on the Field of Blackbirds where the Serbs lost a historic battle against the Ottomans in 1389, Milošević 600 years later celebrated the victory over the Kosovo Albanians by abolishing their autonomy.
11. See V. MEIER, *Wie Jugoslawien verspielt wurde*, C.H. Beck, Munich, 1995, pp.97-132; J. DRNOVSEK, *Meine Wahrheit*, Zurich, 1998.
12. Cited in M. ANDREJEVICH, *The Spectrum of Political Pluralism in Yugoslavia*, part 1, in: Situation Report Yugoslavia, Radio Free Europe Research, 24 February 1989, p.4.

In April 1990 the first free elections were held in Slovenia, hardly by accident almost at the same time as the first free elections in the GDR and Hungary. A coalition of democratic parties (DEMOS) gathered 55 per cent of the vote, ousted the former communists (17,2 per cent) and took over the government with the Christian-democrat Lojze Peterle as new Prime minister, whereas Kučan himself managed to gain 58 per cent of the vote in the presidential election. The result stood in glaring contrast to the victory of Milošević's SPS in the first multi-party yet hardly fair elections in Serbia in December of that year. At the end, it was obvious for the Slovene leadership that democratizing Yugoslavia and joining the European mainstream was not achievable in one boat together with Serbia and its entourage.

Thirdly, the inter-republican struggles merged with the catastrophic socio-economic decline of Yugoslavia in the 1980s. After the oil crisis of 1973, trade deficit, inflation and foreign debt increased dramatically already under Tito who merely resorted to borrowing more and more money from IMF and World Bank, postponing structural reforms in these critical years when the economic crisis was still not running in parallel with the political crisis. When the reform process finally started hesitantly in 1983, the initiatives by the federal government were consistently obstructed by the dogmatic forces all over the country. Inflation rose from twenty per cent in 1980 to a hundred and sixty per cent in 1988 to two thousand and seven hundred in 1989. Already in 1985 the country had more interests to pay on credits than foreign currency income. Thus, in 1988 the "meetings of truth" organized by Milošević's followers drew millions on the streets with an explosive mix of socio-economic and nationalist demands. It was this wave of utter dissatisfaction with the old leadership from which people like Milošević and also Franjo Tuđman profited.[13] Increasing poverty, unemployment and falling standards of living were the breeding ground for the rising nationalism. The incompetent, mediocre and corrupt leaderships in most republics, installed mostly by Jozip Tito himself, were not able to cope with this situation and started to appeal to nationalist slogans to divert attention from the economic crisis and the leadership's responsibility. The combination of the economic and the political crisis in Yugoslavia proved to be disastrous.

Fourthly, since the first Yugoslavia had been de facto destroyed by the rivalry between the two major nations, the Croats and the Serbs, everyone looked primarily to Zagreb and Belgrade to estimate the depth of the crisis. However, in Croatia Tito had installed a dogmatic, centralist leadership (with a disproportionately high amount of thirty per cent of party members being Serbs) which up until 1989 sided with Serbia against the Slovene "deviators", also to avoid ethnic strive in the own republic. It was the time of "silent Croatia". As long as only the small Slovene republic in the North was rebelling, the conflict seemed not to destroy the very foundations of the union. This siding of Zagreb and Belgrade, however, was constantly undermined by Milošević's

13. For an excellent theoretical analysis of this phenomenon see M.E. BROWN, O.R. COTÉ, S.M. LYNN-JONES and S.E. MILLER (eds.), *Nationalism and Ethnic Conflict*, The MIT Press, Cambridge, Mass., 1997 (especially the chapter by V.P. CAGNON, *Ethnic Nationalism and International Conflict: The Case of Serbia*, pp.132-168).

policy, though not intentionally as with Slovenia, but as an implicit side-effect. By pursuing a strategy of restoring Serb dominance in Yugoslavia he had to get into conflict with the Croat leadership. By starting a media campaign reviving the Ustaša atrocities he was warming up an old, "sleeping" conflict. By instigating the fellow Serbs in Croatia with slogans like "Serbia is where Serbs live" he drove a wedge between the ethnic groups in Krajina and Slavonia. Thus Croatia had to "wake up" at some time. This happened in early 1989 when deep rifts between the Croat and the Serb leadership emerged in public, when Tuđman's HDZ with its nationalist agenda was founded and the Serbs in Knin began openly to demonstrate against their "discrimination" in Croatia.[14] The developments in Kosovo henceforth also drew heavy criticism from the Croat leadership, which consequently in January 1990 sided with the Slovene leadership in causing the break-up of the League of Communists of Yugoslavia (LCY). Thus, the scene was set for the May 1990 elections in Croatia with the landslide victory of Tuđman and the folowing open confrontation between Serbia and Croatia. That the break-up of Yugoslavia finally turned violent was though also due to the personality of Tuđman himself who stirred up the Serbs in Knin with his nationalist agenda.

Finally, the late 1980s saw a constant shift of power away from the centre to the republics and a dramatic process of weakening those institutions which hitherto had kept Yugoslavia together. Slovenia could have been, in fact, the fiercest protagonist of the liberal reforms the Prime ministers Branko Mikulić and Ante Marković set in motion in 1988/89. Yet, both were completely isolated since Serbia rejected out of hand any sincere market reforms and Slovenia resisted the necessary twin reform of strengthening the authority of the federal government. According to the 1974 constitution the federal government had de facto only authority in economics and foreign policy. Thus, the government depended on the good will of the republics. Surely, Marković had some initial success in 1989/90 with his "shock therapy". But those hopeful signs soon vanished. For Marković refrained from leaving his traditional field of competence of an Eastern bloc Prime minister, economics, and entering the arena where the future of Yugoslavia would be decided: politics and nationalism. For as long as the constitutional issue of centralization versus decentralization and the political issue of competing nationalisms were not decided, no economic reform programme could save Yugoslavia.

2. EC structural defidencies

The federal government was one of the four major pillars of the union, genuinely reflecting country-wide interests, besides the federal party organization, the state presidency and the army. With the government paralyzed, only the other three were left. The party, however, increasingly reflected the divisions among the republics;

14. See M. ANDREJEVICH, *Croatia: The „Silent" Republic Speaks Out*, in: Situation Report Yugoslavia, Radio Free Europe Research, 26 May 1989, pp.3-8.

its dissolution in January 1990 was a major warning that Yugoslavia's future was indeed in danger. The same was true for the federal presidency, which due to its composition itself reflected soon all the divisions that antagonized the republics. The Serb obstruction of the election of Stipe Mesić as Head of State in May 1991 and the Serb bloc forming unilaterally a new presidency, not recognized by the EC, probably dealt already the final death blow to Yugoslavia. At the end, the only functioning federal institution left was the army which was willing and capable to keep Yugoslavia together by all means, invading Slovenia in June 1991. However, the upper ranks of the army were heavily dominated by Serb officers and, when the other republics withdrew their manpower, the JNA became the instrument of relentless conquest and terrifying atrocities in the years to come.

These were the trends close observers could recognize in Yugoslavia in the late 1980s. Before turning to the "European" reaction, some words about EC foreign policy at that time are necessary. Until the Common Foreign and Security Policy was established in Maastricht in December 1991, the "European Political Cooperation" (EPC) was the main instrument of the Europeans to coordinate their foreign policy.[15] However, this cooperation was not more than the rudimentary seed of a truly common European foreign and security policy. In the late 1980s the prevailing wisdom was that NATO and its Eurogroup was responsible also for the European security and defence identity, since all the attempts to form a political and defence union had failed since 1954. The Treaties of Rome, in fact, only defined a genuine foreign policy role for the Community in foreign trade issues. France and Great Britain in particular resisted any substantial devolution of sovereignty in foreign and security policy, viewing this as a major national interest. The EPC, founded in 1970, provided for a regular exchange of information, for consultations to coordinate positions and common action as far as the sovereign will of the members permitted. Applying the consensus rule, every initiative depended on the willingness of all twelve member states to go ahead. Cooperation was informal, not binding and took place outside the treaties, meaning intergovernmental and with only a marginal role of the Commission. All EPC organs were clearly separated from the EC and kept intentionally weak. Security and defence aspects were omitted anyway.

Of course, the intensity of cooperation increased in the 1980s, due to pressure from outside. Also, the coordination in international fora like during the Helsinki CSCE summit of 1975 proved to be a noticeable success. However, the complicated system of decision-making again and again caused serious delays in the reaction to major crises like the Soviet invasion of Afghanistan. Mostly, the EPC limited itself to mere declarations. Action was left to others. Thus, there was not much early warning capacity and little experience as well as political will to engage in such scenarios when the Yugoslav crisis built up in the late 1980s. The EC was by and large ill-equipped for the crisis management tasks it all of a sudden

15. R. RUMMEL, W. WESSELS (eds.), *Die Europäische Politische Zusammenarbeit. Leistungsvermögen und Struktur der EPZ*, Bonn 1978; D. GROENE, *Die Europäische Politische Zusammenarbeit (EPZ) 1970-1991*, Rheinfelden, 1993.

assumed and, in fact, claimed. It lacked not only joint military hardware and coordinated command and control, but also the basic political instruments for effective crisis management like rapid political reaction capacities, own staff with extensive foreign policy expertise and, above all, adequate experience in handling such complex crisis scenarios. In addition, it soon surfaced that there was no unified political will, but extremely differing national interests based on different historical affinities, geostrategic outlook and domestic considerations. Now all the omissions of the past proved disastrous. Precious time was lost. These limits were simply papered over. In June 1991 Dutch Foreign minister Hans van den Broek from the acting EC presidency flew to Washington to explain to the Bush administration that now the Europeans would take the lead in tackling this crisis in their backyard after having conceded recently the lead to the US in the second Gulf war.[16] Later Italian Foreign minister Gianni de Michelis would say: "Washington is being kept informed but it is not being consulted".[17] Partly it was European hybris caused by the triumphant feelings of just having experienced the fall of the Berlin Wall and the toppling of communism all over Central and Eastern Europe, partly it was wishful thinking in preparation of creating CFSP in Maastricht soon, partly it was a compensation for the embarrassing role the Europeans played in Kuwait/Iraq in early 1991. The Americans, soon after secretary of State James Baker's own frustrating visit to Belgrade in June 1991, were all too glad to yield. They withdrew from the Yugoslav turmoil up until 1994, as the Europeans had wished.[18]

3. Yugoslavia's free ride – conceptual insufficiencis

The call for European primacy in mediating the Yugoslav conflict was also motivated by the leading role the EC as such and some West European countries like Germany particularly had assumed as partners of socialist Yugoslavia in the years before.[19] Since the split of Tito and Stalin in 1948 Yugoslavia enjoyed a special relationship with the West, nurtured by two major motivations, a geostrategic and a political one. The geostrategic one was to avoid Yugoslavia drifting back under Soviet hegemony, to support the independence of Yugoslavia as leader of the non-aligned movement and to block Soviet access to the Adriatic Sea and thus the Mediterranean. Protecting the sovereignty and territorial integrity of Yugoslavia became a major Alliance goal since the unfolding Cold War. The primary political motivation was to promote a

16. Conversation of the author with Tom Niles, at that time Ass. secretary for European and Canadian affairs, on 4 Nov. 2002 in New York.
17. *New York Times*, 4 July 1991, p.A7.
18. See J. BAKER, *Drei Jahre, die die Welt veränderten*, Siedler, Berlin, 1996 (The politics of diplomacy: revolution, war and peace 1989-1992, New York 1995), pp.469-474; T. PAULSEN, *Die Jugoslawienpolitik der USA 1989-1994*, Nomos, Baden-Baden 1995, pp.33-36.
19. See J. GOW, *Triumph of the Lack of Will*, Hurst & Company, London, 1997, pp.20-31; P. SIMIĆ, *After the Cold War: Europe, the Balkans and Yugoslavia*, in: *The International Spectator*, vol.27, 4 (Oct.-Dec. 1992), pp.59-80.

truly non-aligned Yugoslavia and present it as a viable alternative to the Soviet client states in Eastern Europe. Whoever was willing to follow the Yugoslav model of non-alignment and worker self-management could expect considerable political and financial support from the West.

Given this privileged position, Yugoslavia enjoyed a "free ride" as concerned Western criticism of its human rights abuses up to early 1991.[20] Everything had to be avoided that weakened this country from inside or outside. Tito managed to profit to a maximum from this pivotal position by skilfully manoeuvring between East and West, extracting financial assistance as few others could. After initial backing mainly from the US, the EC became the main partner of Yugoslavia, based on a cooperation agreement signed in 1980, which was the only one of its kind with a socialist country up to that time. A substantial cooperation in technology, energy, industry, science, agriculture, transport and environment started. In the early 1990s ninety per cent of Yugoslav exports would enter the EC toll-free. Three financial protocols were signed. Overall four point eight billion US-Dollars worth of credits were extended to Yugoslavia, only five million of that coming from the US.[21] The easy access to hard currency credits without almost any conditions attached proved to be one of the major reasons why Belgrade could afford to postpone again and again painful economic reforms. In the late 1980s the country still enjoyed a sympathy in the West which was hardly matched by any other East European country, even if Yugoslavia lost some of its geostrategic significance with the demise of the Brezhnev doctrine and some of its political attractiveness with the economic malaise and the constant rumours of a military coup.

West Germany had built up the closest relationship with Yugoslavia, being trading partner number one for the country. Eleven per cent of Yugoslav exports went to the Federal Republic, which had more trade with Yugoslavia than with Poland and Czechoslovakia together. Apart from the US, Germany took the lead when the re-scheduling of debts moved to the centre of relations in the 1980s. Almost six hundred thousand guest workers from Yugoslavia lived in Germany. One third of all tourists at the Yugoslav Adriatic coast came from Germany. City-to-city partnerships were on the rise. The sympathy for Yugoslavia was considerable. The political, economic and cultural exchange between the German *Bundesländer* in the South like Bavaria and the Northern republics Slovenia and Croatia was close.

This basic orientation of European policy towards Yugoslavia could not be shaken by the unfolding crisis in Yugoslavia until August/September 1991, when the Germans finally in a complete switch of policy put into question the whole architecture of Western Yugoslavia policy since 1948. Up to that time the Germans were among the fiercest advocates of the premise that stability for Yugoslavia

20. Amb. Warren Zimmermann, Head of the US Delegation in the Paris CSCE Conference 1989/90 and then ambassador to Belgrade, in a conversation with the author on 30 October 2002 in Washington, DC.
21. See J.B. STEINBERG, *The Role of European Institutions in Security After the Cold War: Some Lessons from Yugoslavia*, A RAND Note, N-3445-FF, Santa Monica, 1992.

meant preserving the unity and independence of that country.[22] In June 1991, when the war in Slovenia broke out, the EC still signed the third financial protocol with Yugoslavia of five-year duration extending a credit worth 730 million ECU, trying to keep the country together by economic means.

In fact, as a primarily economic union the EC from the beginning concentrated mostly on financial means to help stabilize the country. The rapid deterioration of the Yugoslav economy was what concerned the European capitals most, not least because the capacity of Belgrade to pay back and service its debts was increasingly put into doubt. Also, the interaction of the economic and the political crisis was realized, in the hope that economic assistance would also foster political "stabilization".[23] Therefore, supporting the reform programme of Ante Marković who personally enjoyed great sympathy especially in the U.S. was paramount. His "shock therapy" approach seemed to reflect all that was needed: establishment of a free market, price liberalization, fiscal discipline, furthering also a democratisation of the country.[24]

The EC promised not only to assist these reforms financially; it implicitly offered a step by step rapprochement of Yugoslavia with the Council of Europe and the EC. This was in accordance with the changing Yugoslav foreign policy agenda, as the federal parliament and the acting Head of the State Presidency in early 1990 for the first time expressed their willingness to overcome Yugoslavia's strict interpretation of non-alliance by joining the European institutions.[25] In 1990 the chances were still considerable that Yugoslavia would be among the first to sign an association agreement with the EC, in parallel with the Višegrad countries. In February the country was elevated to the status of a "candidate" of full membership in the Council of Europe and integrated into many of its committees. However, this approach had serious deficiencies.

Firstly, it was investing in and almost completely relying on a political figure in Belgrade, Marković, who lacked both the constitutional authority to push his reforms through parliament as well as popular support to overcome political resistance by commanding the masses. For in a time of spiralling economic decline it was almost impossible to gain popular support for a concept of further cutting subsidies, liberalizing prices and closing inefficient industries. Ante Markovićs legitimacy was further undercut, when in 1990 free elections were held in all six republics but not on the federal level. Only Marković himself and the Western powers called for such Yugoslav-wide elections. As described, neither the Serbs nor the Slovenes were in

22. However, since a letter Chancellor Helmut Kohl sent to Ante Marković and the presidents of all republics on 8 February 1991 warning that threatening or even employing violence to keep Yugoslavia together would lead to a dead end, the "unity at all costs"-option was qualified; see H. EIFF, *Zehn Jahre deutschen Konfliktmanagement im früheren Jugoslawien – Erfahrungen und Einsichten*, in: R. BIERMANN (ed.), *Deutsche Konfliktbewältigung* …, op.cit., pp.156 sqq.
23. R. SCHÖNFELD, *Das jugoslawische Dilemma*, in: *Europa-Archiv*, vol.44, 15-16(1989), p.485.
24. W. ZIMMERMANN, *The Last Ambassador: a Memoir of the Collapse of Yugoslavia*, in: *Foreign Affairs*, vol.74, 2(1995), p.17.
25. *Integration of Yugoslavia into Integration Processes in Europe*, in: *Yugoslav Survey*, 2(1990), pp.49-58.

favour of giving Marković the power he needed to realize his reform programme, even though for almost opposite reasons. Thus, from the beginning the chances of the Prime minister to succeed were marginal. As it turned out, in the end Marković resigned in frustration over having become almost irrelevant for the future course of his country. EC governments had bet on the wrong horse.[26] They opted for the ideal instead of making *Realpolitik* by dealing directly with the republics.

Secondly, by mainly focusing on economics, EC governments over-estimated the effectiveness of this instrument in the existential power struggle among the republics. For when issues of national identity, sovereignty and survival clash in countries without a democratic tradition, economics become almost irrelevant. Particularly, the EC badly neglected the ethnic dimension of this struggle in Yugoslavia as in the Soviet Union and in the Czech and Slovak Federal Republic.[27] The mind-set of most Europeans was still stuck in Cold War thinking, which concentrated on the East-West antagonism, on overcoming communism and the nuclear confrontation. One could hardly imagine that mass murder and ethnic cleansing could once again re-appear on European soil. The whole development in Yugoslavia ran counter to the developments in all other countries of Central and Eastern Europe. Rising nationalism, renewed warfare and thinking in ethnic categories did not fit into the picture of what happened in Gdansk, Leipzig, Berlin and Prague.[28] With hindsight, it was strange to expect that economic carrots could have checked the rising nationalism all over Yugoslavia. However, these were the traditional instruments the EC employed during a period of more than thirty years.

Thirdly, there was never a well-designed concept including incentives and sanctions presented by the European powers, based on a strict quid pro quo. Such a conditionality could have motivated the Yugoslav parties to agree on a revised formula of their state, especially when the negotiations among the republics on a new constitution for Yugoslavia took place in early 1991. Aside from calling for the preservation of "unity", the EC did not offer to mediate in the conflict before summer 1991, assuming that the republics would themselves be able to solve their internal affairs. Particularly, the perspective of EC association and later membership was never clearly spelled out, e.g. with a road-map linking progress to conditions. When the German Foreign minister Hans-Dietrich Genscher finally proposed in January 1992 to use this leverage as a conflict prevention tool in Yugoslavia, the council of ministers declined.[29] Only in 1999, after the Kosovo war, did they finally agree, though after much controversy, to accord to the

26. Some critics even talk about an "obsession with Marković", though this was less true for the German government; V. MEIER, op.cit., pp.253 and 385.
27. Conversation of the author with the Yugoslav expert in the German Foreign ministry of that time, Gerhard Almer, on 11 June 2002 in Berlin.
28. See R. BIERMANN, *Deutsche Konfliktbewältigung auf dem Balkan – eine Einführung*, in R. BIERMANN (ed.), *Deutsche Konfliktbewältigung* …, op.cit., pp.17-19.
29. Letter to the president of the EC Commission and to Joao Pinheiro as the acting EC presidency; see H. EIFF, op.cit., p.160; H.-D. GENSCHER, *Erinnerungen*, Siedler Verlag, Berlin, 1995, p.966.

countries of the "Western Balkans" the status of "potential candidates" as part of the Stabilization and Association Process for South Eastern Europe.[30]

Fourthly, by supporting Marković's twin approach of combining market reforms and re-centralization, Western policy concentrated almost exclusively on the federal level,[31] negating the fact that the centre of gravity moved increasingly to the republics. Not only the market reform part but also the centralization concept had full support, since EC diplomats were highly critical of the almost confederate structure Yugoslavia had been heading to since the death of Tito. This perception was held in particular by highly centralized countries like France, Great Britain or Spain, which for years had been trying to contain their own autonomous movements in Corsica, Ireland, the Basque region and elsewhere. These governments did not want to set any precedent in Yugoslavia for their domestic agenda.

Thus, the whole EC approach boiled down to the formula: whoever was undermining Marković was actually undermining Yugoslavia. From this point of view, the leaderships in Slovenia and Croatia, not Serbia, were indeed the main trouble-makers, being apparently the major centrifugal forces of the country. The resentment especially against Slovenia ran deep in the European capitals as well as in Washington, even though Slovenia was the pioneer of democratization in Yugoslavia – a fact which was hardly acknowledged.[32] European ambassadors even until late 1989 avoided paying visits to the republics until the pre-election phase in all republics[33] forced them to come, fearing "wrong" signals which might stimulate "secessionist" moves. The main interlocutors of Western visitors during this time were always Marković himself, Foreign minister Budimir Lončar and the current Head of State. Of course, they did hardly reflect the mood in the rest of the country where the fate of Yugoslavia was actually decided. This Western one-sidedness, reinforced by the fact that all ambassadors were residing in Belgrade, surely

30. See R. BIERMANN, *Stabilitätspakt und EU-Balkanpolitik: Von der Stabilisierung zur Integration*, in: *Integration*, vol.25, 3(July 2002), pp.210-225.
31. See W. ZIMMERMANN, *Origins of a Catastrophe. Yugoslavia and its Destroyers*, New York/ Toronto, 1996, p.49.
32. Italian Foreign minister de Michelis, speaking on behalf of the EC Council, said in Ljubljana in December 1990: „In Europe there is no place for new states. There is also no place for an independent Slovenia. (…) Please realize that your place is in Yugoslavia. In this framework we will work together with you"; quoted in J. REUTER, *Prioritäten der jugoslawischen Außenpolitik: EFTA und/oder EG?*, in: *Südosteuropa*, vol.40, 1(1991), p.16. German ambassador Eiff in hindsight argues emotionally that Slovenia simply wanted to „escape" Yugoslavia for „egoistic" motives. The German policy switch of 1991 in favour of recognition is still heavily criticised by him; conversation with the author on 2 May 2002 in Linz.
33. Slovenia voted on 8 and 22 April 1990, Croatia on 22 April and 7 May, Macedonica on 11 and 25 November, Bosnia-Herzegovina on 18 November and 2 December, Serbia and Montenegro on 9 and 23 December; for the election results, see M. VETTER, *Vom Kosovo zum Kosovo, Chronik 1986–1999*, in: D. MELČIĆ (ed.), op.cit., pp.544-546.

contributed to underestimating the crisis. When the EC Troika began its involvement in the Yugoslav crisis in April 1991, it still declined to go to the republics, where by now most of the power rested.[34]

Fifthly, this implicitly included turning a blind eye to the rise of a divisive nationalism in Serbia and to Serb aggression in Kosovo. It is in hindsight still astonishing that the EPC, including the German government, did not publish any particular statement condemning the abolition of autonomy in Kosovo and Vojvodina in 1989 and 1990 or the Serb repression in Kosovo during this period, including the state of emergency with its heavy blood-toll on the Albanian side. Milošević could commit flagrant human rights violations, instigate ethnic hatred and prepare his countrymen for war without the EC members taking care. Besides human rights organizations, only the members of the European Parliament and the US Congress dared to openly criticize Milošević's policy in their hearings, resolutions and press conferences. They also visited the trouble-spots despite the many attempts of Belgrade to prevent meetings of Western delegations with the opposition in Belgrade or in Priština.[35] For these critics, Milošević's Kosovo policy was always the major point of concern, before fighting started in the Northern republics in early 1991. Official European policy, however, remained silent, arguing for "quiet diplomacy", with the US at least behind the scenes beginning to talk tough with Milošević and issuing frank analyses in the State Department's yearly country reports on human rights.

This ominous wall of silence actually resulted from an equally ominous meeting of minds between the Europeans and Milošević, based on one major fact: both of them favoured the preservation of Yugoslavia, fearing that any criticism of Serbian policy would embolden those forces, which wanted to escape from Yugoslavia and particularly Serbia. In the case of France and Great Britain, pro-Serbian affinity for historical reasons might also have played a role, as did the traditional German "culture of low profile" (Kultur der Zurückhaltung) particularly as concerned the victims of Nazi aggression in World War Two, Serbia being one of them.[36]

Thus, the distinct Western anti-Milošević policy did not appear before mid-1992, after the world learned about the war crimes in Bosnia. The German government was the first to make the turn-around. Already in late 1991 it began to identify Serbia as the main aggressor, with the late Bush administration following in mid-1992. The German policy was not simply motivated by traditional affinity to Croatia. It was driven by a growing, in hindsight correct impression that Serbia was pursuing a flagrant dual track policy of purposely obstructing the negotiations and thus postponing a compromise solution in The Hague while at the same time

34. Already in 1990, Marković failed to win considerable votes for his party in the elections of the republics; his proposal to have Yugoslav-wide elections failed; and his economic reform eroded due to the obstruction of Slovenia and Serbia. Thus, the signals of Markovićs rapidly declining authority were obvious.

35. See for example the resolutions of the European Parliament from 13 April 1989, 12 July 1990, 11 Oct. 1990, 21 Feb. 1991 and 15 March 1991.

36. H.-D. GENSCHER, op.cit., p.927.

accomplishing military *faits accomplis* on the ground in Croatia. Especially in the German Bundestag the frustration piled up in all parties. It merged with the renaissance of the principle of self-determination in Germany, which due to German unification and the liberation of Poland and others from Soviet domination played a major role in the debate, even though the situation in Yugoslavia could hardly be compared with Germany or Central Europe. Parliament was thus pushing the government to take a more resolute stance in the EC, with Genscher himself looking vigorously for diplomatic means to stop an aggression he personally abhorred. "Internationalizing" the conflict through recognizing Slovenia and Croatia thus became his primary intention, especially after Serbia's rejection of the Carrington plan in November 1991 unveiled its obstructionist policies. "Internationalization", which meant gaining a legitimate *droit de regard* in a conflict Serbia constantly claimed to be strictly internal, was thus perceived to be a conflict prevention tool. However, in hindsight it definitely failed as the wars in former Yugoslavia could hardly be stopped simply by recognition.

This anti-Milošević turn provoked agonizing debates in the EC until finally in 1992 the other Europeans followed suit. However, it is important to keep in mind that up to 1992 Slobodan Milošević was widely perceived as the pretty young, smart and eloquent former banker, speaking excellent English, a rare species of an energetic, determined Eastern politician, maybe a little bit rude, but doing in principle what was necessary in Kosovo and Vojvodina to strengthen political control in Serbia and re-centralizing a state architecture that indeed needed some adjustment.[37] In the meetings with Milošević all EC ambassadors and Western visitors practiced "polite reserve", as one ambassador recalls,[38] even though in two meetings with all EC ambassadors in January and February 1991 Milošević very clearly stated that he would never accept the Serbs in Croatia becoming a minority in an independent country.[39]

With this policy of condoning Milošević and of not intervening in the dissolution process of Yugoslavia up until April 1991 the EC surely carries some of the responsibility for what happened later. In fact, as regards Serbia the same policy was employed by the other Yugoslav republics, which – apart from Slovenia – did not dare to openly confront Milošević during the crucial year 1988/89 when the "meetings of truth", the toppling of the leaderships in Kosovo, Vojvodina and Montenegro, the abolition of autonomy in both autonomous provinces and thus the attack on the constitutional order of Yugoslavia took place. For a long time they obviously thought Kosovo and Vojvodina were internal affairs of the Serb republic, willing to appease Serbia with this presumably rather small piece of the cake, not realizing that these would become testing grounds for a much wider agenda.

37. Lawrence Eagleburger, the architect of US Yugoslavia policy during this period, admitted later to have misjudged Miloševićs intentions; see W. ZIMMERMANN, *Origins* …, op.cit., p.59.
38. Ambassador Hansjörg Eiff in a conversation with the author on 2 May 2002 in Linz.
39. The author had the opportunity to see detailed reports of the meetings.

4. Clinging to non-interfernce

The principle of non-interference in "internal affairs" did indeed play a major role. It was internationally still overwhelmingly accepted although the UN human rights accords of the 1960s and the CSCE Helsinki charter had already highlighted the relevance of human rights for international law. The principles of sovereignty, territorial integrity and non-interference had dominated European politics since the Peace of Westphalia in 1648. The UN Charter, formulated after the Second World War, therefore still dealt only with inter-state, not intra-state affairs, this gap causing many headaches in the 1990s when intra-state conflicts tended more and more to superimpose the traditional patterns of conflict. These guiding principles of international law gradually eroded, less due to new revelations in the theory of international law than as a consequence of changing conflict patterns, globalisation, the information revolution and a new concern for human and minority rights and the principle of self-determination. Thus, the right of a government to treat its citizens however it wished inside its own borders began to be questioned, leading to "humanitarian interventions" in Iraq 1991 (in favour of the Curd and Shiite minorities), later in Liberia and Kosovo.

However, these were the 1990s. During the Cold War the principles of sovereignty, territorial integrity and non-intervention in internal affairs had been particularly propagated with considerable success by the socialist countries, as documented in the Helsinki Final Act, thereby denying any legitimacy to Western criticism of the their human rights records. Tacitly, the West had accepted this claim and refrained not only from severe sanctions in case of human rights abuses (with the invasion of Afghanistan a rare exception) but even from harsh condemnation, as exemplified in the case of the Tiananmen massacre of June 1989. There was a wide-spread feeling that not much could be done anyway. The erection of the Berlin Wall in 1961 had been a frustrating experience in this respect. Thus, when Yugoslavia began to fall apart, there was an almost instinctive reflex of refraining from any intervention, as Yugoslavia still belonged to the other block and the Soviet Union was preoccupied with its own affairs.[40]

This tendency was reinforced by the prevailing mood that the whole direction of changes in the East was so positive that mentioning still existing deficits appeared not to be appropriate. Even in highest-level eye-to-eye encounters, EC Heads of State and ministers obviously did not openly discuss with their Yugoslav counterparts the internal situation in that country, though the Yugoslav and the Serb side often frankly addressed these problems.[41] This was even true for the public debates at CSCE level, especially during the meetings of the "human dimension" taking place in May/June 1989 in Paris and in June 1990 in Copenhagen and also

40. See the chapter of Mihail Gorbachevs own memoirs concerning Yugoslavia, M. GORBATSCHOW, *Erinnerungen*, Siedler Verlag, Berlin, 1995, pp.904-909.

41. The protocols of high-level meetings with Yugoslav politicians are not published yet; however, the author had a chance to see the protocols of the main meetings of Chancellor Helmut Kohl and Foreign minister Hans-Dietrich Genscher with their counterparts since 1988.

the meeting on minority rights in July 1991, when the US delegation was again and again frustrated about the unwillingness of the Europeans even to mention internal affairs, particularly human rights abuses such as were mounting in Kosovo.[42]

Later, in 1991, when the Yugoslav crisis unfolded, the blood-toll increased and Serbia still refused any Western mediation, an agonizing discussion started whether Serbian obstinacy could really be allowed to block any diplomatic intervention, thus giving the aggressor a free hand. Step by step the international community then began, hesitatingly though, to override the principle of non-interference in Yugoslavia. The "consensus minus one rule" of the CSCE, which allowed for decisions even against a dissenting vote, was one of the first exceptions from the rule, yet proved insufficient. The clash of international law and political reality caused serious delays until all the Yugoslav republics finally agreed to come to the negotiating table in Geneva in August 1991. When the Serbs still blocked any meaningful compromise, the Carrington plan of October 1991 was another step forward to "mediation with muscle", based on the realization that Serbia tried to win time by its double strategy of postponing serious negotiations and establishing *faits accomplis* on the battleground. Only in 1992 a clear-cut decision to intervene even without Serb consent crystallised. But it took until 1994/95 until this intervention also included military means. Thus, the international reaction to the Yugoslav drama contributed significantly to the further development of international law, creating new customary international law, though sadly only after the period we are looking at here.

5. Yugoslavia not on the screen

Furthermore, to explain the European Yugoslavia policy up until 1991 one has to look at Western decision-making during the late 1980s. Governments have a multitude of personnel, but only a handful of those who really carry the load of decision-making. If these decision-makers in the upper levels of the ministries and in parliament see no need to act nothing will happen; if they seize a topic, things begin to move. These people, however, are constantly confronted with too many issues, burdened with too much work and suffering immense time-pressure.[43] Usually, in periods of crisis everyone is concentrating on this one flashpoint, postponing and neglecting others. The Yugoslav crisis could have been such an flashpoint. However, up until 1991 Western media attention for Yugoslavia was still sporadic, "not sufficient" blood had still been spilled, people were still convinced that the Yugoslav people with their developed consensus rules would somehow be able to solve their problems by themselves. Thus, no political pressure built up to act.

42. The author had the opportunity to review the main documents from these meetings, which he got from the OSCE secretariat in Prague.
43. This part is based on the experience the author gained himself when working in the office of the German Chancellor in 1990/91 and in the policy planning staff of the German MoD, 1995 to 1999.

Instead, there were other, highly extraordinary developments of historic magnitude, which took place simultaneously, but outside of Yugoslavia, commanding much more the attention of the upper echelons of the European Foreign ministries: the "Gorbachev factor" and the peaceful revolutions in Central and Eastern Europe, the Gulf war, and the break-up of the Soviet Union. Conflict prevention has no lobby in such extraordinary times. Western policy was "absorbed"[44] with other issues, Yugoslavia was simply "not on the screen".[45]

With the rise of Gorbachev in March 1985 many in Western Europe followed Gorbachev's internal reforms with fascination.[46] Constantly, rumours of Gorbachev being toppled circulated. The international agenda was concentrating on new approaches to arms control. The prospect of overcoming nuclear deterrence loomed on the horizon. How much the Bush administration in particular concentrated on Soviet policy can be observed by looking at the memoirs of Secretary Baker, who starts his chapter on Yugoslavia with his visit in June 1991, as if nothing had happened before.[47] In 1988 the growing frictions in the Warsaw Pact surfaced, with Hungary and Poland taking the lead. It was a breath-taking chain of events leading to the fall of the Berlin Wall, German unification and the dissolution of Comecon and Warsaw Pact. Thus, the whole post War order in Europe broke down with a rapidity that almost no-one had deemed possible, while diplomacy tried to catch up with what the people themselves had initiated.

Yugoslavia, however, during this period was completely pushed to the margins, with Western media as well as policy makers concentrating elsewhere. When German Chancellor Helmut Kohl met Yugoslav president Janez Drnovšek in December 1989, he was preoccupied with his Ten-Point-Plan, trying to win Drnovšek's approval in a time of mounting international criticism. Only the reduction of asylum seekers from Yugoslavia did hold his attention.[48] Still, the trend in Yugoslavia appeared at first sight to be similar to what happened in the rest of Europe: the league of communists dissolved, opposition parties able to form, free elections taking place in all republics. Maybe Yugoslavia would just have its own revolution. That the elections might be a prelude to warfare, especially with Tuđman and Milošević getting overwhelming popular support, was hardly recognised. For most observers, what happened in the individual republics was highly confusing, with Slovenia choosing the democratic alternative, Serbia and

44. Ambassador to Yugoslavia Hansjörg Eiff in a conversation with the author on 2 May 2002 in Linz. See also H.-D. GENSCHER, op.cit., p.930.
45. Tom Niles, US ass. secretary for European and Canadian affairs, to the author on 4 Nov. 2002 in New York.
46. See R. BIERMANN, *Zwischen Kreml und Kanzleramt. Wie Moskau mit der deutschen Einheit rang*, Schöningh Verlag, Paderborn, 1997, pp.85-100.
47. J. BAKER, op.cit., pp.461-477. Other memoirs or accounts of that period do hardly mention Yugoslavia at all, like H. KOHL, *Ich wollte Deutschlands Einheit*, Propyläen Verlag, Berlin, 1996; P. ZELIKOW, C. RICE: *Germany Unified and Europe Transformed*, Harvard University Press, Cambridge, Mass., 1995.
48. The author had the opportunity to see detailed reports of the meeting.

Croatia the nationalist, the other republics remaining ambivalent.[49] Only when Slovenia and Croatia in December 1990 announced their intention to declare independence in six months time and fighting increased in Krajina, a feeling began to spread that things in Yugoslavia might run completely different from the other former socialist countries.

In addition, Yugoslavia, the former "model", did hardly command attention any more. It was by now perceived as a country of trouble. It lost much of its remaining attractiveness when, with the first free elections in Poland and the Hungarian reforms in summer 1989, Yugoslavia fell behind in terms of democratisation and market reforms. The EC now had for the first time to develop a coherent foreign policy, first with regard to the incorporation of Eastern Germany into the EC, then concerning assistance to the transition countries in Eastern Europe. Belgrade was the "great loser"[50] of 1989, experiencing "a steep devaluation of its international position".[51]

The course of international politics did not grant Yugoslavia a favour. Instead, just before finishing the two-plus-four negotiations, Iraq invaded Kuwait in August 1990. International diplomacy shifted immediately to this new hotspot, with the US trying to rally support for an international campaign to drive the Iraqi forces out of Kuwait. In January 1991 the invasion in Kuwait followed, then Saddam Hussein was fought in his Northern and Southern territories by US and British airplanes after killing thousands of Curds and Shiites. Thus, only in late spring 1991 did the time of extraordinary challenge for international diplomacy subside, giving way to a more relaxed atmosphere where capacity was freed to look at what happened in secondary places like Yugoslavia. It was hardly by accident that international attention now shifted to Yugoslavia.

To be sure, there were experts who did discuss the scenario of a break-up of Yugoslavia already in 1989/90 and who issued serious warnings early enough. The German embassy for example sent a cable to minister Genscher already in October 1989 warning that revolutionary changes might occur after the elections in Slovenia. Most people there preferred to leave Yugoslavia. In August 1990 another, pessimistic cable discussed options for the future of Yugoslavia, with confederalization characterized as the optimistic variant, break-up the more realistic one, arguing that willingness to compromise was never a strong point of Yugoslav politics.[52] The American ambassador Warren Zimmermann sent similar cables. In July 1990 the Bush administration circulated a non-paper for one of the regular NATO meetings of Balkan experts in Brussels, arguing that Milošević needed to be stopped if a bloody break-up of Yugoslavia was to be avoided. Increased contact with the leaderships of

49. See M. ANDREJEVICH, *The Spectrum of Political Pluralism in Yugoslavia*, part 1 and 2, in: *Situation Report Yugoslavia*/3, Radio Free Europe Research, 24 Feb. 1989, pp.3-12.
50. J. REUTER, op.cit., p.6.
51. R. PETKOVIĆ, *Neue Prioritäten in der jugoslawischen Außenpolitik*, in: *Südosteuropa Mitteilungen*, vol.30, 1(1990), p.6.
52. The author had the possibility to look confidentially into the archive of a diplomat dealing with the Yugoslav affairs at that time.

the republics would be highly advisable now. The response of the European counterparts in NATO was muted: The situation in Yugoslavia should not be dramatized. Obviously Yugoslavia was transforming into a confederation. Milošević should not be singled out. Contact should be further concentrated on the federal level, mainly Ante Marković.[53] The German side was most leaning towards the American analysis, the French and British much less. A CIA report in November 1990, leaked to the *New York Times,* predicted a bloody collapse of Yugoslavia, provoked by Serbia, in two years.[54]

Ambassador Hansjörg Eiff, who had advocated to stay aloof of the Yugoslav conflict, finally in early 1991 urged his minister to come and mediate. He thus endorsed calls by the leaderships of Croatia and Slovenia to start international mediation in the inter-republican negotiations.[55] Budimir Lončar also, a close friend of Genscher, pressed his German colleague to come to Belgrade, not as usual for a flying visit of a few hours, but for a substantial mediation effort. These actors at that point of time finally realized that the Yugoslav parties themselves were not able to solve the mounting problems themselves.

However, Genscher again and again postponed his visit, which was originally arranged for March 1991, coming finally in June 1991. Before, one of the rare exceptions of the pattern of non-intervention, a letter had been sent by Chancellor Helmut Kohl to Prime minister Ante Marković dated 7 February 1991 warning not to use violence to solve the Yugoslav crisis. Among German diplomats, this was already deemed to be a highly unusual interference in internal affairs.[56] It was also in the same month, on 21 February, that the first plenary meeting of the German Bundestag on the crisis in Yugoslavia took place, followed by many others. The knowledge displayed about developments in Yugoslavia was strikingly limited. Expressions of "concern" and "alarm" were coupled with appeals to the Yugoslav parties to be "sensible and willing to compromise". In May, the weak one-man Yugoslav desk in the German MFA was finally expanded to become a small bureau on South Eastern Europe, reflecting heightened interest in the topic. Then hectic last minute diplomacy started, with all the main international actors suddenly appearing in Belgrade, carried by the illusion of being able to solve in one hour what had been built up for years. Now, Yugoslavia became the number-one issue of European foreign policy, for several years. However, precious time had been lost. A feeling grew that something might have gone wrong.

53. This information is based on an oral interview with a participant as well as on the confidential inspection of relevant documents.
54. See *New York Times* on 28 Nov. 1990 (D. BINDER: *Yugoslavia seen breaking up soon*).
55. E.g. the Slovene Prime minister Lojze Peterle at a press conference in October 1989; afp 11 Oct. 1989; H. EIFF, op.cit., pp.157 sqq.
56. Excerpts of the letter circulated at that time in the media; the author had the chance to look at the document in full.

6. A policy of neglect

Conflict prevention has to fail if early warning does not take place or does not lead to an appropriate response ("warning-response gap"). Obviously, in the case of former Yugoslavia it was a combination of both. Preventive diplomacy did not start before the EC Troika visits of April/May 1991, which culminated in mediating the Brioni Agreement that ended the seven days of war in Slovenia in July 1991. However, in Croatia and for the whole of Yugoslavia the train was already set for disaster. This was both because of a lack of willingness to act and because of overlooking and misjudging the signals.

In summary, the critique of those talking about "mismanagement",[57] "lack of will",[58] "international neglect"[59] and a European response "too weak and too late"[60] seems appropriate, even if the motives for not acting are understandable. Government officials like Michael Libal or Warren Zimmermann today echo this criticism.[61] Mostly, experts in hindsight argue either that the international community should have done much more to allow for an "orderly transition" to a new constitutional order in Yugoslavia by early and active mediation,[62] or they question the use of clinging exclusively to the concept of Yugoslav unity instead of preparing for different contingencies,[63] or they argue in favour of stopping Milošević early on if need be by military means.[64]

However, these judgements are mostly based on hindsight analyses of later Yugoslavia policy, not differentiating sufficiently as regards the time before. Some factors should not be neglected if a fair and accurate judgement concerning EC policy towards Yugoslavia before 1991 is intended: the prevailing mood in all capitals of treating "internal affairs" almost as sacrosanct in the late 1980s; the uncertain transition phase all the international institutions experienced in the time following the fall of the Berlin Wall, when all of them first of all needed to come to terms with the new realities in Europe, mentally as well as structurally; the limited capacities of the EPC, which was like all other international organizations "not sufficiently prepared" for the Yugoslav crisis, as Foreign minister Hans-Dietrich

57. T. PAULSEN, op.cit., p.15.
58. See the programmatic title of J. GOW, *Triumph of the Lack of Will*, op.cit.
59. R. LUKIC and A. LYNCH, *Europe from the Atlantic to the Urals. The Disintegration of Yugoslavia and the Soviet Union*, Oxford University Press, Oxford, 1996, p.243.
60. J. RUPNIK, *Die Welt im Balkanspiegel*, in: D. MELČIĆ (ed.), op.cit., p.464.
61. See W. ZIMMERMANN, *The Last Ambassador …*, op.cit., pp.12 and 14; M. LIBAL, *Limits of Persuasion. Germany and the Yugoslav Crisis, 1991-1992*, Praeger, Westport, Conn./London, 1997, p. 125.
62. C. GIERSCH, D. EISERMANN, *Die westliche Politik und der Kroatien-Krieg 1991-1992*, in: *Südosteuropa*, vol.43, 3-4(1994), pp.93, 96 and 100.
63. See *Report of the general policy of the Council of Europe – The crisis in Yugoslavia, 19 Sept. 1991*, Council of Europe, Parliamentary Assembly, Doc.6488, p.4.
64. See *Das Thema: Deutsche Außenpolitik. Erwachsen werden. Ein Gespräch mit Michael Steiner*, in: *Die Neue Gesellschaft, Frankfurter Hefte*, 7/8(July/Aug. 2001), p.410.

Genscher admits;[65] the still very modest awareness of the significance of conflict prevention in international politics at that time; the unique international agenda during the most critical period 1989/90; and also the overwhelming consensus among Americans and Europeans that there was no alternative to keeping Yugoslavia together by all means. We should also not forget that the scholarly community itself did only very little research on the topic until 1991, adding itself to the neglect the country increasingly experienced.[66] In addition, also even among the experts there was almost no discussion about Western policy alternatives concerning the Yugoslav demise, and early warnings by media correspondents and the expert community were indeed very limited.

Nevertheless, the EC fatefully enough did not employ the limited instruments at its disposal, some of which it used forcefully at later stages of the conflict: the offer of association with the EC, financial assistance conditioned on acceptable domestic behaviour, the threat of sanctions in case of nationalist agitation und destructive behaviour, the offer of third party mediation, and a more flexible dual-track approach of dealing with the centre as well as with the republics. As the by far largest creditor the EC surely had leverage in this respect, especially in the early stages of the conflict and if applied coherently together with US political pressure.

Whether such external intervention could have prevented a Slobodan Milošević and also a Franjo Tuđman from doing what they did remains speculative. However, timing is of enormous significance in conflict prevention. In 1988/89 Slobodan Miloševićs regime was still not as stable as it later was, and the rift among the republics was not as deep as it became in 1991 after fighting broke out in earnest. Also, Milošević later proved in fact amenable to outside pressure, provided it was applied firmly enough. Instead, the European capitals did business as usual in the most critical period when the Yugoslav crisis mounted. They thus signalled to Slobodan Milošević that he would have a free hand in intra-Yugoslav affairs, thereby setting a precedent, which was later extremely difficult to revise. Indeed, EC governments later had to pay a high price for this policy of neglect.

65. H.-D. GENSCHER, op.cit., p.967.
66. A rare exception was P. LENDVAI, *Jugoslawien ohne Jugoslawen. Die Wurzeln der Staatskrise*, in: *Europa-Archiv*, vol.45, 19(1990), pp.573-580.

La Communauté européenne face à l'implosion yougoslave: aléas d'une gestion de crise par la coercition économique

Tanguy de Wilde d'Estmael

«Il devient nécessaire d'appeler l'attention des gouvernements européens sur un fait tellement petit, […], que les gouvernements semblent ne pas l'apercevoir. Ce fait, le voici: on assassine un peuple. Où? en Europe. Ce fait a-t-il des témoins? Un témoin, le monde entier. Les gouvernements le voient-ils? Non.

[…] Nous allons étonner les gouvernements européens en leur apprenant une chose, […], c'est que l'Europe est solidaire, c'est que tout ce qui se fait en Europe est fait par l'Europe, c'est que, s'il existe un gouvernement bête fauve, il doit être traité en bête fauve; […] c'est que tout cela est horrible, c'est qu'il suffirait d'un geste des gouvernements d'Europe pour l'empêcher, et que les sauvages qui commettent ces forfaits sont effrayants, et que les civilisations qui les laissent commettre sont épouvantables.

Il est temps qu'il sorte de la civilisation une majestueuse défense d'aller plus loin …

Ce qui se passe en Serbie démontre la nécessité des Etats-Unis d'Europe. […] Brisons les glaives valets des superstitions et les dogmes qui ont le sabre au poing. […] Est-ce donc si difficile la paix?»

Victor Hugo

Introduction: la CE, acteur international composite

Victor Hugo a dû se retourner d'aise dans sa tombe quand, à la fin du mois de juin 1991, au moment où éclata le conflit yougoslave, le président en exercice du Conseil de la Communauté européenne (CE) déclara, de retour de Belgrade et de Zagreb: «c'est l'heure de l'Europe».[1] Même si la situation était sensiblement différente de celle que stigmatisait l'écrivain français en 1876, ce genre de propos pouvait faire croire que l'histoire n'allait plus se répéter dans la poudrière des Balkans. Les gouvernements européens y avaient d'emblée porté leur attention pour offrir une médiation à tous les belligérants potentiels. Soudainement, l'heure de l'Europe semblait avoir sonné puisque les deux superpuissances (les Etats-Unis et l'Union soviétique) paraissaient se désintéresser de la question. Seuls les Douze s'employèrent à jouer les pacificateurs entre les républiques yougoslaves déchirées. Que personne en dehors de la Communauté n'ait pendant six mois sérieusement songé à traiter le dossier des Balkans attestait d'une attente du système international à l'égard des Douze. Un rôle de stabilisateur régional leur aurait été dévolu subitement dans une Europe à peine sortie de la guerre froide. Mais la Communauté et ses Etats membres ne furent pas à la hauteur d'une ambition autant subie que nourrie. Ceci instilla d'emblée le doute sur les performances

1. Déclaration de Jacques Poos, le ministre luxembourgeois des Affaires étrangères, à la presse internationale, le 29 juin 1991.

d'une politique étrangère et de sécurité commune (PESC) qui n'existait à l'époque qu'à l'état de projet. Avant même l'entrée en vigueur du Traité sur l'Union européenne (UE) le 1er novembre 1993, un fossé se serait creusé entre les demandes externes et les capacités de l'UE à développer des offres satisfaisantes de politique étrangère.[2]

Au moment où l'UE naîtra officiellement, certains aspects de la citation de Victor Hugo seraient encore d'une cruelle pertinence pour qualifier la situation en Bosnie.[3] Dans l'intervalle, des sanctions économiques communautaires, qui, initialement, n'étaient pas apparues comme l'instrument le plus approprié de la diplomatie européenne en Yougoslavie, seraient néanmoins édictées après que les Douze eurent épuisé quasiment tous les autres moyens non militaires susceptibles de ramener la paix dans les Balkans. Autonomes au départ, comme pratiquement l'ensemble de l'action de la Coopération politique européenne (CPE) en Yougoslavie durant le second semestre de 1991, les mesures restrictives communautaires ne furent relayées et accentuées par le Conseil de sécurité de l'ONU qu'après le déclenchement des combats en Bosnie-Herzégovine au printemps 1992.

L'objectif de cette contribution est d'exposer l'action coercitive déployée par la CE dans le cadre de ses tentatives de résolution des conflits yougoslaves. Il s'agira aussi d'en évaluer la portée politique, au sein de la conjoncture interne et du contexte international de l'époque. La Communauté européenne (CE) s'entend de la Communauté économique européenne (CEE) et de ses Etats membres agissant dans le cadre de la CPE. La CE préfigure de manière conceptuelle l'acteur international composite que demeurera l'Union européenne (UE) mettant en œuvre une politique étrangère et de sécurité commune (PESC).[4]

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2. Cf. à cet égard, C. HILL, *The Capability-Expectations Gap, or Conceptualizing Europe's International Role*, in: *Journal of Common Market Studies*, 1993, pp.305-328.
3. La comparaison des horreurs décrites par Victor Hugo dans son manifeste «Pour la Serbie», après la répression menée par Achmet Pacha, avec les atrocités de la fin du vingtième siècle commises en ex-Yougoslavie rapportées par V. Nahoum-Grappe (éd.), *Vukovar, Sarajevo … La guerre en ex-Yougoslavie*, éd. Esprit, Paris, 1993, est édifiante, terrifiante même. Pour le texte intégral dont est extrait la citation mise en exergue, cf. D. de Rougemont, *Vingt-huit siècles d'Europe. La conscience européenne à travers les textes d'Hésiode à nos jours*, De Bartillat éditions, Paris, 1990 (réédition de Payot, 1961), pp.257-258.
4. Pour rappel, c'est à la suite du Sommet de La Haye de 1969 et de l'adoption du Rapport de Luxembourg (dit aussi Rapport Davignon) que la Coopération politique européenne (CPE) a été instaurée parallèlement aux activités et procédures proprement communautaires. La voie choisie était et demeurera celle d'un processus intergouvernemental tendant à la coordination des politiques étrangères des Etats membres. Fondée sur une base *ad hoc* par rapport aux traités communautaires, la CPE se dotera graduellement de structures informelles pour évoluer de manière pragmatique pendant quinze ans, avant que l'Acte unique européen ne lui offre une assise juridique en 1987 et que le traité sur l'Union européenne (TUE), signé à Maastricht le 7 février 1992 et entré en vigueur le 1er novembre 1993, ne transforme la CPE en PESC. Le traité d'Amsterdam, signé le 2 octobre 1997 et entré en vigueur le 1er mai 1999, a procédé à une réécriture complète des dispositions relatives à la PESC (articles J.1 à J.18 devenus dans la version consolidée du TUE les articles 11 à 28). Quant au traité de Nice, signé le 26 février 2001, entré en vigueur le 1er février 2003, il amende une nouvelle fois les dispositions relatives à la PESC pour concerner surtout les questions de sécurité et de défense. Celles-ci avaient pris un tournant important à la suite de la crise du Kosovo de 1999 dés lors qu'il fut convenu, lors des Conseils européens de Cologne en juin 1999 et de Helsinki en décembre de la même année, de faire de l'UE un acteur stratégique, disposant d'une capacité d'action militaire autonome par le biais de moyens institutionnels et opérationnels appropriés.

L'Union européenne se présente sur la scène internationale comme un acteur composite du fait d'une structuration institutionnelle combinant méthode communautaire et processus intergouvernemental. Cette particularité est connotée par la métaphore didactique du temple grec aux trois piliers chapeautés par un fronton. Le fronton figure le cadre institutionnel unique tandis que les piliers renvoient aux différences de procédures applicables selon les matières traitées. Ceci a pour résultat de faire intervenir à des titres différents les mêmes institutions dans les divers secteurs des relations extérieures de l'Union européenne. Ainsi les relations économiques extérieures (en particulier la politique commerciale commune) participent-elles globalement du premier pilier, regroupant les matières régies selon les procédures et mécanismes communautaires (initiative législative monopolisée par la Commission; large usage du vote à majorité au sein du Conseil; intervention du Parlement européen et de la Cour de justice, pour l'essentiel). La PESC, d'essence intergouvernementale (prédominance d'un mode de décision unanime au sein du Conseil), forme le deuxième pilier du temple pour concerner le volet spécifiquement politico-stratégique des relations extérieures. Mais il n'y a pas de séparation absolue entre ces deux piliers: décidées dans le cadre de la PESC pour être appliquées au sein du premier pilier, les sanctions économiques communautaires illustrent, par exemple, une «passerelle» entre les deux piliers. Elles représentent une zone de l'activité externe des Douze qui constitue précisément un point d'intersection entre les procédures intergouvernementales et les mécanismes de l'intégration.[5]

1. Les sanctions économiques communautaires comme menace puis comme pis aller de la diplomatie européenne

1.1.Le syndrome d'impuissance et l'arme économique

L'action de la CPE/PESC à l'égard de l'(ex)-Yougoslavie a fait apparaître un syndrome d'impuissance au sein de la CE. Les Douze furent bien incapables d'assumer toutes les obligations d'un rendez-vous inédit, tant en raison de la faiblesse des moyens de persuasion de la CPE/PESC que des divergences entre les

5. Les considérations agencées ci-après prolongent une réflexion plus globale menée dans notre étude sur *La dimension politique des relations économiques extérieures de la Communauté européenne. Sanctions et incitants économiques comme moyens de politique étrangère*, Bruxelles, Bruylant, collection *Organisation internationale et relations internationales*, 1998. Cet ouvrage est complété par deux articles en assurant des mises à jour sur certains points précis (*L'efficacité politique de la coercition économique exercée par l'Union européenne dans les relations internationales*, in: *Annuaire français de Relations internationales*, 1(2000), pp.502-521 et *L'élaboration du droit des sanctions économiques communautaires: enjeux et normativité politiques du processus*, in: *Droit et Société*, 49(2001), pp.729-767). Pour cette contribution, les sources primaires officielles émanant des institutions européennes, la presse et en particulier les informations brutes livrées quotidiennement par l'*Agence Europe* ont été consultées parallèlement à l'examen de la doctrine juridique et de la littérature politique (commentaires ou mémoires d'acteurs politiques et analyses académiques) publiées sur la question.

Etats membres sur la politique à mener. Confrontée à un défi démesuré par rapport à ses capacités et à son mode de fonctionnement habituel, la CPE n'a pas trouvé instantanément les solutions nouvelles, acceptables par tous les Etats membres, qui auraient pu régler une crise à laquelle elle n'avait jamais dû faire face jusque là. La CPE n'a pas soudain incarné une sorte de *Deus ex machina*; elle n'a été qu'elle-même: une *Machina sine deo* pour répondre au questionnement d'un auteur datant de 1994.[6] En fait, chaque solution imaginée par les Douze ne réglerait que partiellement le problème posé ou en créerait un autre: résolue, la question slovène laissa subsister la question croate, qui, plus ou moins réglée, donna lieu à la question bosniaque … D'où l'émergence de ce syndrome d'autant plus aigu que la faillite européenne eut de tragiques conséquences à Dubrovnik, Vukovar, Sarajevo, Srebrenica, … Ce n'était toutefois pas faute d'avoir essayé. Observateurs extérieurs et acteurs directs des tentatives de médiation européenne s'accordent sur ce point, même si, avec le recul, certains d'entre eux tirent avec beaucoup de lucidité les leçons de la crise yougoslave pour la CE.[7] Le dernier ambassadeur yougoslave auprès des Communautés européennes estime même qu'avec

> «détermination et compréhension, la CEE a tout tenté: médiation, arbitrage, sanctions, … et l'on peut dire qu'à l'exception d'une intervention militaire, elle a essayé en une année, tout le catalogue des possibilités d'action, sans grand résultat».[8]

Il n'y a pas lieu d'égrener les différents éléments de ce catalogue dont rendront d'ailleurs compte d'autres contributions de la présente livraison de cette revue. L'objectif ici assigné est d'identifier le rôle de la coercition économique dans l'action diplomatique de la CE déployée en (ex)-Yougoslavie.

Si la réaction des Douze à l'implosion yougoslave déborde assurément la question de l'usage politique des instruments économiques communautaires, ce débordement était, en soi, le signe de l'évolution du rôle assumé par la CPE. D'une certaine manière même, la mission de médiation, voire de rétablissement de la paix, paraissait avoir été déléguée par la communauté internationale aux Européens. Il était significatif que Javier Perez de Cuellar, le secrétaire général de l'ONU à l'époque, n'entendît pas saisir d'emblée le Conseil de sécurité du problème. Il craignait qu'une intervention de sa part n'apparût comme «une sorte d'ingérence dans les efforts européens».[9] Cela étant, il s'agit ici de percevoir la

6. S. NUTTALL, *The EC and Yugoslavia – Deus ex machina or Machina sine Deo*?, in: *Journal of Common Market Studies, Annual Review*, 1994, pp.12-25.
7. Pour une vision de l'intérieur nuancée des efforts de médiation de la CE, cf. H. WIJNAENDTS, *L'engrenage. Chroniques yougoslaves. Juillet 1991-Août 1992*, Denoël, Paris, 1993; J. Durieux, *Leçons de la crise yougoslave*, in: *La Revue politique*, 5 (1994), pp.17-44.
8. M. Crnobrnja, *Le drame yougoslave*, Apogée, Rennes, 1992, p.140.
9. *Agence Europe*, n°5527, 4 juillet 1991. Cf. aussi, à la même époque, le commentaire de l'ambassadeur américain auprès de l'ONU, M. Pickering, rapporté par *Le Monde* du 5 juillet 1991: «Les Etats-Unis n'ont aucun rôle à jouer en Yougoslavie, sauf si les efforts des Européens échouaient».

manière dont des restrictions économiques ont été progressivement imaginées par les Douze avant d'être effectivement imposées à la Yougoslavie, parallèlement à toutes les autres mesures et actions de la CE.[10]

1.2. Le rôle des pressions économiques dans la conclusion des accords de Brioni

Avant même le déclenchement de la partie la plus explosive de la crise, qu'il faut situer aux alentours du 25 juin 1991 quand Croates et Slovènes firent acte de sécession en proclamant l'indépendance de leur république, la Communauté et ses Etats membres étaient aux aguets. Les Douze escomptaient que l'étroitesse des liens économiques les unissant à la Yougoslavie inciterait les composantes de cette dernière à régler pacifiquement leurs différends.[11] En d'autres termes, la CE espérait que l'éventualité d'une remise en cause des relations économiques avec les républiques yougoslaves aurait un effet dissuasif, capable d'inhiber toute velléité de coup de force. Mais les dirigeants européens pressentaient néanmoins l'imminence d'un danger. Les 29 et 30 mai 1991, Jacques Delors, le président de la Commission, se rendit en mission à Belgrade avec le président du Conseil européen de l'époque, le Premier ministre luxembourgeois, Jacques Santer. Dans ses *Mémoires, Delors note significativement à propos de cette visite:*

10. Sur l'ensemble de l'action des Douze, cf., outre les références déjà citées, par exemple, D. SIDJANSKI, *Union ou désunion de l'Europe? La Communauté européenne à l'épreuve de la crise yougoslave et des mutations en Europe de l'Est,* Dossiers de l'Institut universitaire d'études européennes, Genève, 1991; X. GAUTIER, *L'Europe à l'épreuve des Balkans*, Jacques Bertoin, Paris, 1992; J.-L. PIERSON, *La Yougoslavie désintégrée*, dossier du GRIP n°166, Bruxelles, 1992; E. REMACLE, *La politique étrangère européenne: de Maastricht à la Yougoslavie*, dossier du GRIP n°167, Bruxelles, 1992 ; P. SIMIC, *After the Cold War : Europe, the Balkans and Yugoslavia*, in: *The International Spectator*, vol. XVII, 4 (1992), pp.59-80; T. SALMON, *Testing Times for European Political Cooperation: the Gulf and Yugoslavia, 1990-1992*, in: *International Affairs*, 1992, pp.233-253; H. STARK, *Les Balkans. Le retour de la guerre en Europe*, Dunod-Ifri, Paris, 1993; C. GUICHERD, *L'heure de l'Europe. Premières leçons du conflit yougoslave*, CRESS, Ecole Polytechnique, Paris, 1993; D. DAVID, *La Communauté entre la paix et la guerre*, in: *Politique Etrangère*, 58(1993), pp.78-91; J. COELMONT, *Evaluatie van crisisbeheersing rondom voormalig Yoegoslavië. Lessen voor de Europese Unie*, in: *Internationale Spectator*, 1994, pp.184-189; S.L. WOODWARD, *Balkan Tragedy. Chaos and Dissolution after the Cold War*, The Brookings Institution, Washington D.C., 1995 et D. OWEN, *Balkan Odyssey*, Indigo, London, 1996.
11. Cf., notamment, la déclaration de la CPE du 8 juin 1991. Les déclarations de la CPE/PESC sont accessibles via les bulletins mensuels des Communautés européennes (de l'Union européenne après 1993) publiés par la Commission (*Bull. CE*; *Bull. UE*). A partir de 1985, les documents officiels relatifs à la CPE/PESC ont fait aussi l'objet d'une publication périodique, *European Political Cooperation Documentation Bulletin* (*EPC Bulletin*), éditée par l'Institut universitaire européen de Florence et l'Institut für Europaïsche Politik de Bonn, devenue à partir du volume consacré à l'année 1994, publié en 1997, *European Foreign Policy Bulletin*, avec pour seul éditeur l'IUE de Florence. Seule une version électronique en ligne est disponible à partir de 1998 à l'adresse: http://www.iue.it/EFPB/Welcome.html

> «Santer a rappelé que, quelle que soit la solution retenue, son vœu était qu'elle soit pacifique et qu'à cette condition, l'aide de la Communauté ne leur serait pas comptée. Nous sommes revenus avec le sentiment mitigé que notre offre économique ne serait sans doute pas suffisante pour empêcher de graves incidents».[12]

De fait, le 27 juin 1991, l'offensive de l'armée fédérale contre la défense territoriale slovène marquait le début de la guerre civile en Yougoslavie.[13] La proximité tant géographique qu'économique entre les deux entités entraîna donc l'implication rapide des Douze dans le conflit.

Le 28 juin 1991, à Luxembourg, le Conseil européen était réuni comme de coutume en fin de semestre. Les chefs d'Etat et de gouvernement dépêchèrent d'emblée la troïka ministérielle[14] à Belgrade et Zagreb, à l'initiative de l'Italie, seul pays frontalier des républiques sécessionnistes parmi les Douze. Giulio Andreotti, le Premier ministre italien de l'époque, estimait que cette démarche s'imposait pour aller au delà d'un appel platonique à la raison en direction des autorités yougoslaves. Il estimait que ce qui se passait «aux portes de nos maisons» exigeait quelque chose de plus qu'une approche «bureaucratique-diplomatique».[15] Dans la foulée, le Conseil européen adopta une déclaration au statut assez singulier. Malgré sa révélation immédiate par l'Agence Europe,[16] il ne s'agissait pas d'une déclaration officielle des chefs d'Etat et de gouvernement. Elle ne fut d'ailleurs jamais publiée dans le Bulletin des Communautés européennes.[17] Ce texte constituait plutôt le mandat de négociation de la troïka. Son contenu devait être présenté aux autorités yougoslaves pour leur faire connaître clairement la position européenne à propos du conflit. La «déclaration» issue du Conseil européen énonçait les éléments jugés nécessaires à l'amorce d'une résolution pacifique des tensions yougoslaves. Elle se clôturait avec la précision qu'en «attendant que la situation se clarifie et s'améliore, le Conseil européen suspend toutes les aides communautaires et nationales destinées à la Yougoslavie».

Il ne fallait cependant pas prendre cette phrase à la lettre et induire une décision immédiatement exécutoire. La formulation masquait en réalité une simple menace. Des réserves avaient été émises par plusieurs Etats membres à propos de cette ultime partie de la déclaration du Conseil européen. La France et l'Italie, par exemple, s'étaient opposées à la suspension sans délai des aides communautaires alors que le Royaume-Uni et l'Allemagne avaient milité en faveur de cette option. Une solution de compromis avait implicitement prévalu: la suspension de la coopération financière avec la Yougoslavie ne prendrait effet qu'en cas d'échec de la mission de la troïka.[18] La coercition économique européenne était ainsi placée

12. J. DELORS, *Mémoires*, Plon, Paris, 2004, p.398.
13. Le premier acte de guerre fut toutefois commis par la Slovénie qui, en prenant le contrôle de ses postes frontières, avait abattu un hélicoptère fédéral.
14. A l'époque, la troïka des ministres des Affaires étrangères assurant la représentation extérieure de la CE était composée de la présidence en exercice (Luxembourg), assistée de la présidence antérieure (Italie) et de la présidence à venir (Pays-Bas), selon le système semestriel de rotation.
15. *Agence Europe*, n°5523, 29 juin 1991.
16. Ibid.
17. On n'en trouve pas non plus de trace dans le *EPC Bulletin*, vol.7, 1991.
18. *Agence Europe*, n°5523 et 5524, 29 et 30 juin 1991.

comme une épée de Damoclès au-dessus des Yougoslaves pour les forcer à accepter les propositions européennes. Celles-ci tenaient principalement dans trois demandes: le respect d'un cessez-le-feu accompagné du retour des militaires dans leur casernement; un moratoire de trois mois portant sur les effets pratiques des déclarations d'indépendance croate et slovène pour faciliter le dialogue entre toutes les composantes yougoslaves; la levée de la réserve de la république serbe à l'élection d'un Croate (Stipe Mesic) à la présidence de la fédération.

A son retour de Belgrade et de Zagreb, le 29 juin 1991, Jacques F. Poos estima qu'il avait reçu les assurances que la troïka demandait aux autorités yougoslaves. Il prétendit de surcroît que le risque d'une suspension conditionnelle de l'aide financière des Douze destinée à la Yougoslavie avait constitué un argument de poids dans la discussion.[19] Le fait même que la CE puisse utiliser sa puissance économique comme moyen de pression politique aurait donc facilité la négociation diplomatique. Le 1er juillet, Hans Van den Broek, le ministre néerlandais des Affaires étrangères qui succédait à Poos à la présidence du Conseil, pouvait s'enorgueillir d'un accord formel écrit avalisant les propositions européennes présentées par la troïka.[20]

Ce n'était cependant que la première d'une longue série d'illusions pour les Douze. Malgré les assurances verbales et écrites, rien n'avait véritablement été réglé en ce début d'été 1991. Devant la persistance d'une situation explosive, en Slovénie principalement, l'exécution de la menace formulée à mots couverts par le Conseil européen allait rapidement s'imposer. Le 3 juillet, Mark Eyskens, le ministre belge des Affaires étrangères de l'époque, se demandait déjà si le moment n'était pas venu de suspendre l'aide de la Communauté à la Yougoslavie.[21] Deux jours plus tard, c'était chose faite. Les protocoles financiers liés à l'accord CEE-Yougoslavie étaient suspendus. La mesure correspondait à la volonté des Douze d'utiliser un instrument de pression qui ne pénalisait pas directement les populations concernées. Le gel de l'aide financière signifiait simplement que la Yougoslavie ne bénéficierait plus de prêts assortis de bonifications d'intérêts de la part de la CE.[22] La CPE s'empressait toutefois d'émettre l'espoir que l'évolution de la situation permette rapidement de «dégeler» les protocoles financiers pour contribuer plus largement au redressement économique de l'ensemble de la Yougoslavie. Parallèlement, à la même date du 5 juillet 1991, les Douze étaient convenus d'appliquer un embargo sur les armes et le matériel militaire à l'égard de la Yougoslavie, une décision que le Royaume-Uni avait déjà prise unilatéralement la veille.

19. *Agence Europe*, n°5524, 30 juin 1991.
20. *Agence Europe*, n°5525, 1-2 juillet 1991.
21. *Agence Europe*, n°5527, 4 juillet 1991. Pour sa part, à la même date, le groupe libéral du Parlement européen (PE) allait déjà beaucoup plus loin en demandant d'emblée la suspension de l'accord de coopération CEE-Yougoslavie.
22. Le deuxième protocole ne serait plus appliqué tandis que le troisième, portant sur les années 1991-1995, ne serait jamais transmis par le Conseil au PE pour avis conforme. Sur les conséquences chiffrées de la suspension, cf. *Agence Europe*, n°5523, 29 juin 1991.

La CE continuait toutefois à rechercher une solution par la négociation. L'intense activité diplomatique, illustrée par les navettes de la troïka, allait se poursuivre pour aboutir le 7 juillet 1991 à un résultat encourageant: les accords de Brioni. Pour l'essentiel, ces derniers confirmaient le précaire accord arraché par les Douze le 30 juin: cessez-le-feu; suspension des effets des déclarations d'indépendance croate et slovène pour trois mois; fonctionnement effectif de la présidence collégiale yougoslave; retour des troupes de l'armée fédérale dans leurs casernes. En outre, une mission d'observation (*monitoring mission*, «casques blancs» européens, non armés) était chargée de superviser la mise en œuvre des accords.[23] L'application effective des dispositions de Brioni en Slovénie serait toutefois oblitérée par l'émergence d'une tension serbo-croate en Krajina et en Slavonie orientale où aucun cessez-le-feu ne serait respecté pendant plus de six mois.

1.3. Vers une coercition économique accrue mais sélective

La première menace économique, mise en œuvre le 5 juillet 1991, avait donc pu mener au court répit des accords de Brioni. Durant les trois mois qui allaient suivre, d'autres menaces de rétorsions économiques seraient proférées par les Douze. Le 6 août, une déclaration de la CPE précisait clairement que la Communauté et ses Etats membres avaient demandé à la Commission d'envisager comment des «carottes» et des «bâtons» économiques pouvaient être appliqués, respectivement aux parties en faveur d'une solution négociée et à celles qui ne respectaient aucun accord de cessez-le-feu. Début octobre, le moratoire suspendant les effets des déclarations d'indépendance croate et slovène arrivait à échéance. Au terme de vains efforts pour remettre toutes les parties au conflit autour de la table de négociation, la CPE décida de recourir à l'arme des sanctions économiques.[24] Conformément à ce qui avait été annoncé deux mois plus tôt, la coercition économique était maintenant envisagée de manière sélective. Le 6 octobre 1991, la CPE adressait un ultimatum mettant en demeure toutes les parties yougoslaves de respecter les engagements souscrits relatifs au cessez-le-feu et aux décisions de la Conférence de La Haye sur la Yougoslavie.[25] A

23. Pour le texte des accords de Brioni, composés d'une déclaration de principe pour un règlement pacifique, d'une première annexe sur les modalités préparatoires à des négociations et d'une seconde annexe sur les lignes directrices pour la mission d'observation, cf. Joint Declaration of the Brioni meeting on the Yugoslav crisis, *EPC. Bulletin,* vol.7, 1991, pp.334-338.
24. Dans l'intervalle, les Douze avaient aussi obtenu l'extension au niveau de l'ONU (résolution 713 du 25 septembre 1991) de l'embargo sur les armes et le matériel militaire à destination de la Yougoslavie arrêté par la CPE le 5 juillet 1991 avec l'espoir que les autres Etats de la communauté internationale suivent le mouvement. Par contre, la France, soutenue par l'Allemagne sur ce point, n'avait réussi à faire accepter, ni au sein des Douze, ni au sein du Conseil de sécurité de l'ONU, l'idée de l'envoi, entre les Serbes et les Croates, d'une force d'interposition européenne placée sous le patronage de l'UEO. Sur ce point, cf. Hubert VÉDRINE (*Les mondes de François Mitterrand. A l'Elysée 1981-1995*, Fayard, Paris, 1996, pp.607-612) qui décrit de l'intérieur les intentions françaises qui allaient dans ce sens mais butaient sur une opposition britannico-américaine.
25. Ouverte le 7 septembre 1991, la Conférence de La Haye avait été placée sous la présidence de Lord Carrington, l'ancien secrétaire au *Foreign Office*, qui s'était notamment illustré comme habile négociateur lors des pourparlers de *Lancaster House* relatifs à l'indépendance de la Rhodésie (Zimbabwe) de 1979.

défaut, les Douze mettraient fin à l'accord de coopération et de commerce avec la Yougoslavie pour ne le renouveler qu'avec les seules parties qui contribueraient aux progrès vers la paix. A ce stade, la CPE évitait encore de désigner explicitement lesdites parties. Elle sera néanmoins obligée de le faire lorsqu'elle commencera à mettre sa menace à exécution, un mois plus tard.

Ce nouveau délai était beaucoup plus surprenant. Il rendait peu crédibles pour l'avenir les ultimatums des Douze puisque, *in casu*, celui qui avait été lancé était loin d'avoir été respecté. Cette tergiversation témoignait sans doute de la volonté de la CPE d'aboutir encore à une solution pacifique par la seule menace réitérée de la coercition économique.[26] Le 28 octobre 1991, les Douze avaient tenté d'augmenter la pression en annonçant qu'ils pourraient aussi solliciter le Conseil de sécurité de l'ONU pour que ce dernier prenne des mesures restrictives dans le cadre du chapitre VII de la Charte. Mais il fallait peut-être attribuer ces hésitations à des difficultés internes pour parvenir à un consensus rapide entre Etats membres sur les mesures à prendre, comme le laissera supposer plus tard l'annexe à la déclaration de la CPE du 8 novembre 1991 instaurant des sanctions économiques à l'égard de la Yougoslavie. Ce texte affirmera solennellement la solidarité «concrète» de la Communauté et de ses Etats membres au cas où l'un d'entre eux aurait à subir les conséquences néfastes de contre-mesures yougoslaves.[27] La formule devait surtout apaiser les craintes de la Grèce qui, le 5 novembre 1991, avait fait valoir que l'application des mesures communautaires pourrait produire une incidence négative considérable sur son économie.[28]

Début novembre 1991, les Douze ne pouvaient donc que constater l'échec de leur patiente tactique comminatoire: il fallait passer aux actes restrictifs. Formulée par la CPE le 8 novembre, la politique coercitive communautaire comportait trois aspects (mesures effectives; menaces de rétorsions additionnelles et promesses de mesures positives sélectives) qui seraient graduellement mis en œuvre à partir du 11 novembre.

Quatre mesures de contrainte étaient prises à l'égard de l'ensemble de la Yougoslavie. Les accords CEE et CECA-Yougoslavie étaient suspendus sans délai avant d'être dénoncés selon les procédures juridiques prescrites à cet effet. Dans la même optique, la Yougoslavie était exclue de la liste des bénéficiaires du système des préférences généralisées (SPG) et des restrictions quantitatives étaient rétablies

26. Cf. les déclarations de la CPE des 18 et 28 octobre 1991.
27. L'annexe à la déclaration du 8 novembre est libellée comme suit (*Bull. CE*, 11-1991): «Si l'économie d'un Etat membre devait être sérieusement affectée par les contre-mesures yougoslaves, la Communauté et ses Etats membres feront alors preuve de solidarité en adoptant des mesures correctives, effectives et concrètes, en faveur de l'Etat concerné». Sur la difficulté d'en arriver à un consensus, cf. aussi C.-P. LUCRON, *L'Europe devant la crise yougoslave: mesures restrictives et mesures positives*, in: *Revue du marché commun et de l'Union européenne* (RMCUE), 1992, p.10.
28. *Agence Europe*, n°5603, 6 novembre 1991.

sur les produits textiles.[29] Il n'y avait donc à proprement parler ni boycott, ni embargo puisque les échanges entre les deux entités pouvaient se poursuivre, mais il était mis fin aux avantages concédés à la Yougoslavie. Enfin, une suspension formelle des actions du programme PHARE était aussi décidée.[30] En vertu de cette décision, la Yougoslavie ne serait pas invitée à la réunion ministérielle du G24 prévue le 11 novembre.

Parallèlement à l'adoption de cet ensemble de mesures restrictives, les Douze indiquaient leur intention d'inviter le Conseil de sécurité de l'ONU à mettre en œuvre un embargo pétrolier. Certains Etats membres auraient déjà voulu appliquer cette mesure au niveau communautaire, mais d'autres ne la jugeaient pas opportune, la CE n'étant pas, vis-à-vis de la Yougoslavie, un fournisseur important de pétrole et de produits raffinés. Pour ces derniers, il valait mieux passer par le canal onusien afin de pouvoir contraindre les grands fournisseurs de la Yougoslavie (URSS, Libye, Iran, essentiellement) à fermer leurs robinets. De surcroît, la Serbie, qui était implicitement visée, pouvait être facilement isolée si les trois Etats par lesquels transitaient les produits pétroliers étaient résolus à contrôler l'embargo. Cette partie de la Yougoslavie n'était en effet approvisionnée que par deux pipe-lines dont l'un, traversant la Croatie, était déjà fermé. L'autre venait de Grèce via la Macédoine tandis que des bateaux acheminaient du pétrole à partir de la Hongrie et de la Roumanie. L'ONU était donc appelée à la rescousse sur ce point

29. Cf. la décision 91/586/CECA et CEE du Conseil et des Représentants des Etats membres, réunis au sein du Conseil du 11 novembre 1991 portant suspension de l'application des accords entre la Communauté européenne, ses Etats membres et la République socialiste fédérative de Yougoslavie, *JOCE* n°L 315 du 15 novembre 1991. Cf. aussi la décision 91/587/CECA des Représentants des Etats membres, réunis au sein du Conseil du 11 novembre 1991 portant dénonciation de l'accord entre les Etats membres de la CECA et la République socialiste fédérative de Yougoslavie, Ibid., et la décision 91/602/CEE du Conseil du 25 novembre 1991 portant dénonciation de l'accord de coopération entre la CEE et la République socialiste fédérative de Yougoslavie, *JOCE* n°L 325 du 27 novembre 1991 (pour dénoncer l'accord CEE-Yougoslavie basé sur l'article 238 CEE, un délai fut nécessaire afin d'obtenir, en vertu du parallélisme des formes, l'avis conforme du PE, rendu le 20 novembre 1991), ainsi que les règlements (CEE) n°3300, 3301 et 3302/91 du Conseil et les décisions 91/588 et 589/CECA, *JOCE* n°L 315 du 15 novembre 1991. Tous ces actes contiennent une motivation politique explicite, parfois même élaborée dans plusieurs considérants. Pour les aspects technico-juridiques et les conséquences concrètes de ces mesures restrictives, cf. C.-P. LUCRON, op.cit., pp.10-14.

30. PHARE (Pologne/Hongrie: Aide à la Restructuration des Economies) est un programme décidé au Sommet de l'Arche à Paris en juillet 1989 par le G7, le Groupe des sept pays les plus industrialisés de la planète. Vingt-quatre pays y participent (G24): les Douze, les six pays de l'AELE, les Etats-Unis, le Canada, le Japon, l'Australie, la Nouvelle-Zélande et la Turquie. Initialement destinée à la Pologne et à la Hongrie, l'opération avait aussi vocation à s'étendre à d'autres pays européens qui en rempliraient les conditions d'accès, à savoir l'introduction du multipartisme, l'organisation d'élections libres et l'évolution vers l'économie de marché.

précis. De même, l'idée d'un embargo global n'était envisagée que si elle pouvait se fonder sur une résolution du Conseil de sécurité.[31]

Aux sanctions économiques effectives et escomptées devaient enfin correspondre des mesures positives en faveur des républiques yougoslaves «coopérantes» dans l'optique d'un processus de paix. Il s'agissait d'effacer sélectivement l'effet négatif des mesures restrictives, en rétablissant au profit de certaines parties de la Yougoslavie ce qui avait été supprimé à l'égard de l'ensemble du pays. Entamée le 2 décembre 1991 au profit des républiques de Croatie, de Slovénie, de Bosnie-Herzégovine et de Macédoine, avant d'être étendue au Monténégro en janvier 1992, la mise en œuvre graduelle de ces mesures compensatoires prendra près de deux mois.[32] Dans l'intervalle, deux républiques bénéficiaires (Croatie et Slovénie) avaient été reconnues comme Etats indépendants par l'ensemble des Douze.

La question de la reconnaissance des anciennes républiques yougoslaves constituait un problème politique crucial, qui, par précaution, avait d'abord été soumis à l'arbitrage d'une commission de juristes de haut niveau, présidée par Robert Badinter, le président du Conseil constitutionnel français à l'époque. Les Douze n'ont pourtant pas suivi à la lettre les recommandations de cette instance qui, en décembre 1991, conseillait de ne reconnaître, dans un premier temps, que la Slovénie et la Macédoine. Du fait de la pression de l'Allemagne et de l'opposition de la Grèce, ce sont finalement la Slovénie et la Croatie qui ont été reconnues comme nouveaux Etats indépendants, en janvier 1992. Cela étant, qu'elles aient été reconnues ou pas, cinq anciennes républiques yougoslaves (Slovénie, Croatie, Macédoine, Bosnie-Herzégovine, Monténégro) ont toutes bénéficié de mesures commerciales positives de la part de la CE dès le 3 février 1992. Puisque deux d'entre elles avaient été reconnues, les normes communautaires

31. A ce propos, cf. *Agence Europe*, n°5603, 6 novembre 1991. Hans-Dietrich GENSCHER (*Erinnerungen*, Siedler Verlag, Berlin, 1995, p.957) se souvient ainsi que les sanctions économiques communautaires n'avaient été envisagées que comme un premier pas. La seconde étape devait cependant nécessairement venir de l'ONU: «In der anschließenden Pressekonferenz sprach ich die Erwartung aus, daß Serbien sich von der Ernsthaftigkeit der EG-Beschlüsse überzeugen lasse: der Sanktionsbeschluß sei nur ein erster Schritt, wir würden uns weitergehende wünschen. Vor allem könne ein Ölembargo auch ohne Beschluß der Vereinten Nationen wirksam sein, wenn sich die jugoslawischen Nachbarstaaten und die Sowjetunion, wie sie es angedeutet hätten, den Maßnahmen anschlössen».

32. Initialement, les Douze avaient décidé d'exclure le Monténégro de la liste des pays bénéficiaires de mesures positives au motif principal d'une trop grande proximité de cette république vis-à-vis de la Serbie qui faisait craindre à la CE que cette dernière ne bénéficie indirectement de ces mesures (*Agence Europe*, n°5621, 2-3 décembre 1991). Cette réserve fut levée quand le Monténégro indiqua clairement, le 9 janvier 1992, son intention de contribuer au processus de paix dans le cadre de la conférence de La Haye. Cf., à ce propos, les règlements (CEE) n°3567/91 du Conseil du 2 décembre 1991, *JOCE* n°L 342 du 12 décembre 1991, n°545 à 548/92 du Conseil du 3 février 1992 et les décisions 92/150 et 151/CECA du même jour, *JOCE* L 63 du 7 mars 1992 ainsi que la déclaration de la CPE sur le Monténégro du 10 janvier 1992.

mentionnaient explicitement, comme bénéficiaires, la Croatie, la Slovénie et les républiques yougoslaves de Macédoine, Bosnie-Herzégovine et Monténégro.[33] Les apparences politiques étaient préservées, mais *in concreto les cinq entités étaient placées sur le même pied.*

2. L'appel à l'ONU pour étendre les sanctions économiques communautaires

Pour renforcer ou compléter son action coercitive, la CPE entendait, dès 1991, impliquer le Conseil de sécurité de l'ONU dans la crise yougoslave. L'objectif était de donner une portée générale à des mesures restrictives qui, appliquées au seul niveau communautaire, risquaient d'être contournées et se révéleraient en définitive peu efficaces. Un premier «passage de témoin» CPE-ONU fut ainsi réussi le 25 septembre 1991 quand la résolution 713 du Conseil de sécurité décréta un embargo sur les armes et le matériel militaire à l'égard de l'ensemble de la Yougoslavie, mesure décidée au sein des Douze le 5 juillet précédent. A cette occasion, H. Van den Broek s'était déjà assuré du soutien de Washington à l'embargo, appui que James Baker, le secrétaire d'Etat américain, lui octroya d'autant plus volontiers que les Etats-Unis ne vendaient pas d'armes à la Yougoslavie à l'époque.[34]

Le second relais escompté fut davantage problématique. A partir du 8 novembre 1991, les Douze espéraient que la France et le Royaume-Uni parviendraient à convaincre les autres membres permanents du Conseil de sécurité d'imposer, au moins, un embargo pétrolier à l'encontre de la Serbie. Il semble toutefois qu'à l'époque il était impossible de rallier l'URSS (qui vivait ses derniers jours) et la Chine à un quelconque projet de résolution imposant des sanctions économiques à l'égard de certaines composantes de la Yougoslavie. En conséquence, les Douze tenteront d'obtenir du Conseil de sécurité de l'ONU une autre contribution au rétablissement de la paix en Yougoslavie, à savoir l'envoi d'une force d'interposition entre les belligérants. La mission des casques bleus ne pourrait toutefois débuter qu'en février 1992 étant donné qu'elle était conditionnée au respect effectif d'un cessez-le-feu en Croatie.[35]

La saisine du Conseil de sécurité dans la crise des Balkans aura dès cet instant le don d'en faire le lieu privilégié pour déterminer, lors des étapes ultérieures de la désintégration yougoslave, toute nouvelle mesure économique restrictive. L'optique

33. Lors de l'adoption de ces mesures, le Conseil «Affaires générales», selon le *Bull. CE,* 1/2-1992, précisa que la terminologie utilisée pour définir les différentes entités bénéficiaires, comportait des dénominations de nature uniquement géographique et ne préjugeait pas les futurs statuts politiques et dénominations de ces entités.

34. Cf. *Agence Europe*, n°5528, 5 juillet 1991 qui présente même l'idée de l'embargo comme ayant été soufflée par James Baker à Hans Van den Broek.

35. Cf. les résolutions du Conseil de sécurité (721, 724, 727 et 740 des 27 novembre et 15 décembre 1991, 8 janvier et 7 février 1992) déterminant graduellement les conditions d'envoi de casques bleus en (ex)-Yougoslavie et, *in fine*, la résolution 743 du 21 février 1992 décidant la création de la force de protection des Nations unies (FORPRONU) pour la Yougoslavie.

préconisée par la CPE depuis novembre 1991 avait donc abouti, quoique tardivement. Dans ce contexte, les Douze n'auraient plus qu'à donner l'impulsion nécessaire à l'action du Conseil de sécurité et à garantir, au niveau communautaire, une application rapide des résolutions de l'ONU. Mais, à l'instar des restrictions spécifiquement communautaires de 1991, les sanctions économiques internationales, bien plus contraignantes pourtant, ne parviendraient jamais à exercer une pression politique décisive sur ce qui deviendra, à partir du printemps 1992, le conflit bosniaque.[36] Dans le cadre de ce dernier, la Serbie et le Monténégro, qui ensemble entendaient recréer une «petite» Yougoslavie (RFY-République fédérale yougoslave), étaient accusés de poursuivre des activités directes ou indirectes constituant la principale cause des événements dramatiques qui se déroulaient sur le territoire de la Bosnie-Herzégovine. Un boycott et un embargo étendus à l'ensemble des relations avec la RFY avaient dès lors été instaurés par la résolution 757 du Conseil de sécurité, le 30 mai 1992. L'application uniforme de ces mesures entrait en vigueur dès le lendemain au sein de la Communauté.[37] Après cette date, les mesures de contrainte communautaires seront régulièrement renforcées pour tenter de rendre la pression plus intense, non seulement sur la Serbie mais aussi sur les Serbes présents dans les autres républiques ex-yougoslaves. Il fallait éviter en particulier un détournement du trafic commercial au profit de la Serbie et du Monténégro via les territoires de Croatie et de Bosnie contrôlés par des Serbes. Par ailleurs, l'interdiction des échanges s'accompagnerait aussi d'une large interruption des communications maritimes et aériennes.[38]

Entamée au printemps 1992, devenue maximale un an plus tard, la politique coercitive de l'ONU vis-à-vis de la RFY commença à s'alléger en octobre 1994. Vu l'attitude plus conciliante de Belgrade à l'égard d'un plan de paix futur, concrétisée notamment dans la fermeture de la frontière entre la RFY et les territoires de Bosnie sous contrôle serbe, certaines restrictions seront levées au profit de la Serbie et du Monténégro. La suspension ne concernait toutefois que les mesures affectant le transport civil aérien et maritime; les échanges de biens et de services qui n'étaient pas directement liés au transport de personnes et de leurs effets demeuraient interdits. Au même moment, les Serbo-bosniaques de Pale se voyaient, à l'inverse, imposer de strictes sanctions économiques et financières stigmatisant leur obstination. Ces mesures particulièrement élaborées (embargo et

36. Reconnue comme Etat indépendant par les Douze, le 7 avril 1992, la Bosnie-Herzégovine avait été admise comme membre de l'ONU, en même temps que la Croatie et la Slovénie, le 23 mai suivant.
37. Cf. le règlement (CEE) n°1432/92 et la décision 92/285/CECA du 1er juin 1992, *JOCE* n°L 151 du 3 juin 1992. Quant au règlement (CEE) n°1433/92 et à la décision 92/286/CECA, Ibid., ils supprimaient logiquement les mesures positives prises en faveur du Monténégro le 3 février 1992.
38. Cf., le 8 septembre 1992, les règlements (CEE) n°2655 et 2656/92 fixant certaines modalités techniques d'application du règlement 1432/92 et la décision 92/470/CECA procédant de même à l'égard de la décision 92/285/CECA, *JOCE* n°L 266 du 12 septembre 1992, complétés par le règlement (CEE, CECA) n°2755/92 de la Commission du 18 septembre 1992, *JOCE* n°L 276 du 19 septembre 1992, modifiés respectivement par le règlement (CEE) n°40/93 et la décision 92/470/CECA du 8 janvier 1993, *JOCE* n°L 7 du 19 janvier 1993, ainsi que le règlement (CEE) n°990/93 et la décision 93/235/CECA du 26 avril 1993, *JOCE* n°L 102 du 28 avril 1993.

boycott commercial assortis d'un gel des ressources financières, en résumé) visaient à isoler complètement les Serbes de Pale du reste du monde.[39]

L'allégement partiel des sanctions à l'égard de la RFY sera prorogé et amendé tout au long de l'année 1995,[40] avant que l'ensemble des mesures restrictives ne soient suspendues le 4 décembre 1995, à la suite des accords de paix négociés à Dayton. Quant aux mesures de rétorsion frappant les parties du territoire de la république de Bosnie-Herzégovine sous le contrôle des forces serbo-bosniaques, elles furent d'abord maintenues dans l'attente d'une application effective des accords de paix par les dirigeants de Pale, pour n'être levées qu'en mars 1996. C'est à cette époque également que l'embargo sur les armes à destination de l'ensemble de l'ex-Yougoslavie commença prudemment à s'assouplir. A l'égard de la Bosnie-Herzégovine, de la Croatie et de la RFY, l'embargo demeurait en vigueur aussi longtemps que des forces internationales seraient déployées dans la région, sauf en ce qui concerne le matériel nécessaire au déminage. Quant aux demandes de licences d'exportations d'armement à destination de la Slovénie et de l'ancienne république yougoslave de Macédoine(ARYM), elles feraient l'objet d'un examen au cas par cas avec toute la modération qu'imposerait la préservation de la paix et de la stabilité dans les Balkans.[41]

3. Les sanctions économiques pour régler les conflits ethno-nationalistes de l'après-guerre froide: instrument utile mais insuffisant

Pour évaluer l'impact des sanctions économiques communautaires sur la crise yougoslave, il faut d'abord distinguer deux périodes: celle qui vit la CE intervenir quasiment seule et celle qui entraîna une implication internationale plus large. Durant

39. Cf. la décision 94/672/PESC et le règlement (CE) n°2471/94 du 10 octobre 1994, la décision 94/673/PESC et le règlement (CE) n°2472/94 du 15 octobre 1994, *JOCE* n°L 266 du 15 octobre 1994.
40. Les 23 janvier, 28 avril, 7 juillet et 19 septembre 1995, la décision 94/673/PESC a été prorogée par les décisions 95/11/PESC, 95/150/PESC, 95/254/PESC et 95/378/PESC tandis que le règlement (CE) n°2472/94 était modifié en conséquence par les règlements (CE) n°109/95, 984/95, 1673/95 et 2229/95, *JOCE* n°L 20, L 99, L 160, L 227 des 27 janvier, 29 avril, 11 juillet et 22 septembre 1995. Cf., aussi, le 12 juin 1995, la décision 95/213/PESC du Conseil relative à la position commune concernant la suspension de certaines restrictions aux échanges avec la RFY et le règlement (CE) n°1380/95 du Conseil modifiant le règlement (CEE) n°990/93 du Conseil en vue d'autoriser l'exportation de certaines marchandises vers la RFY, *JOCE* n°L 138 du 21 juin 1995 (l'objet de ce dernier règlement était d'autoriser l'exportation vers la RFY des fournitures essentielles destinées à la réparation des écluses en fer situées sur la rive droite du Danube).
41. Cf., le 4 décembre 1995, la position commune 95/511/PESC du Conseil relative à la suspension des restrictions aux échanges avec la RFY et avec la partie serbo-bosniaque, le règlement (CE) n°2815/95 du Conseil portant suspension vis-à-vis de la RFY du règlement (CEE) n°990/93 ainsi qu'abrogation du règlement (CE) n°2472/94 et la décision 95/510/CECA du Conseil portant suspension vis-à-vis de la RFY de la décision 93/235/CECA, *JOCE* n°L 297 du 9 décembre 1995 ; le 26 février 1996, la position commune 96/184/PESC du Conseil relative aux exportations d'armes à destination de l'ex-Yougoslavie, *JOCE* n°L 58 du 7 mars 1996; le 11 mars 1996, le règlement (CE) n°462/96 du Conseil portant suspension des règlements (CEE) n°990/93 et (CE) n°2471/94 ainsi qu'abrogation des règlements (CE) n°2472/94 et 2815/95, *JOCE* n°L 65 du 15 mars 1996.

ces deux phases, il faut également le rappeler, la coercition économique n'était qu'un moyen parmi d'autres dans la panoplie des tentatives de médiation tendant à trouver une solution aux conflits entre les républiques (ex)-yougoslaves et à l'intérieur de celles-ci.

3.1. Les instruments économiques communautaires au service de la CPE en Yougoslavie: un premier succès sans lendemain

L'idée est généralement bien ancrée que la crise yougoslave sonna le glas des espoirs européens de prouver, avant toute mise en œuvre formelle, l'existence d'une politique étrangère commune. Il est dès lors intéressant de lire rétrospectivement certains commentaires énoncés lors des premiers jours de la crise à propos de l'action de la CPE. Début juillet 1991, par exemple, George H. Bush, le président américain, estimait que «la Communauté avait agi comme il le fallait» et saluait «le travail diplomatique difficile» accompli, pour conclure: «il s'agit avant tout d'une question européenne, et l'Europe s'en occupe bien».[42] Pour sa part, Emmanuele Gazzo, éditorialiste averti de l'*Agence Europe*, intitulait comme suit un de ses billets quotidiens: «Crise yougoslave: dans cette phase, la Communauté a rempli correctement son devoir».[43] Il y soulignait que «l'action de la Communauté, venue au bon moment, a été équilibrée, est allée dans la juste direction et a été efficace». Le jugement était passablement correct, à cet instant-là, du moins. Il n'y avait alors pas lieu d'imaginer d'emblée l'inaptitude des accords de Brioni à préserver la paix en Croatie. Il était opportun de constater que l'intervention des Douze avait été immédiate et utile. Celle-ci s'était placée sur le terrain de la négociation diplomatique en utilisant de légères pressions économiques pour obtenir un premier résultat.

Cela étant, l'avenir plus lointain de la coexistence des composantes yougoslaves n'avait en rien été réglé. Une brèche était colmatée mais la fragilité de l'édifice demeurait. Equilibrée en ce qu'elle ne prenait pas le parti d'entériner ex abrupto la fragmentation yougoslave désirée par certaines parties, l'intervention européenne péchait aussi par manque d'imagination à plus long terme. Tout se déroulait comme si les Douze, avec un simple aiguillon externe, escomptaient encore être à même d'aboutir à une solution acceptable pour tous les protagonistes. C'était trop compter sur la volonté de factions opposées de créer des conditions de paix entre elles sans passer par la guerre.

En réalité, dès juillet 1991, les limites de l'intervention des Douze dans les Balkans étaient tracées. Henri Wijnaendts, qui fut à l'époque le représentant de la présidence néerlandaise en Yougoslavie, pointera à cet égard la quadrature du cercle de la médiation européenne:

> «L'Europe ne *pouvait* imposer de solution. Par son action, la Communauté s'efforçait d'aider les parties yougoslaves à en trouver une. Elle ne *voulait* pas aller plus loin».[44]

42. Entretien accordé au *Figaro*, le 10 juillet 1991.
43. *Agence Europe*, n°5530, 8-9 juillet 1991.
44. H. WIJNAENDTS, op.cit., p.89 [c'est nous qui soulignons].

Que faire pour davantage «aider» les composantes yougoslaves à trouver une solution sinon leur en proposer une? Au delà, se posait le problème des moyens de coercition de la CPE, comme le pressentait déjà Eyskens, le 4 juillet 1991.[45] *Volens nolens*, la pression des Douze ne pouvait être que diplomatico-économique pour s'avérer à terme insuffisante.

Si, de surcroît, l'utilisation étendue des moyens économiques coercitifs a été longtemps retardée, c'était parce que l'instrument avait d'abord été envisagé comme une menace générale susceptible de forcer les parties au conflit à la négociation diplomatique. Dans un second temps, la contrainte ne pouvait plus s'envisager de manière généralisée; par rapport aux efforts de médiation des Douze menés parallèlement, la menace aurait été de peu de poids si elle s'était adressée à l'ensemble des parties. Les sanctions économiques communautaires ne devenaient logiques que si elles pouvaient opérer une discrimination entre les parties obstinément belliqueuses et celles qui aspiraient à la paix, en un mot en identifiant un agresseur et un agressé à l'intérieur de la Yougoslavie.

3.2. Lien entre la sélectivité des mesures économiques restrictives et la reconnaissance de nouvelles républiques?

L'application sélective de mesures restrictives à l'égard de la Yougoslavie était une action des Douze qui faisait assurément œuvre novatrice de politique internationale. Traiter différemment les composantes d'un Etat souverain, même si cet Etat était tombé en déliquescence, restait en soi un précédent. Que la situation ait inéluctablement recommandé pareille attitude ne faisait probablement guère de doute. Une question reste néanmoins posée: en établissant une distinction économique entre les parties au conflit yougoslave, la CPE n'a-t-elle pas, dès le 6 octobre 1991, admis implicitement la nécessité de reconnaître comme nouveaux Etats indépendants lesdites parties? L'utilisation de mesures économiques sélectives n'était-elle pas la preuve manifeste que le *statu quo* n'était plus envisageable en Yougoslavie? Officiellement, bien sûr, le traitement économique différencié n'impliquait pas d'indications sur le statut étatique ou non des républiques yougoslaves concernées.[46] *De facto*, cependant, le processus menant à la reconnaissance de nouveaux Etats était en marche et la distinction opérée par les sanctions économiques communautaires pouvait conforter de economico ceux pour qui elle apparaissait inéluctable de jure.

La question de la reconnaissance de la Slovénie et de la Croatie fut à l'époque largement controversée et sa pertinence demeura longtemps âprement discutée.

45. Cf. *Agence Europe*, n°5528, 5 juillet 1991, qui rapporte que Eyskens avait estimé que le comportement de la CE dans la crise avait été jusque là «cohérent et uni» mais que, selon lui, se posait «le problème de la coercition».

46. Cf. les déclarations des ministres des Affaires étrangères des Douze et le communiqué final de la réunion du Conseil après l'adoption, le 2 décembre 1991, des mesures positives en faveur des républiques yougoslaves de Slovénie, de Croatie, de Bosnie-Herzégovine et de Macédoine, *Agence Europe*, n°5621, 2-3 décembre 1991.

Envisagée sous certaines conditions génériques par les Douze, le 16 décembre 1991,[47] la reconnaissance des deux nouvelles républiques fut décidée de manière anticipée par l'Allemagne, le 23 décembre, pour apaiser l'opinion publique d'outre-Rhin en lui offrant le cadeau de Noël inlassablement réclamé. La main quelque peu forcée, les «Onze» n'avaient plus qu'à faire de même, à partir du 15 janvier 1992.

Les turbulences diplomatiques causées par cet épisode furent alors sur le point de mettre à mal l'entente traditionnelle au sein du couple franco-allemand. Seule la nécessité de maintenir l'axe Paris-Bonn au centre de l'intégration européenne a, semble-t-il, pu persuader la France de ne pas ouvrir une crise avec l'Allemagne sur cette question. Il s'agissait d'un «choix très difficile»[48] pour la France, selon Roland Dumas, le ministre des Affaires étrangères de l'époque; il était cependant nécessaire d'éviter une crise aux conséquences imprévisibles pour ne

> «pas remettre en cause l'avenir à long terme de l'Europe – Maastricht – en raison d'un désaccord sérieux sur un conflit grave, mais qui se terminerait quand même un jour ou l'autre».[49]

Hans-Dietrich Genscher conteste pourtant la vision répandue d'un train européen à la remorque de la locomotive Allemagne dans cette affaire. Dans ses mémoires, il intitule le chapitre consacré à la crise yougoslave d'un titre déjà évocateur de ses intentions rédactionnelles: *«Krieg in Jugoslawien: Für eine Europäische Entscheidung»*.[50] Son objectif y consiste à démontrer que la décision anticipée de son gouvernement concernant la reconnaissance n'avait pas forcé la main des partenaires européens de l'Allemagne. Selon le ministre des Affaires étrangères de Bonn, dès le 6 octobre, précisément le jour où l'intention fut énoncée par la CPE d'appliquer un traitement économique différencié aux parties yougoslaves, tous les Etats membres s'étaient résignés à entériner la partition de la Yougoslavie,[51] menant inéluctablement à la création et à la reconnaissance de nouveaux Etats.[52]

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47. Cf. l'importante déclaration de la CPE du 16 décembre 1991 concernant les lignes directrices de la reconnaissance de nouveaux Etats en Europe orientale et en Union soviétique.
48. Cité par Hubert VÉDRINE (op. cit., p.551), le propos de Roland Dumas aurait été le suivant: «Nous nous sommes posé [avec le Président] la question de savoir s'il fallait ouvrir une crise; et nous avons conclu que non, même si c'était un choix très difficile».
49. Cité par ibid., p.620.
50. H.-D. GENSCHER, op.cit., pp.927-968.
51. Evoquant la déclaration de la CPE du 6 octobre 1991, GENSCHER (op.cit., p.953) prétend qu'elle «bestätigte mit großer Klarheit die Haltung, die Deutschland von Anfang an eingenommen hatte». Et du passage de la déclaration rappelant qu'il avait été convenu deux jours plus tôt qu'une «solution devait être recherchée dans la perspective de la reconnaissance de l'indépendance des républiques qui le souhaitent, au terme d'un processus de négociation mené de bonne foi et avec la participation de toutes les parties», il conclut rapidement: «Damit bekannte sich die Europäische Gemeinschaft in ihrer Gesamtheit zum Recht auf Unabhängigkeit für die Republiken, die dies wünschten».
52. Il s'agissait d'une «unvermeidliche Konsequenz» selon le chef de l'Auswärtigen Amt (ibid., p.954).

Certes, une tentative d'autojustification s'insinue la plupart du temps dans les mémoires d'un acteur politique. Mais cette argumentation démontre l'importance politique que revêtait la décision d'instaurer des sanctions économiques sélectives à l'égard de la Yougoslavie et les conséquences qu'en tiraient, dans la foulée, certains Etats membres, l'Allemagne en particulier. Si l'opinion de Genscher explique correctement les ressorts de la politique allemande au sein de la CPE, elle minimise ou passe sous silence l'interprétation des autres Etats membres de la décision du 6 octobre 1991. La CPE dans son ensemble admettait sans doute que la désintégration yougoslave constituait un processus inéluctable. Cela ne signifiait toutefois nullement que tous les Etats membres étaient prêts à procéder à une reconnaissance immédiate de nouveaux Etats. Celle-ci n'était sans doute pas aussi inéluctable que le chef de la diplomatie allemande le prétendait. Il semblerait plutôt qu'en l'occurrence Genscher confondait quelque peu processus inéluctable et attitude à adopter vis-à-vis dudit processus. De même, ne paraissait-il guère faire de distinction entre l'acceptation d'un principe comme la reconnaissance étatique et les procédures, formes et autres délais à envisager pour la mise en œuvre de celle-ci.

Dans l'optique de plusieurs chancelleries européennes, l'acte de reconnaissance des républiques, dont la perspective en soi pouvait constituer une menace pour les unes et une récompense pour les autres, aurait dû se transformer en un ultime moyen de pression de la CE. L'arme de la reconnaissance aurait pu contraindre toutes les parties yougoslaves à réaménager d'emblée leurs relations réciproques de manière pacifique, en préalable à une indépendance de chacune d'entre elles. Après l'utilisation de sanctions économiques, les Douze auraient ainsi pu encore disposer d'un instrument diplomatique de pression important. Plusieurs acteurs des efforts de médiation européens durant la crise ont amèrement regretté que les Douze aient accordé la reconnaissance étatique à la Slovénie et à la Croatie quasiment sans contrepartie. L'avis de Jean Durieux, est extrêmement tranché à cet égard. Evoquant «l'histoire des rendez-vous manqués», il estime que la reconnaissance prématurée de la Slovénie et de la Croatie par les Européens

> «priva la Conférence Carrington qu'ils avaient eux-mêmes instituée, de son atout maître de négociation, à savoir que la Communauté européenne et ses Etats membres ne reconnaîtraient l'indépendance des six républiques de l'ancienne Yougoslavie et ne coopéreraient avec elles qu'*après* qu'elles auraient conclu entre elles un Traité de paix et de coopération dont le projet était pratiquement achevé dès novembre 1991. Cette reconnaissance a alimenté les tensions ethniques au lieu de les apaiser».[53]

Plus feutré, Henri Wijnaendts n'en note pas moins que

> «particulièrement lourde de conséquences fut la décision, arrachée aux Douze par l'Allemagne, de reconnaître la Croatie, sans attendre un accord global qui aurait réglé le statut des minorités, notamment des Serbes de Croatie».[54]

53. J. DURIEUX, op.cit., p.39. Jean Durieux, à l'époque de la parution son article, est directeur général honoraire de la Commission. Au sein de celle-ci, il fut précédemment impliqué dans la gestion du dossier slovène et croate.
54. H. WIJNAENDTS, op.cit., p.187.

Représentatif de la position officielle française, Hubert Védrine considère aussi que la reconnaissance

> «a privé la Communauté européenne d'une arme diplomatique qu'elle aurait mieux fait de conserver par-devers elle jusqu'à ce qu'une solution acceptable soit trouvée pour les Krajinas».[55]

Cette question, de même que la controverse sur les conséquences effectives, positives ou négatives, de la reconnaissance en janvier 1992, demeure chargée d'ambiguïté. S'agissant de la problématique traitée, il y a simplement lieu de conclure que l'utilisation politique d'instruments économiques dans la crise yougoslave à partir du 8 novembre 1991 *reconnaissait* l'éclatement du pays et que cette option a notamment permis à l'Allemagne, à tort ou à raison, de justifier davantage au sein de la CPE une attitude que celle-ci s'employait précisément à contenir depuis juillet 1991.

L'influence que les mesures économiques communautaires eurent éventuellement sur le processus d'entérinement de la désintégration yougoslave ne saurait toutefois occulter le peu d'efficacité de la pression qu'elles représentaient intrinsèquement en l'absence de sanctions complémentaires issues de l'ONU. Le dernier président fédéral yougoslave d'origine croate, Stipe Mesic, avait affirmé, dès le 4 novembre 1991, que «le seul embargo qui pourrait convaincre les Serbes [était] l'embargo pétrolier et aucun autre».[56] Or, un tel embargo, comme il a été indiqué précédemment, ne dépendait pas de la volonté des Douze pour être efficace.

3.3. La position ambiguë de la Grèce

Nonobstant, que la CPE ait été finalement à même d'appliquer des mesures différentes aux parties yougoslaves, selon leur disponibilité à accepter des propositions de règlement de leurs différends, pouvait s'envisager comme une réussite dans le contexte interne propre aux Douze. Au caractère tout à la fois logique et imaginatif de la solution retenue, s'ajoutait le fait d'avoir pu surmonter les réticences sensibles de la Grèce. Dans un premier temps, déjà évoqué, celle-ci craignait les répercussions néfastes des mesures restrictives sur son économie. Les Douze s'employèrent alors à tempérer les inquiétudes d'Athènes par l'assurance d'une solidarité communautaire concrète. Quand il s'agit, par la suite, d'actualiser les mesures positives compensatoires au profit des républiques «sages», la Grèce ne cacha pas son opposition.[57] Toutefois, en un geste de bonne volonté communautaire que le gouvernement grec situait dans la perspective de la future PESC, Athènes renonça à bloquer le processus décisionnel au sein des Douze. Antonio Samaras, le ministre des Affaires étrangères grec, s'était cependant prémuni contre toute autre interprétation de l'attitude mag-

55. H. VEDRINE, op.cit., p.621.
56. Interview au *Messaggero* citée par l'*Agence Europe*, n°5602, 4-5 novembre 1991.
57. Initialement, la Grèce n'était d'ailleurs pas la seule à s'interroger sur l'opportunité d'actualiser les mesures «discriminantes» annoncées. La France avait aussi commencé par exprimer de nettes réserves à cet égard, préférant attendre encore les résultats d'efforts de médiation toujours en cours. *Agence Europe*, n°5621, 2-3 décembre 1991.

nanime de l'Etat qu'il représentait en faisant clairement figurer la position hellénique au procès verbal de la réunion du Conseil.[58]

On peut d'ailleurs se demander si cette concession n'était pas d'une extrême habileté de la part de Samaras pour qui la question essentielle était en fait celle de la Macédoine. L'attitude conciliante, «communautairement correcte», du ministre grec a peut-être été de nature à endormir la vigilance de ses collègues, quinze jours plus tard, quand il leur revînt de définir les critères de reconnaissance de nouveaux Etats indépendants. C'est alors, en effet, qu'au terme d'une réunion tardive et éprouvante, la Grèce parvint sans grande difficulté à faire figurer dans la déclaration finale de la CPE un paragraphe destiné à empêcher une reconnaissance de la Macédoine, du moins sous cette seule appellation.[59]

Devenu héros national grâce à cette industrie politique manifestée dans le cadre de la CPE, Samaras ne serait toutefois plus au pouvoir à Athènes quand se produisit ce qu'il s'était ingénié à éviter, à savoir le *dissensus* européen sur le statut de l'ancienne république yougoslave de Macédoine. Cette divergence mena à l'interruption des échanges entre Athènes et Skopje décidée unilatéralement en février 1994 par la république hellénique.[60] L'attitude de la Grèce manifestait qu'au terme de près de trois années de tentatives et malgré l'entrée en vigueur de la PESC au sein de l'UE, la gestion de la question (ex)-yougoslave n'était pas encore à l'abri d'initiatives contradictoires de certains Etats membres. Censée constituer le premier lieu d'affrontement des points de vue des Douze pour les harmoniser, la PESC avait été bien incapable d'empêcher l'imposition par un seul Etat membre de mesures de rétorsion économiques qui se situaient en complet décalage par rapport à l'opinion majoritaire au sein de la CE.

De Sarajevo à Dayton: effet à long terme des sanctions économiques européennes devenues internationales?

58. La Grèce y indiquait qu'à son avis «les 'mesures positives' ne sont pas de nature à contribuer à la solution de la crise yougoslave; le fait de séparer les républiques en deux groupes, l'un qui coopère à la solution politique et l'autre pas, va à l'encontre des efforts en cours en faveur d'une telle solution. Toutefois, dans la perspective des décisions attendues à Maastricht en direction d'une politique étrangère commune, la Grèce ne fait pas obstacle à une décision tout en soulignant que celle-ci ne préjuge pas de l'attitude de la CE à l'égard de la Yougoslavie comme ensemble ni à l'égard de la reconnaissance des républiques individuelles». *Agence Europe*, n°5621, 2-3 décembre 1991.
59. Henri WIJNAENDTS révèle à ce propos (op.cit., p. 152) qu'alors que les ministres étaient sur le point de clôturer leurs délibérations, le 16 décembre, A. Samaras, «l'élégant et fougueux ministre grec, souleva le problème de la Macédoine. Tout le monde était épuisé et l'on ne voulait pas rouvrir le débat sur la reconnaissance. Samaras n'eut donc pas grand mal à faire ajouter à la déclaration ministérielle un dernier passage». Ce passage stipulait que la Communauté et ses Etats membres «demandent également d'une république yougoslave qu'elle s'engage avant qu'elle soit reconnue, à donner des garanties constitutionnelles et politiques assurant qu'elle n'a aucune revendication territoriale vis-à-vis d'un pays voisin membre de la Communauté et à ne pas conduire d'actes hostiles de propagande contre un pays voisin membre de la Communauté, y compris l'utilisation d'une dénomination impliquant des revendications territoriales» [c'est nous qui soulignons].
60. Sur ce point ainsi que sur la réaction des institutions européennes face à cette épineuse question, cf. notre ouvrage cité sur *La dimension politique des relations économiques extérieures de la Communauté européenne. Sanctions et incitants* …, pp.174-181.

Quelques mois avant l'éclatement de la phase explosive du contentieux gréco-macédonien, en revanche, une divergence de vue concernant l'opportunité d'édicter des sanctions économiques à l'égard de la Croatie avait pu se solder par un consensus, ou du moins une abstention consensuelle. L'épisode se situait dans le cadre de la lutte féroce qui opposait alors Croates et Musulmans bosniaques autour de Mostar. En juillet 1993, la France et le Royaume-Uni estimaient que l'attitude complaisante de Zagreb à l'égard des Croates en Herzégovine pouvait être sanctionnée par le biais de mesures commerciales restrictives. Mais, sans même qu'une demande formelle n'ait vu le jour, l'Allemagne s'était opposée à toute idée de sanctions contre la Croatie. Pour rallier ses collègues à son point de vue, Klaus Kinkel, successeur de Hans-Dietrich Genscher à l'*Auswärtiges Amt*, avait subtilement mis l'accent sur la nécessité de ne pas asphyxier une Croatie comptant un demi-million de réfugiés dont 80% d'origine bosniaque musulmane.[61] Il était aussi probable qu'à partir du moment où le Conseil de sécurité de l'ONU avait assumé un rôle en matière de sanctions économiques dans le conflit yougoslave, il devenait difficile à la fois d'agir en dehors de cet organe et de stigmatiser une autre cible que celle sur laquelle se concentraient les mesures décrétées par l'ONU, à savoir la RFY.[62] Ceci amène le propos à un ultime examen: ardemment désirée et largement encouragée par les Douze, l'action coercitive édictée par l'ONU a-t-elle pour autant été appropriée et efficace?

Mutatis mutandis, l'organisation universelle se trouvait, au printemps 1992, devant les deux mêmes défis que ceux auxquels la CE avait été confrontée à l'entame de l'été 1991: identifier l'agresseur alors que le conflit était multilatéral et trouver les moyens adéquats pour rétablir la paix dans l'ensemble de l'ex-Yougoslavie en forçant toutes les parties à la négociation.

L'identification de l'agresseur était plus aisée pour l'ONU dont l'intervention ne survenait qu'au moment où la désintégration yougoslave était une réalité indéniable. Mais, en plaçant la RFY dans la mire de ses résolutions contraignantes, le Conseil de sécurité ne s'immisçait, au départ, que de manière indirecte dans la conflit bosniaque. Il escomptait que la pression subie par Belgrade l'incite à influencer Pale pour que les Serbo-Bosniaques acceptent un plan de paix qui remette en cause leurs conquêtes territoriales. En soi, cet objectif des sanctions économiques internationales n'était pas clairement établi même s'il se devinait aisément au fil du temps. Ce ne serait cependant qu'à partir de 1994 qu'une discrimination serait opérée dans les mesures coercitives entre les Serbes de Belgrade et les Serbes de Pale.

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61. A ce propos, cf. *Le Soir* du 20 juillet ainsi qu'à la même date l'interview à l'hebdomadaire *Knack* de Willy Claes, ministre belge des Affaires étrangères et président en exercice du Conseil à l'époque, qui affirmait notamment comprendre le raisonnement de son collègue allemand.
62. S.L. WOODWARD note pertinemment dans son appréciation critique de l'usage de sanctions économiques internationales à l'égard de l'ex-Yougoslavie (*The Use of Sanctions in Former Yugoslavia: Misunderstanding Political Realities*, in: D. CORTRIGHT and G.A. LOPEZ (eds.), *Economic sanctions. Panacea or Peace-Building in a Post-Cold War Wold*, Boulder (Co), Westview, p.145) que «recognition that it might be counter productive to punish only one side of a multisided conflict came too late as the failure of later efforts by some to impose sanctions on Croatia as well demonstrates».

Quant aux moyens onusiens en général, s'ils étaient potentiellement plus percutants que ceux dont disposaient les Douze, ils demeurèrent largement inefficaces pour mettre fin aux conflits tant que la force militaire ne fut pas résolument utilisée, à savoir jusqu'à l'été 1995. Pendant longtemps, les sanctions économiques décidées par le Conseil de sécurité pouvaient, à la limite, renforcer les différents belligérants dans leur conviction que l'ONU n'était pas capable d'agir au delà et qu'il n'y aurait finalement pas d'intervention internationale déterminante dans les Balkans. La contrainte économique ne pouvait effectivement guère être renforcée par les missions impossibles des casques bleus et l'acheminement de l'aide humanitaire. D'où la tendance de chaque partie à conquérir ou à récupérer le maximum de territoires pour arriver avec le plus d'arguments possibles à cette table de négociations autour de laquelle tous devraient bien un jour s'asseoir.

En pareil contexte, quelle a pu être en définitive la contribution des sanctions économiques internationales à la paix de Dayton? Intrinsèquement, il est évident qu'elles pesaient sur la situation économique de Belgrade, même si le sort de la RFY n'était en rien comparable à celui de l'Irak après la guerre du Golfe.

> «*La politique de sanctions, décidée par l'Occident, produit incontestablement ses effets*. Belgrade n'est pas Bagdad. C'est une économie imbriquée dans celle de l'Europe et qui ne peut fonctionner en autarcie. Déjà, les entreprises s'essoufflent. Le chômage technique menace. […] Un grand pays, en Europe, peut-il supporter longtemps de vivre coupé du monde»,

note, par exemple, Bernard-Henri Lévy, quelque trois semaines après l'imposition des premières sanctions de l'ONU.[63] L'effet de la contrainte économique était donc visible pour les observateurs extérieurs les moins enclins à brosser un tableau misérabiliste de l'état de la RFY, tentative à laquelle les autorités officielles de Belgrade s'employaient bien évidemment.[64] Interrogé fin 1996, un diplomate bulgare, qui avait été en poste à Belgrade de 1991 à 1995,[65] résumait l'impact des sanctions économiques internationales sur la population yougoslave en un mot: «*sverc*», expression locale traduisant le phénomène du marché noir qui prospérait en raison de l'embargo.[66] Selon ce témoin privilégié, la situation était

63. B.-H. LÉVY, *Le lys et la cendre*, Grasset, Paris, 1996, p.54. Bernard-Henri Lévy, philosophe et écrivain français, a incarné l'intellectuel engagé pour la défense d'une certaine idée bosniaque, plurireligieuse et multiculturelle, loin de la défense d'identités meurtrières. Moins d'un mois plus tard, il notera encore à propos de l'efficacité des sanctions (p.74): «Belgrade sombre, lugubre, où je ne retrouve rien de la vraie vie nocturne qui, malgré la guerre, et malgré le climat de démoralisation déjà rampant, continuait d'y régner lors de mon précédent passage – un Belgrade confus, noir, où s'agitent des silhouettes fantomatiques et où je vois, tout de suite, que la politique des sanctions continue de produire ses effets» [c'est nous qui soulignons].

64. Cf., notamment, à ce propos, l'article de S. JOVANOVIC, premier conseiller au ministère des Affaires étrangères de la RFY, *International Community's Sanctions against the FR Yugoslavia*, in: *Yugoslav Survey*, 3(1993), pp.69-92, et le document du ministère fédéral yougoslave (RFY) du Travail, de la Santé et de la Politique sociale, *The Impact of the International Community's Sanctions on the Health of the Population of FR Yugoslavia*, in: *Yugoslav Survey*, 1(1994), pp.97-110.

65. Entretien de l'auteur avec Marin Raykov à Sofia, le 2 décembre 1996.

assurément difficile pour les Serbes, en ce qu'elle leur rappelait la période de privations de la seconde guerre mondiale, mais elle n'était pas tragique.

Cela étant, le diplomate avait pu constater que la population serbe attribuait ses malheurs à l'embargo plutôt qu'aux agissements du régime de Slobodan Milosevic. Habilement, ce dernier était parvenu à faire oublier que c'était lui qui avait créé le problème (l'imposition des sanctions économiques internationales) pour se présenter comme la solution de celui-ci: c'était lui qui allait pouvoir faire lever les sanctions. Dès lors, quand il s'avéra, à partir d'octobre 1994, que l'étau international était susceptible de se desserrer si Belgrade s'engageait dans la voie d'une solution politique pour la Bosnie, le président serbe n'eut guère de mal à faire admettre la distanciation opérée durant l'été 1994 entre Belgrade et Pale. C'était assurément la perspective de la levée complète des rétorsions économiques internationales qui incita à ce moment-là les autorités de Belgrade à sacrifier le soutien inconditionnel aux Serbo-Bosniaques.

Mais ces derniers n'ont véritablement été ébranlés qu'après que l'armée croate leur eut démontré en Krajina que les territoires conquis à coups de nettoyage ethnique n'étaient pas à l'abri des menées irrédentistes de la part de ceux qui en avaient été délogés. Et les frappes aériennes de l'Otan sur certaines de leurs positions en Bosnie ont fait le reste pour amener les présidents Alija Izetbegovic, Franjo Tudjman et Slobodan Milosevic à la négociation de Dayton. Les sanctions économiques internationales ont joué le rôle de coups d'épingles répétés tandis que les frappes aériennes ont fait office de coup de massue final à l'encontre de la partie la plus irréductible à toute solution politique. On peut dès lors estimer que les accords de Dayton ont été préparés par le travail de sape des sanctions économiques mais que ce dernier n'a pu être parachevé de manière décisive que par les frappes aériennes.

Conclusion

En conclusion, si la pression économique, qu'elle ait été issue de la CE ou de l'ONU, a pu à certains moments infléchir l'attitude des composantes yougoslaves, elle nécessita in *fine* d'autres moyens persuasifs pour mettre fin aux conflits. Est-ce à dire que les sanctions économiques furent inutiles? Non, elles étaient simplement insuffisantes, dans un contexte international inédit (celui de l'après-guerre froide), face à un problème nouveau: l'implosion d'un Etat. L'échec de la médiation de l'Europe communautaire en Yougoslavie entre 1991 et 1995 n'est donc pas *stricto sensu* un échec, mais plutôt une non-réussite au sens que celle-là n'a qu'échoué à jouer un rôle qui n'avait jamais été le sien, dont le texte restait à écrire mais dont les circonstances lui soufflaient le script …

66. Il était de notoriété diplomatique à Belgrade que les pays limitrophes de la RFY (Hongrie, Roumanie, Bulgarie et Grèce) violaient l'embargo international malgré leurs protestations indignées à ce sujet.

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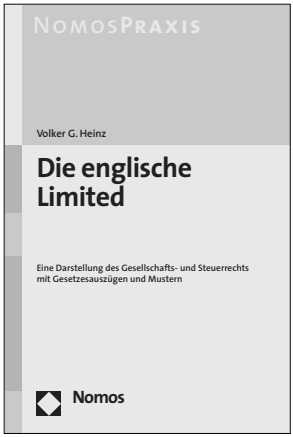

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The Road to Recognition: Germany, the EC and the disintegration of Yugoslavia 1991

Michael Libal

German policy in the Yugoslav crisis is without doubt one of the most controversial episodes of post-war German foreign policy, if not the most controversial. After the recognition of Slovenia and Croatia by the member states of the EU on January 15, 1992, critics seized upon the fact that Germany had preceded her partners by three weeks in order to vigorously denounce what they described as the "premature and unilateral recognition" of these two states.[1] Germany found herself depicted as a kind of heretic or even saboteur within the European Community and the international community at large and by some was even held responsible for the bloodshed in the Balkans. Such attitudes persist to this day.[2] In the following article I shall try to set the record straight, with particular emphasis on the role of Germany in the framework of the European Political Cooperation and with particular regard to the question as to how German behaviour affected the performance of the European Community in the field of foreign policy.

Before entering into the substance of the debate a brief reminder of the chronology of events in Yugoslavia in the summer and fall of 1991 seems to be called for, not least because many critics of the German position have demonstrated a rather cavalier attitude to the precise chronological sequence of the events on the ground and of the decisions by the international community which they provoked, although a detailed knowledge of that sequence is an absolute precondition for a judgement on the issues at hand. Let me recall that the decision of the EU in favour of recognition came on 16 December 1991. What lay before that date? After a brief war in Slovenia at the end of June 1991 intensive fighting accompanied by ethnic cleansing had started in Croatia already at the end of July and had grown ever more intense and disturbing over the following months. On 7 September the EC Conference on Yugoslavia had opened in The Hague. After the Serbs had put a de facto end to the Yugoslav state on October 3 by usurping control of the Federal Presidency, EU Foreign ministers had two days later agreed on the principle of recognition at the end of the negotiation process conducted under the auspices of the community. Five days later, on October 10, the EC presidency had set a limit of

1. Note: The present article reflects the personal views and experiences of the author who dealt with the Yugoslav crisis on the working level of the German Foreign ministry from 1991 to 1995. It does not necessarily express the official position of the German government, then and now, on the issues discussed here.
2. Typically this criticism has been widely expressed in political and diplomatic circles and has been amplified by the media. In the scholarly literature representative examples can be found in the book by S. WOODWARD, *Balkan Tragedy*, Washington D.C, 1995 and the articles by B. CRAWFORD, *Explaining Defection from International Cooperation: Germany's Unilateral Recognition of Croatia*, in: *World Poltics*, 48, 4(1996) and H.-J. AXT, *Hat Genscher Jugoslawien entzweit?*, in: *Europa-Archiv*, 12(1993).

two months for these negotiations. Serb procrastination had followed and had been accompanied by the shelling of Dubrovnik and the shocking "liberation" of Vukovar (on 18 November). And on 7 December the arbitration commission of the EC Conference on Yugoslavia in The Hague, the so-called "Badinter Commission", entrusted with arbitrating the difficult legal matters that would come up during the search for a political settlement, had recognized the disintegration of the Yugoslav Federation, thereby implicitly confirming the German view of the disappearance of the Yugoslav state and of the conflict as a Serbian war of territorial expansion.[3]

1. Germany and her partners: values, goals and (mis)perceptions

From the outset, speed, unity and effectiveness of a European response to the unfolding drama in Yugoslavia were hampered by certain fundamental divergences in the perception of the nature of the conflict and of what would constitute an adequate reaction to it. Moreover these divergences were not really discussed and analyzed in depth. While this argumentative reticence undoubtedly helped to preserve a certain facade of unity and made it easier to formulate common declarations its price was a rather low common denominator and the persistence of lingering suspicions as to the real objectives of the individual actors, if not among the political leaders then certainly among public opinion in the individual states. The ferocity with which German policies were later judged can also be explained by the failure to openly discuss the moral and political implications of the different attitudes, particularly in the light of certain historical experiences which tied some of the member states to the protagonists of the struggles in the Balkans.

Obviously the major question the Europeans had to answer for themselves concerned the exact nature of the war in Yugoslavia. The German response combined two elements: one view, particularly favoured by Foreign minister Hans-Dietrich Genscher himself, emphasized the communist-militarist character of Serbian policies as a profoundly retrograde response to the aspirations of Slovenia and Croatia to freedom, self-determination and close ties with the West. The other view, more prominent on the working level of the *Auswärtiges Amt*, focused on the nationalist, pan-Serbian character of Slobodan Milosevic's strategy as an attempt to either recreate Yugoslavia as a Serbian led state which it had been in the inter-war years or to carve out a Greater Serbian state from the ruins of Tito's Yugoslavia. Common to both positions, which in reality tended to overlap, was the resolute refusal to justify in any way the military conflict on Yugoslav territory as a more or

3. For a detailed chronological treatment of German and EC policy in the Yugoslav crisis see the first part of my book *Limits of Persuasion. Germany and the Yugoslav Crisis, 1991-1992*, Praeger, Westport, Conn./London, 1997. The memoirs by foreign minister H.-D. GENSCHER, *Erinnerungen*, Berlin, 1995, should also be consulted. For a shorter analytical treatment see my article *Krieg in Mitteleuropa. Genscher, Jugoslawien und die serbische Herausforderung*, in: H.-D. LUCAS (ed.), *Genscher, Deutschland und Europa*, Baden-Baden, 2002, pp.343-367.

less legitimate war against secession or as a "civil war" between conflicting social and political forces. The German analysis was on safe grounds here since the (powerless) central government was not a protagonist to the struggle in Croatia but had been completely eclipsed by Milosevic and his followers in league with the Yugoslav army. Moreover, on statistical and historical grounds Serbia could in no way claim to speak for Yugoslavia as a whole.[4] For Germany therefore the war was not a war of a legitimate central authority against a rebellious periphery but a war of conquest and oppression, expulsion, plunder and destruction conducted by one Yugoslav nation against another one. What was equally important: Serb treatment of the Kosovo and its Albanian majority already since 1987 was perceived as a clear indication of what was possibly in store for the other non-Serb nations. The latter were therefore completely justified in trying to escape the spectre of a communist-militarist-nationalist dictatorship by the Milosevic regime.

In German eyes it took the EC an endless time to slowly accept the well-foundedness of the German analysis. More likely than not, the reason was that Germany's major allies such as France and Great Britain looked upon the war primarily as an attempt to save the unity of Yugoslavia, possibly conducted with questionable means but not in itself illegitimate, a war moreover by a traditional ally, Serbia, against a Croatian nationalism saddled with the terrible legacy of the Ustasha state. Given the weakness of precise ethnographic and historical knowledge among many of the diplomats dealing with the Yugoslav crisis there was also a noticeable inability or unwillingness to analytically distinguish between "Serb" and "Yugoslav". But such a distinction was and remains the basis for any appropriate understanding of events in Yugoslavia since the formation of this state in 1918.

Another particularly strong element in Germany's attitude which may not have been shared to such an extreme degree by her partners was her resolute pacifism which expressed itself in the categorical rejection of force as a means of keeping Yugoslavia together. There was obviously a latent contradiction in the attitude of the EC: Taken to its logical end, a paramount desire to preserve Yugoslav unity would have had to include a willingness to condone the use of force if this turned out to be the only way left to achieve this aim. On the other hand if the frequent warnings against the use of force were meant seriously and given priority, this logically implied a readiness to accept the dissolution of the Yugoslav state if no consensus between the parties could be achieved on how to preserve its unity.

Germany was the first power to squarely resolve this contradiction by giving absolute primacy to the rejection of force, even if this, in the end, might imply accepting the dissolution of Yugoslavia. If the leadership in Belgrade and Germany's partners misunderstood this as a merely rhetorical exercise and underestimated its importance for German policy, particularly with regard to the demand for recognition, the blame for this misperception cannot be laid at the door of Germany.

4. For a detailed discussion of the place of Serbia in Yugoslavia see *Limits of Persuasion*, op.cit., chapter 15, pp.136-140.

On the other side, the German ability to convince her partners of her own analytical and moral approach to the Yugoslav crisis was seriously hampered by two factors. One was the almost frighteningly loose rhetoric about "self-determination" in the German political elite, despite the obvious discomfort this had to cause those European states which themselves had to struggle with militant minorities.[5] The other was a certain disregard for the historical liabilities of Croatian nationalism and for the memories that a Croat-German collusion inevitably had to evoke. Here too, a lack of precise understanding of the diverse historical experiences in the Balkans made itself felt.

In the end German sympathy towards the Croats was vindicated by the relentless pursuit of conquest and ethnic cleansing by the Serbs. It forced all segments of Croatian political life, not only the traditional nationalists, on the road to independence. And on self-determination German policy turned out to be much more moderate than its rhetoric seemed to announce. Genscher's first success – already a response to the growing domestic pressure – had been the insertion in the declaration of the Foreign ministers of the CSCE on Yugoslavia on June 19, 1991 of a sentence stipulating "that it is only for the peoples of Yugoslavia themselves to decide on the country's future". In theory this could have been understood as a signal that the international community was prepared to accept the claims of the different *peoples* of Yugoslavia to full self-determination including independence within ethnically defined frontiers. In fact this was not to be the case. At every point in the ensuing efforts of the EC, supported by the CSCE, the *governments* of the individual Yugoslav *republics*, and only they, were accepted as the real protagonists in the crisis and as the legitimate parties in the common search for a political solution. Given the federal character of the Yugoslav state, the historical background of the individual republics and the democratic legitimization of their leaderships in the elections of 1990 and 1991 this was a completely logical decision.

The German government itself fully stuck to this line. Thus, all that the talk about "self-determination" amounted to in reality were two things: first, to respect democratic decisions in the framework of existing political institutions, in this case the individual Yugoslav republics, about whether or not to remain in a (possibly reformed) Yugoslavia and whether to become a part of a new association of former Yugoslav republics; second, to defend the right of these republics to survive the process of dissolution of the larger state by safeguarding their own integrity and by protecting themselves against the threat of ethnically motivated violence coming from other republics or supported by them (i.e. Serbia). There was one other element in German policy which took the sting out of the loose talk about "self-determination": the resolute refusal to a priori consider the possibility of a change in the frontiers of the individual republics. Self-determination by these republics could only be exercised in the framework of the existing frontiers. It could not be combined with claims to the territory of other republics in the name of

5. This rhetoric was inspired by a thorough misunderstanding of how German reunification had come about. For a detailed discussion consult *Limits of Persuasion*, op.cit., chapter 11, pp.108-112.

national or ethnic "self-determination". Thus any aspirations towards a "Greater Croatia" or a "Greater Albania" were as unacceptable to Germany as the "Greater Serbia"-policy pursued by Belgrade. For Genscher in particular, to throw open the question of the intra-Yugoslav borders (as suggested at one point in the early summer of 1991 by the Dutch presidency of the EC) was to open a Pandora's box for the whole of Europe. Thus, from the German point of view it was not the Slovene and Croatian leaders and even less Germany herself which threatened the status quo in the Balkans and in Europe in general. It was Milosevic and the Yugoslav army with their general attack on the principles of the Paris Charta of the CSCE and on the possibility that these principles would now be applied throughout all of Europe.

But old habits die slowly. For much too long the Serbian leadership in Belgrade enjoyed the benefit of the doubt and was at least implicitly treated as if it were the defender of Yugoslav unity and not the protagonist of a solution of the Serbian question through force. At long last, in early December 1991, Germany could take heart from the first opinion of the above mentioned Badinter commission, the arbitration commission of the EC Conference on Yugoslavia consisting of five of the foremost legal experts in Europe. On 7 December the Commission answered the key question of whether Yugoslavia was faced by a process of secession or of disintegration. It squarely supported the German view by diagnosing a "process of dissolution", by enjoining the republics to settle problem of state succession according to the principles and rules of *international* law and by mentioning the possibility to create a *new* association of those republics that wished to work together. The Commission based this opinion on its analysis of the violence in the former Yugoslavia as an armed conflict *between the different elements of the federation* (my emphasis throughout). Although the question of recognition was not even alluded to, the opinion provided the single most important legal justification for proceeding with it.[6]

But had not recognition – and for that matter unconditional recognition – been a foregone conclusion for Germany already a long time before the Commission formulated its opinion? This at least is what was widely believed then and continues so until this day, supported by the recollections of some of the diplomatic protagonists of that period.[7] Here again Germany – not without her own doing – has become a victim of her own rhetoric despite the fact that her actual policies were much more cautious. There can be no doubt that domestic pressures in favour of recognition were considerable and that Genscher, at least rhetorically, was inclined to respond to these pressures as much as was possible, not least because he

6. This first opinion of the Badinter Commission ranks as one of the most important documents on the Yugoslav crisis. Nevertheless it has been consistently ignored or downplayed by the critics of German policy. The Opinions of the Commission have been published in: International Legal Materials. The reference for Opinions 1-10 is 31 I.L.M. 1488 (1992).
7. Cf. in particular the recollections by Mitterrand's adviser H. VÉDRINE, *Les mondes de François Mitterrand*, Paris, 1996, pp.606 sqq. and by former Foreign minister R. DUMAS, *Le Fil et la Pelote*, Paris, 1996, p.353.

himself shared the moral revulsion at the policies pursued by Belgrade. But for a considerable time, in fact until about mid-November 1991, his approach to the question of recognition was highly complex and essentially of a tactical nature. One should not forget that all over the summer of 1991 German freedom of action was considerably restricted: In early July 1991, on the island of Brioni, the parties to the conflict had, under EC auspices, agreed to a moratorium of three months (until 7 October to be precise) for the implementation of the declarations of independence by Slovenia and Croatia. To violate that moratorium without a general consensus in the EC was out of the question. And even after the end of the moratorium Genscher was at first not willing to envisage a unilateral German decision on recognition.

In retrospect it even seems surprising how long Genscher resisted domestic pressures for recognition. What he did refuse though, was to consider the principle of non-recognition as an absolute dogma and the questioning of that dogma as an unacceptable heresy. All through the summer and fall of 1991 he respected the refusal of the EC to recognize Slovenia and Croatia , but as a merely pragmatic decision of the EC, based on the recognition that success of EC policies depended on the individual member states abstaining from unilateral *actions* (not from expressing independent *opinions).* For the common policy of the EC after July 1991 did no longer aim at preserving the old Yugoslavia at all cost and for its own sake. The aim was to help the parties to the conflict to find a peaceful solution, possibly including a new association between the Yugoslav republics. The policy of non-recognition aimed at keeping open such an option. Gradually it lost its purpose once it became clear that Serbia was not really interested in negotiating a new constitutional order on the basis of equality with the other republics. Genscher just saw earlier than most of his colleagues that the Serbian blockade of the negotiation process rendered the principle of non-recognition obsolete.

All in all one must carefully distinguish three phases in Genscher's handling of the recognition issue. Until early August 1991 Genscher tried to insert into EC policy the *threat* of recognition as an instrument of warning and dissuasion vis-à-vis the Yugoslav army and the Serbian leadership. At the end of August, once it had become clear that Belgrade had opted for a military solution, Genscher advocated recognition as *a measure of sanction* against this policy of aggression. But in doing so he merely expressed the national (and isolated) position of Germany without seriously challenging the differing EC consensus. The third phase, characterized by a willingness in principle to consider, if need be, also a unilateral move by Germany, began only in early November 1991; this phase will be treated in more detail at a later stage. Up to this time the question of recognition played no role in the day to day conduct of policy on the working level of the German Auswärtiges Amt. Its officials (the author of this article among them) had clear instructions to work with their colleagues from the EC on the basis of the consensus established by their ministers for a peaceful and negotiated solution of the conflict.

Nevertheless it could be argued that Germany's declared sympathies for the Slovene and Croat cause weakened the overall EC position on Yugoslavia and negatively affected the negotiation process by encouraging Slovene and Croat stubbornness. But then one would have to apply this logic in reverse and ask whether opposition to the independence of the individual republics did not in fact amount to support for the Serbian war of conquest. In any case it was Serbia which refused to negotiate seriously. She could easily have called Germany's bluff by submitting an all-Yugoslav solution which at least Bosnia and Macedonia and then the international community would have considered a fair compromise. Then Germany would have been faced with the question of whether to completely isolate herself by sticking to a policy of recognition. Instead Belgrade did everything to prove Germany correct in her dim view as to Serbia's willingness to accept a peaceful compromise.

2. Instruments and obstacles, allies and opponents

At the outset of the Yugoslav crisis it was not completely clear which international institution , the EC or the CSCE would be the major instrument of the international community to deal with the crisis and to contribute to its peaceful denouement. This was certainly true for Hans-Dietrich Genscher who had just become the Chairman in office of the council of ministers of the CSCE at its meeting in Berlin on 19 and 20 June 1991. Thus Genscher's first reaction to the outbreak of fighting in Slovenia on June 27 was to propose to his EC colleagues to activate the emergency mechanism of the CSCE which permitted to start discussions on a crisis without the consent of one of the states involved in that crisis, Yugoslavia in this case. On the same day the EC itself swung into action by sending a ministerial Troika to Yugoslavia. The latter even achieved the first of the many agreements between the parties most of which were destined to remain dead letter. On July 1, Genscher, who did not belong to the Troika, took an initiative of his own by embarking on a trip to Yugoslavia to sound out the different parties. The only result of this trip, however, was to confirm his worst suspicions about the intentions of Slobodan Milosevic and his generals. On July 3 and 4, in the framework of the emergency mechanism the Committee of Senior Officials (CSO) of the CSCE met in Prague and conducted the first detailed discussion of the Yugoslav crisis in an international framework. This discussion had to be tolerated by Belgrade, but any decision of the meeting had to be accepted by the Yugoslav delegation, already under the controlling influence of the Serbian leadership. This obstacle turned out to be less critical in the case of an appeal for a cease-fire and of an endorsement of the efforts of the EC Troika to monitor the cease-fire and to assist in implementing the accompanying agreements. However, it proved deadly for the idea of a good offices mission of the CSCE to facilitate the political dialogue between the parties which would have implied nothing less than the first step towards internationalizing the process of intra-Yugoslav negotiations. The authorities in Belgrade did not reject the idea out-

right but completely emasculated it by persistently refusing to extend the necessary invitation to such a mission. They preferred to work with the Troika of the EC, possibly in the hope to find there greater sympathy for the Serbian point of view than in a CSCE chaired by the Germans. The EC for its part refrained for quite some time to force itself as a mediator on the Yugoslav parties, despite the fact that the inability of the Yugoslavs to start a significant process of negotiations among themselves became obvious very quickly. Thus, almost two months were lost until, on 7 September 1991, the EC finally convoked the so-called Conference on Yugoslavia in The Hague under its own auspices.

In any case, by early July 1991 the -temporary- predominance of the EC in Yugoslav matters had been established. No serious competition ever came from the CSCE, which remained seized of the matter but confined itself to regularly endorsing and sometimes amplifying the decisions made by the Foreign ministers of the EC. However, throughout his tenure as chairman-in-Office Genscher insisted on keeping the other CSCE states informed of EC activities and on keeping the possibility open that one or the other of them might join in these activities. This was also meant to ensure the inclusion of both the United States and the Soviet Union in the international decision-making process. The day had not yet come when the UN would make its appearance as a future partner of the EC in the efforts of the international community to bring peace to Yugoslavia.

All substantive efforts of German diplomacy were now concentrated on influencing the positions taken by the EC in the framework of European political cooperation, with frequent meetings by the Foreign ministers encouraged or even demanded by Genscher himself. All major decisions were supported by Germany: the creation of the so-called EC Monitor mission to observe the cease-fire (in reality the military situation on the ground) on July 5, the creation of the Ad Hoc Group on Yugoslavia, as a special task force of experts, on July 19, and, most important of all, the decision to convene a conference to work out a political settlement on August 27 (in fact a Franco-German proposal). On the other hand this unequivocal support could not hide German disappointment with the agonizingly slow pace of the process of decision-making in the EC which obviously reflected a persistent reluctance to adopt the German view as to the urgency of the situation on the ground and as to the real character of the continuously escalating violence as a war of Serbian aggrandizement. Genscher also failed in his repeated efforts to have the question of an eventual recognition of the dissident republics put on the agenda, at least as a threat to bring about a more cooperative attitude by Serbia and the Yugoslav army.

Cooperation with France remained an essential element of Genscher's diplomacy, maybe precisely because France as a former ally of Serbia could not be expected to automatically endorse the German viewpoint on the crisis. The most important step of EC diplomacy, the convocation of a conference on Yugoslavia and the establishment, in parallel, of the Badinter arbitration commission with the task to pronounce itself, if need be, on the more complex legal issues, were the fruit of this cooperation. Even in the last phase of the German push for recognition, in

mid-December 1991 the working relationship remained intact: the catalogue of principles for the recognition of Soviet and Yugoslav successor states adopted by the EC was the fruit of a last minute joint effort by French and German diplomats.

On the other hand German impatience and disappointment did not always contribute to harmonious relations with the EC presidency under the Dutch Foreign minister Hans van den Broek. The attitude to be taken towards the leadership of the individual Yugoslav republics was one of the issues, since van den Broek for a considerable time shared the general reluctance to accept these leaders as partners in the political dialogue of the EC with Yugoslavia, lest this would be interpreted as a move towards recognition. Genscher on the other hand had basically given up on the central Yugoslav authorities and considered – quite correctly as it turned out – that a political settlement had to be negotiated between the Serbs and the other republics. Shunning a dialogue with the Slovenes and Croats would only encourage the Serbs in their expectation that the international community would tolerate a military victory of Serbia in the guise of a war to preserve Yugoslavia. Another point of contention was the fact that Genscher continued to keep alive the issue of recognition at least as a national German position. At a meeting with Italian Foreign minister Gianni de Michelis in Venice on September 14 Genscher publicly repeated his by then quite familiar warning, that if the negotiations in The Hague were "destroyed" by continued Serb aggression the time would come for recognition. He added, however, that one first had to wait for the results of the efforts by Lord Peter Carrington (the chairman of the EC conference on Yugoslavia). The presidency chose to interpret Genscher's clearly conditional threat of unilateral recognition as a departure from a common EC position, although there was certainly no established consensus on eternal non-recognition. This reaction seemed to imply that – already before Maastricht laid down the principles of a common foreign policy – individual states, even if they faithfully stuck to the consensus of the moment in *operative* terms, were not allowed to voice national positions that *conceptually* went beyond it by pointing out possible alternatives.

It was quite surprising then, that only a few weeks later the EC Presidency in a sense stole the march on Germany by setting a deadline for the negotiation process. In the meantime two developments had changed the basic constellation: First, on October 3, the Serbian usurpation of the Yugoslav Federal presidency had signalled the factual end of the Yugoslav Federation. And second, Lord Carrington himself as Chairman of the EC Conference on Yugoslavia had come to the conclusion that it would be unrealistic to ignore the will to independence by four of the six Yugoslav republics (Serbia was already de facto independent without claiming to be so). Accordingly, with the consent of the Dutch Presidency, he finally abandoned the abstention in matters of substance which had hitherto (and for much too long a time) characterized the attitude of the EC towards the negotiation process and introduced on October 4 the basic elements of what was to become known as the Carrington Plan or Carrington Paper: Recognition should come only as the result of a general settlement which would have the following components:

- the preservation of a certain number of links between the republics in the framework of a loose association or alliance;
- adequate arrangements for the protection of minorities , possibly including special status for certain areas;
- no unilateral changes in borders.

Surprisingly enough the Serbian leadership raised no objections to these ideas (this came only after two weeks). Two days later, on 6 October, they were endorsed by the EC Foreign ministers in a meeting at Haarzuilens with the clear understanding that from now on a political solution to the crisis should be sought in the perspective of recognition. On October 10, in a meeting with the major protagonists on the Serb and Croat side it was Foreign minister van den Broek himself who pushed the accelerator by setting a deadline of two months for the negotiation process. He thus gave the parties, that is in essence the Serbian leadership, time until December 10 and thereby set in motion the process which would lead to the EC decision on December 16 (please note the exact chronology!). No EC member state objected at the time.

The meeting at Haarzuilens marked the high tide of German influence on EC decisions. Soon thereafter, in the late autumn of 1991, Germany's ability to – albeit slowly – push EC decisions in the direction of her own views came to a halt. Her partners showed a growing reluctance to stick to earlier decisions, particularly those in which they had agreed to punish the Serbs for their lack of cooperation in the conference on Yugoslavia. There was a clear danger that the international community by taking no action against the Serbs, not even a *political* one, would in the end acquiesce in a Serbian victory (quite unnecessarily the EC had already reduced the potential freedom of action of the international community by explicitly ruling out a *military* intervention at its Foreign ministers meeting of September 19, 1991). The determined German push for recognition after mid-November 1991 must be seen and judged against this background.

From early November onwards there were clear indications that the momentum towards recognition implicit in the decisions of the Haarzuilens meeting and sharpened by the two-months–deadline set by minister van den Broek was being broken. The clearest signal of this was the refusal of Lord Carrington as chairman of the conference on Yugoslavia to adhere to a decision of EC Foreign ministers of 28 October to continue negotiations only with the “cooperative” republics if Serbia persisted in her refusal to accept the principles for a political solution laid down by Lord Carrington and his advisers. For Germany any abandonment of earlier EC decisions would spell the end of a common policy on Yugoslavia and leave Germany free to act as she saw fit. Yet EC Foreign ministers, in disregard of their own earlier decisions, left the question of reconvening the conference entirely to Carrington, accepting his view that the necessary conditions for an early resumption did not exist. In reality this was nothing less than an invitation to the Serbs to continue both their war of conquest and the blockade of the conference by putting forward positions that were incompatible with the principles of the EC (and the CSCE).

This silent retreat from earlier EC positions and the passivity of Carrington himself reflected the beginnings of a decisive shift of influence away from the EC and towards the United States and a UN bureaucracy under strong US influence (at least on the Yugoslav issue). Already in mid-September the EC Foreign ministers had discussed the question of whether it was time to seize the UN Security Council with this issue with a view to getting an endorsement for peacekeeping forces, possibly coming from the WEU. However, due to strong British objections against a (European) peace keeping force, this particular concept had been shelved (though not the general idea of getting UN support for the efforts of the EC). Therefore the long story of UN involvement in former Yugoslavia started in a relatively low key on September 25, 1991 with UNSC resolution 713. The Security Council fully endorsed the efforts of the EC undertaken with the support of the CSCE. The secretary general was invited to offer his assistance to the collective efforts for peace and dialogue in Yugoslavia. At the same time the Security Council proclaimed a general and complete arms embargo with regard to Yugoslavia. Since this embargo favoured the Yugoslav Peoples'Army (JNA), by that time the unconditional ally of Milosevic and the overwhelmingly stronger and more aggressive party, the international community thereby automatically assumed responsibility for the much weaker victims of Serbia, a responsibility which, however, it thoroughly neglected in the years to come.

UN involvement in the Yugoslav crisis slowly picked up speed after the former US secretary of State Cyrus Vance had been named "special envoy" of the UN secretary general on 8 October 1991. It was probably no coincidence that soon thereafter US diplomacy emerged as a declared opponent of any moves toward the recognition of individual Yugoslav republics. At the same time Carrington, with the approval of EC Foreign ministers, shifted the focus of his efforts towards cooperating with Vance in creating the conditions for the dispatch of a UN peacekeeping force to the disputed areas of Croatia. Of course Germany had no objections to this as long as the other decisions of the EC favouring the "cooperative" non-Serb republics remained in force. Since Serbia was responsible both for the continued fighting and the blockade of the peace process the threat implicit in the two-month-deadline, which expired on 10 December, had to be translated into reality by recognizing those republics which unilaterally fulfilled the conditions laid down in the terms of the conference on Yugoslavia. This, however, ran counter to the efforts of Carrington and Vance to gain Serbian consent to their plans for the UN peace keeping mission. In consequence, enlisting the help of UN secretary general Javier Perez de Cuellar, in mid-December 1991 they launched a strong diplomatic counteroffensive against Genscher's insistent demands to put the question of recognition on the agenda of the EC. But in the end the French and the British declined to let themselves drawn into a confrontation with a partner in the EC right on the eve of an attempt to find a common line with her. Instead they opened the way for the decision on recognition on December 16, 1991.

It cannot be excluded that Vance and Carrington and their supporters saw in the UN operation a chance to return to point zero in the peace efforts in Yugoslavia by

quietly retreating from the principles established by the EC conference on Yugoslavia (and endorsed by the CSCE), particularly by accommodating Milosevic on the issue of the continuity of Yugoslavia, in other words by accepting the – fictional – identity of Serbia and Yugoslavia , the propagandistic centrepiece of the war for Greater Serbia. Of course this would have squarely contradicted the relevant first opinion of the Badinter commission and the decisions of the EC. But then, neither acknowledgement of the fundamental nature of the opinion of the Badinter commission nor adherence to earlier EC decisions were of much concern to the opponents of recognition.

Nevertheless Genscher loyally supported the efforts of Vance, and with German diplomatic assistance the latter in early 1992 was able to realize the so-called Vance plan of peace-keeping in the contested areas of Croatia. However, there was no reward for German loyalty, since the Vance plan was consistently implemented or rather non-implemented in a way which consolidated Serbian rule in these areas.[8] To a certain degree Germany had only to blame herself for this unsatisfactory outcome. Given German unwillingness to commit her own manpower resources to peace keeping in the Balkans her influence was destined to wane inexorably once policies on Yugoslavia switched from the level of rhetoric to that of managing a physical presence of the international community on the ground. This process reached its apogee after the summer of 1992, in the first years of the Bosnian conflict when Germany as a consequence of her own military abstention (not even offering to help in other crisis areas in order to compensate for the reluctance to send soldiers into the Balkans) lost every right to tell her partners and allies to what purpose they should employ their soldiers in Bosnia-Herzegovina. Thus Germany prevented herself from really contributing to an implementation of policies that logically flowed from her own rhetoric: namely to the protection, by military means if necessary, of the smaller Yugoslav republics and nations against Serbia's war machine.

Thus one of the greatest obstacles for German policies in the Balkans was a lack of credibility brought about by Germany herself. The glaring contradiction between German rhetoric and Germany' s absolute reluctance to become engaged became already clear at a rather early stage, in the summer of 1991, when the EC Monitor mission in Slovenia and Croatia was being created. At that stage the German government decided not to fall back for recruitment on the reservoir of retired military officers (the sending of active military was out of the question anyway). As a result the initial German contribution to this mission was pitifully meagre when compared to that of much smaller European states such as Belgium or Greece, a rather shameful weakness that was not lost on Germany's allies and partners.

This was all the more regrettable as the Monitor mission possibly represented the most original and creative development in the history of Europe's nascent common foreign and security policy. To create, equip and run the mission was an

8. An excellent summary of the shortcomings of the UN operation in Croatia can be found in H. WYNAENDTS, *L'Engrenage: Chroniques Yougoslaves/Juillet 1991-Août 1992*, Paris, 1993, pp.145-147

almost incredible act of purposeful and successful improvisation by an energetic Dutch presidency of a Community that did not yet possess more than the most rudimentary administrative core for pursuing a common foreign policy. In return the mission provided the Community with a sorely needed team of observers which gathered a wealth of first-hand material on what was actually happening on the ground, a development which soon worked in favour of increasing understanding for the critical attitude of Germany towards the war waged from Belgrade.[9]

Germany's reluctance to commit her own resources also inhibited her from more actively exploring the idea of sending peace-keeping forces from the WEU into the conflict areas, which, as we have seen, was briefly discussed in the early fall of 1991. Thus the stage was set for a development which increasingly relegated the EC to the side-lines of the Yugoslav conflict in favour first of the United Nations and later of the so-called "Contact Group". But before that process came to fruition the Community, almost in a last spurt, crossed the magic border-line of recognition and thereby aligned itself with the German position which from mid-November 1991 onwards had become more and more insistent. As the following pages will show, this decision on recognition was neither "premature" nor a "unilateral" German decision forced upon an unwilling community.

3. Recognition: the myth of "prematureness"

Logically the concept of "prematureness" implies the assumption of a point in time against which to measure the timeliness or untimeliness of the policy under scrutiny. How and where was German policy on recognition "*premature*" then? Was it *with regard to a continuing existence of the Yugoslav Federation?* The answer can only be no, since that state, as pointed out earlier, had practically ceased to exist in early October 1991. This in turn had left Bosnia and Macedonia the only option to follow Slovenia and Croatia into independence unless they wanted to submit to Serbian rule. "Yugoslavia" had definitively become a fiction behind which the leadership in Belgrade tried to hide its policy of territorial expansion. The first opinion of the Badinter commission, on the disintegration of the Yugoslav Federation, mentioned earlier, unequivocally reflected that state of affairs. Serbia and Montenegro by themselves could not claim to represent or speak for "Yugoslavia", the more so since Belgrade's total control over Kosovo and Vojvodina as constituent parts of the old Federation was of dubious legitimacy, to say the least.

Was recognition "*premature" with regard to the decisions of the EC* which had been taken up to early December? Such a thesis cannot be upheld in the light of where the EC stood in mid-November in terms of its own earlier decisions:

9. An indispensable source for the activities of the Dutch EC presidency are the recollections of ambassador H. WYNAENDTS, op.cit.

- in principle recognition of those Yugoslav republics wishing it was pledged at the end of the negotiation process;
- this process was to be concluded by mid-December at the latest;
- should Serbia continue to reject the principles for a political solution formulated by Lord Carrington in the name of the EC, negotiations were to be carried out without the Serbs;
- a satisfactory arrangement regarding the rights of national minorities had been defined as the central element of any political solution and as a vital prerequisites for recognition.

Logically this leads to the question whether despite the very clear decisions of the EC recognition was still "*premature" because it destroyed the last chances for a negotiated settlement*. No such chances existed because the Serb leadership was not willing to negotiate on the bases of the principles enunciated by the EC and the CSCE: no change of intra-Yugoslav borders by force, safeguarding of minority rights in all Yugoslav republics (including, of course, Serbia). Belgrade was conducting a double strategy of pretending to negotiate (but without offering any concessions in substance) while pursuing its policies of military conquest and ethnic cleansing in Croatia and preparing for the same in Bosnia-Herzegovina. Even its willingness to accept UN peace-keeping forces in the conquered Croatian territories did not reflect a desire for a negotiated political solution on the basis of equality but only the wish to consolidate the conquests achieved until then. Nonrecognition of its rivals was essential for Serbia, but only insofar as it made it easier for her to cloak her policy of territorial expansion as a legitimate war for the preservation of "Yugoslavia" while at the same time the arms embargo by the UN cemented the overwhelming superiority of the Yugoslav army and barred the actual and future victims of Serb aggression, left without international recognition, from legitimately acquiring weapons to defend themselves. Under these circumstances the idea that the non-Serb republics had to "earn recognition" (in the words of US Secretary of State James Baker)[10] lacked any logical consistency. Such a policy would only have made sense if relations had been broken off with Belgrade to begin with. For the republic which was most in need to earn recognition through a change in her policies was Serbia. But precisely with Serbia in guise of a "rump Yugoslavia" completely dominated by Serbia and governed by a clique of suspected war criminals (as was obvious already at that time) diplomatic relations were upheld! Under these circumstances to continue or –as Lord Carrington did – to merely suspend the process of negotiations without either containing the Serbian policies of conquest through a military intervention or creating equality of arms in the political field by recognizing the independence of the other Yugoslav republics would have meant to factually tolerate armed expansion by Serbia and would have seriously violated all decisions by the EC in particular those taken since early October.

But what about *the guarantee of minority rights as a precondition for recognition* which allegedly was not adequately fulfilled? This argument

10. J. BAKER, *The Politics of Diplomacy*, New York, 1995, p.638.

completely neglects the absolute refusal by Serbia to negotiate about this question, if doing so would imply that she herself would have to submit to the rules that would be defined as a result of these negotiations. Such an uncompromising attitude was completely logical since the last thing which Milosevic was ready to accept was a revision, under international auspices, of his policies in Kosovo which lay at the core of all his policies pursued since 1987.[11] On the other side the non-Serb republics understandably hesitated to enter unilaterally into commitments which Serbia herself would refuse. And most important: Belgrade was not at all interested in minority rights for Serbs in other republics. It wanted to create a Greater Serbia and no international efforts in favour of minority rights could bring about a change in this determination.

The accusation that before recognition insufficient attention had been paid to securing minority rights is particularly unjust with regard to the German commitment in this matter. After all it was a *German* diplomat, ambassador Geert Ahrens, who had drafted the crucial chapter II of the so-called Carrington paper proposing territorial autonomy and it had been Serbian intransigence which had prevented this chapter becoming the basis for serious negotiations. German diplomacy together with legal advice from a German expert on international law had been instrumental in inducing the Croats to pass a law on minority rights in early December 1991. If this law could not be implemented this was not due to German indifference or Croatian bad faith but to the simple fact that the Serbs refused to relinquish control over the areas in question. And with regard to Bosnia-Herzegovina Germany was already prepared to support a true cantonization of that country while the Bosnian Serbs, with assistance from Belgrade, were preparing the division of the country by force.

This leads us to the last question that remains unanswered: the question of the "*prematureness" of recognition with regard to the unsettled situation in Bosnia-Herzegovina*. Fear of an incendiary effect of recognition on the simmering tensions in that republic was undoubtedly one of the strongest arguments raised against it. Once Slovenia and Croatia were recognised, the recognition of Bosnia-Herzegovina was a logical and unavoidable consequence, although it came four months later and was much less disputed among the Twelve than the earlier decision of December 16. Germany was not the driving force here (rather this was the US), but given the antecedents she cannot refuse to share responsibility for this decision. The main argument of the critics that the policy of recognition set in motion on December 16, 19991 *caused* the catastrophe in this republic is based on two dubious premises. The first is, that the Serb revolt in Bosnia was the result of recognition and could have been avoided if recognition had been withheld. This argument confuses the temporal sequence with a causal relationship and form with substance. Serb opposition to recognition merely expressed a profound aversion to

11. In this context the fact that in truth the Kosovo issue was not a minority problem but concerned the legitimacy of direct Serbian rule over the Albanian *majority* in Kosovo, is not relevant, but should be kept in mind.

the idea of a Bosnian state distinct from a re-centralised Greater Serbian "Yugoslavia". The Serb nationalists had one single objective: the virtual destruction of the republic either by incorporating it into a Greater Serbia or through amputation of a large part of its territory. Long before recognition they had created the necessary military, institutional and administrative conditions for the partition of the republic and for a policy of apartheid or expulsion with regard to the other two nations. Recognition merely presented them with the long awaited pretext to set in motion the military machine that Belgrade had placed at their disposal. Postponing recognition would only have delayed that moment of truth and left the Moslems and Croats at the mercy of Serb nationalism. It would not have changed anything with regard to the basic constellation of the conflict.

This also invalidates the second dubious premise advanced by the critics of recognition – that the international community should have waited for a solution to the so-called constitutional question in Bosnia. Given the circumstances at the time, this amounts to saying that the West should have waited for an understanding between Sarajevo and Belgrade on the internal order in Bosnia and its future position in a new Yugoslavia founded by Belgrade. In short, it implies that the Moslems and Croats in Bosnia should have accepted Serbian domination in a smaller "Yugoslavia". There are those who argue that Bosnian independence would have needed a consensual decision, including consent by the Serbs. In fact, they make the case that one-third of the population should have been entitled to force the other two-thirds to form a new state together with the Serbian Serbs. For remaining in the old Yugoslavia was no longer the issue: that state had already dissolved into its components, and Serbia was but one component of that vanished state. Belgrade, however, was not prepared to recognize this fact and to negotiate with the government of Bosnia-Herzegovina on an equal footing, respecting at least the existence of a separate Bosnian state in the centuries-old borders (older than those of Serbia) restored by the Titoists after 1945. Supported by the disproportionately large army contingent present in Bosnia, Belgrade would have exploited any situation in which the fate of the Bosnian state was kept in limbo to wage a political war of attrition against the Sarajevo government, until the Moslems and Bosnian Croats had either submitted or, out of despair, had themselves provoked a military confrontation.

In sum, no amount of waiting and of trying to conciliate the Serbian leadership by withholding recognition from the non-Serb republics would have motivated the Serb nationalists in Belgrade, Knin, and Pale to forego their aims. They were not willing to settle for a peaceful solution on the basis of the principles that the international community had established since the first days of the conflict. If the international community in the late fall of 1991 wanted to remain true to these principles and decisions in the face of Serb obstinacy, recognition was the unavoidable consequence. It was neither a reward for secession nor a sacrifice to the principle of self-determination under German influence. If the issue had been one of secession from a functioning or at least potentially functioning democratic state, it is highly doubtful that recognition would have been granted. It was granted

because the international community gradually realized that the nationalist and nationalist-communist leaders of the Serb nation were using the "Yugoslav" mask only to wage their own war of conquest, and because to continue pretending to ignore this fact would have meant a loss of face for all the states committed to the peace process in Yugoslavia.

4. Recognition: The legend of unilateralism

The accusation that Germany in recognizing Slovenia and Croatia acted unilaterally, broke ranks with her European partners and in the end "forced" them to follow suit is as unfounded as the myth of the "premature" recognition. As I have pointed out in the last chapter recognition had already been established in principle and the deadline for achieving a negotiated settlement had been fixed for December 10, 1991. But suddenly Helmut Kohl and Hand-Dietrich Genscher were faced with the prospect that Lord Peter Carrington, by putting the negotiations on hold, in fact made Slobodan Milosevic master of ceremonies. For Lord Carrington, by permitting the Serbs to continue their blockade of the negotiation process, left the non-Serb republics in a legal limbo facing the military and political onslaught of a power which was tacitly allowed to claim to represent the sole legitimate authority on the soil of the former Yugoslavia and which, owing to the arms embargo, was left in possession of a potentially overwhelming military strength.

Such a policy was now less than ever acceptable to Germany as the conquest of Vukovar by the Serbs in mid-November 1991 and the atrocities which accompanied it had raised dissatisfaction in German public opinion with the passivity of the EC to a new pitch. Only now, after four months of a relentless Serb advance and when faced with the retreat of the EC from earlier decisions (an underhand violation of the EC consensus, but a violation nevertheless), did the German government contemplate the possibility to go ahead with recognition on its own or with a group of like-minded states. But at the same time it was determined to remain faithful at least to the substance of the earlier decisions by the EC. Genscher found a rather simple way out of this dilemma: if the individual Yugoslav republics before the expiration of the deadline set by the EC presidency, i.e. before December 10, 1991, committed themselves unilaterally and voluntarily to implement the principles of the Carrington Plan, particularly with regard to the rights of national minorities, they would thereby fulfil the criteria of the EC for recognition. At least with regard to the substance of earlier EC decisions this would provide the necessary political legitimacy for their recognition by Germany.

The Croats themselves held the key to the success of this strategy. On 4 December 1991 the Croat parliament adopted, with assistance from a German legal expert, a law on national minorities which according to that expert went further than similar laws in Europe and essentially conformed to the requirements for local political autonomy set by Lord Carrington. Other developments further

strengthened the German position: an agreement between the Croats and the Yugoslav army on December 8 brought to an end the so-called "war of the barracks" in which the Croats had blockaded barracks in the Croatian heartland still held by the JNA. This put an end to the argument that the Croats were responsible for the hostilities on their own territory and refocused attention to where it belonged, namely on the Serbian advance in the disputed areas of Croatia. This process was assisted by a sensational report of the EC Monitor mission, conveniently leaked to the press, which emphasized the complicity of the Yugoslav army with the strategy of terror and ethnic cleansing pursued by the Serbian irregulars. And last but not least the already quoted opinion of the Badinter commission of December 7 cut the ground from under the feet of those who would have liked to continue to treat the war in Yugoslavia as a legitimate war of secession against a rebellious periphery and implicitly confirmed the German thesis that Europe was confronted not with a civil war but with a war for Greater Serbia.

Thus by mid-December Kohl and Genscher felt completely justified in putting the question of recognition on the agenda of European diplomacy. The dire warnings by Lord Carrington and Perez de Cuellar all suffered from one essential defect: they said nothing about how to respond to and contain the Serbian policy of conquest. But Germany was not willing to let the EC indulge in passivity until the international community would be ready to ratify a Serbian victory. Her determination to go it alone if necessary spurred her partners into considering a common decision in this matter in order to preserve the unity of the EC. And this is exactly what happened, albeit with great difficulties, in the night from 16 to 17 December 1991 in Brussels.

Up until then, Germany had loyally stuck to the consensus principle and, despite considerable domestic pressure, had resisted any temptation for a unilateral decision. She had seen to it that the Maastricht summit would not be burdened with the Yugoslav issue and had not pressed for a quid pro quo on these matters, as is sometimes alleged. There was no need for such a quid pro quo, since Germany, having made clear her intention to proceed with recognition before Christmas, was not in a demander position. But she still preferred a common decision, and with Maastricht having reaffirmed the cohesion of the Community, the government in Bonn now felt more than ever entitled to move the consensus towards recognition by asking its partners to draw the obvious conclusions from all the earlier decisions that had been jointly taken.

This is exactly what happened in Brussels on 16 December. The EC Foreign ministers placed Serbia and Montenegro on a par with the other republics by laying down general guidelines that would apply to all republics. Recognition of their independence was made dependent above all on the acceptance of the principles contained in the Carrington Plan and on continued support for the peace process. Implementation of the decision to recognize was foreseen for 15 January, after the Badinter commission had given its advice as to the credibility of the assurances that would accompany the applications for recognition.

In contrast to all other EC states, Germany did not wait to take note of the views of the Badinter commission before she recognized Croatia and Slovenia on 23 December 1991, three weeks in advance of the rest of the EC. Much has been made of the allegedly "premature", "unconditional," and "unilateral" character of that German decision. In reality it was nothing of the sort; certainly not with regard to the situation in Yugoslavia or the substance of the EC decision. As already pointed out, it was not "premature", because there was nothing left to wait for that would have justified measuring such a decision in time as being premature. It was not "unconditional" and did not disregard EC requirements, because Germany herself, in the weeks leading up to recognition, had largely formulated the conditions for recognition in the absence of a general settlement blocked by Serbian rejection of the Carrington Plan. And it was not "unilateral", because it was firmly embedded in a consensual decision that had settled the matter once and for all. Germany, therefore, had no need at all to "force" by means of a "unilateral action" her partners to "follow" her with a policy on which they otherwise would not have embarked.

That Germany did not proceed unilaterally is true even with regard to the peculiar timing of her own act of recognition, although the general acquiescence to this was not expressed in written form. The text of the decision of 16 December did not stipulate that the acts of recognition by individual EC member states on (or after) 15 January would necessarily be joint ones; and, at the end of the day, the common (oral) understanding was that each member state would proceed on its own in the light of the advice of the Badinter commission, but not bound by it, either in a positive or a negative sense (which, in theory, even left open the possibility that one or the other member state might not recognize). Most important: Genscher did not leave his partners in doubt about German intentions to go ahead more quickly, and they in turn did not oppose them as being in contradiction with the consensus that had been reached.

It would be more appropriate, then, to characterize the German act of recognition on 23 December as a preannounced and tolerated anticipatory consummation of a common decision that was – correctly, as it turned out – perceived as irreversible. Anticipating by three weeks one's own implementation of this common decision was above all a gesture for the domestic audience. By itself it had no effect whatsoever on developments in Yugoslavia and none on international cooperation regarding the crisis, as some theorists of an alleged "defection" of Germany from multilateral cooperation have claimed.[12] After all that had happened in Yugoslavia – and had been allowed to happen – patience in Germany had simply run out. There may also have been some concern that, if Germany waited any longer, she might risk finding herself trapped in a situation where one or the other EC states might attempt to backtrack on the decision of 16 December or try to delay its implementation. The German government had committed itself to recognition before Christmas. In hindsight, to stick to that

12. Cf. in particular the article by B. CRAWFORD, op.cit., pp.482-521.

deadline under any circumstances may not have been the wisest of decisions, since it gave rise to not a few misunderstandings and opened a flank to the detractors of German policy. However, these critics always overlook the essential point: Germany's anticipatory gesture of 23 December was part and parcel of the consensus reached on 16 December. Those unhappy with "early" recognition may criticize the Foreign ministers for accommodating the Germans in this matter by reaching a rather muddled and confusing compromise that was not very transparent to the outside. But there was – and is – no real justification for any surprise or indignation about the German behaviour as allegedly representing a break with the consensus principle.

Such criticism could be explained by the fact that its authors may not have bothered to inform themselves fully on all the elements of the understanding reached on 16 December. On its side, the German government probably overestimated its own capacity to make these intricacies understood and plausible. It certainly underestimated the psychological impact of what looked to less-informed outsiders not so much as a special privilege demanded by Germany and grudgingly accorded by her partners, but a deliberate and ominous "break" with the rules of a common European foreign policy by an overassertive, postunification Germany (although the Maastricht Treaty was not yet even in force). To the historian, this particular scrutiny of German policy may not come as a surprise. Yet, the persistent and sometimes almost obsessive critique of Germany's "unilateralism" in not waiting three weeks longer, which one encounters in some of the literature and – to this day – in many conversations, seems strangely out of proportion besides the real and much more disturbing problems for European peace and stability posed by Serbian behaviour at that time and in the years to come.

A more serious case that – theoretically – could and still can be made against the German government is that while it was not formally bound by the advice of the Badinter commission, it nevertheless gave the impression of being indifferent to possible objections by it. However, it turned out that the government was proven right in its openly declared confidence that it was basically in step with the commission. Bonn was justified in believing the risk to be very small that the commission would raise objections to the recognition of Slovenia and Croatia and would thereby cause a rift between Germany and her partners, which had been avoided on 16 December. As Foreign minister Genscher informed his colleagues during that meeting, the German government had already come to a positive assessment of Croatian commitments concerning minority rights and expected the Badinter commission to come to the same conclusions. In the end, these were not as unequivocal as Germany's, but they were positive in principle. After the Croatian government clarified its position on the one reservation expressed by the Badinter commission, the latter's advice was deemed sufficiently positive to warrant the recognition of Croatia by the other member states of the EC. This did not signal a modification of the original conditions as a concession to Germany. The conditions for recognition set by the decision of 16 December did not imply practical fulfilment of detailed demands in the field of

human and minority rights, but only acceptance of certain general commitments and specific provisions (of the Carrington Plan); and only the credibility of this acceptance in the light of already existing legal provisions in these countries was assessed by the Badinter commission-moreover, in an advice that would not be binding on the EC member states.

By 15 January 1992 it had become clear that despite her impatience, and however questionable and in the end counterproductive this impatience may appear in retrospect, Germany had not moved herself outside the EC consensus as it had been established a month earlier.

Conclusions

EC policy on Yugoslavia in 1991 and particularly the German part in it easily lend itself to scathing criticism. However, one should not forget that the member states of the EC were suddenly confronted by an absolutely unique situation for which they were not prepared (or had not prepared themselves in time) and which each of them faced with different perceptions of the nature of the crisis based in part on particular historical memories and past loyalties. Under these circumstances one should recognize the remarkable fact that after some hesitations the EC reacted quite creatively by installing the Monitor mission on the ground and by bringing the parties together in a conference organized, chaired and also guided in matters of substance by representatives of the EC. The decisive stumbling block for the EC was the fact that, as developments after the summer of 1992 definitely showed, any Balkan diplomacy by the West without a credible threat of military intervention was destined to fail. This automatically shifted the burden of dealing with the Yugoslav crisis on institutions like the UN and NATO and on the militarily leading power of the West, the United States.

This intrinsic weakness of the EC which did not dispose of any military instrument with which to impose its will was not Germany's fault in particular. However, it was exacerbated by the fact that Germany was the most vocal defender of policies which logically implied the necessity to contain Serbia's strategy of conquest and expansion by military means if necessary. Germany' s pronounced reluctance to commit human resources in order to directly or indirectly facilitate a more robust international policy of peace-keeping or even peace-making in the Balkans undermined the credibility of her vociferous rhetorical engagement and thereby fatally reduced the weight of the EC which initially had entered the scene as the major international player in the Yugoslav crisis. This, in my view, is the major criticism which from a European point of view, can be legitimately directed against German policy in 1991. In contrast, as I have explained in detail on the foregoing pages, what cannot be sustained is the accusation of having broken the EC consensus and ruined political cooperation in Balkan matters by acting unilaterally.

Without doubt German behaviour in the Yugoslav crisis was characterized by a hitherto unknown and therefore quite surprising assertiveness, which incidentally was based not on a clear sense of national purpose but on a more diffuse but very powerful moralistic reaction to the events in the former Yugoslavia. But that assertiveness did not automatically imply defection or sabotage with regard to the efforts to preserve a common European position. Rather, that position was undermined by those who in November 1991 moved away from earlier EC decisions and tried to utilize the growing involvement of other international actors such as the UN and the United States in order to let these earlier decisions fall into irrelevance. If the net result of that shift away from the EC had been a growing readiness of the larger international community to militarily intervene against the Serbs it might have been perfectly acceptable. But the spectre on the horizon was appeasement of Belgrade which was perceived as the aggressor by Germany. The final readiness of the German government to contemplate unilateral recognition of Slovenia and Croatia, was nothing but a reaction to this creeping erosion of earlier EC decisions.

In the end this readiness was not put to the test since the gap which thus threatened to open between the Germans and the majority of her partners in the EC was closed in time by the Foreign ministers themselves in their meeting on 16 December. Germany herself took great pains to secure a common decision based on consensus and waited with her own decision until that consensus had been achieved. Recognition was a decision made jointly by the Twelve that were soon joined by a host of other countries, not least the United States. The suggestion that eleven out of twelve European states acted blindly and bowed to German pressure against their better judgement and own interests implies an extremely unflattering and in any case thoroughly unjustified perception of these governments. No one was forced to follow the German line of reasoning and accept the logic of recognition, but given the disappearance of central authority in the former Yugoslavia and the transparent attempt by Serbia to usurp that authority in order to legitimize her own war of conquest against other republics, it was difficult to avoid such a step. Hence those who questioned recognition because they rejected the obvious implications in that decision (the necessity to defend the smaller Yugoslav nations, particularly the Bosnian Moslems and the Albanians in the Kosovo against conquest, mass killings and ethnic cleansing) should have argued with their own governments and not with the German one. Instead the “black legend” of recognition was spread increasingly after the catastrophe in Bosnia in order to deflect attention from the key issue of Serbian expansion. How true the German analysis of Serbian policies had been all along was, however, implicitly confirmed by NATO's war against Serbia in 1999, a war, which, certainly from the point of view of Serbia's earlier victims, came seven years too late. For that, and for that only, Germany must also accept a share of responsibility.

La France et la crise yougoslave jusqu'au traité de l'Elysée (1991-1995)

Joseph Krulic

La photo du traité de l'Elysée (14 décembre 1995) qui rend officiels, en droit international public, les accords de Dayton (21 novembre 1995), où Jacques Chirac figure avec John Major, les représentants des Etats-unis, de l'Allemagne, de la Russie, Slobodan Milosevic, Franjo Tudjman, Alija Izetbegovic, souligne le rôle à la fois central et périphérique de la France dans la crise yougoslave de 1991 à 1995.

Central par l'importance des initiatives diplomatiques dans les diverses institutions et cercles d'influence internationaux où son action s'inscrit. Central par l'importance du contingent français dans les forces de l'ONU en Croatie et en Bosnie. Mais périphérique dans la mesure où le pays qui, comme Charles de Gaulle le remarquait dans ses *Mémoires de guerre*, veut tenir son «rang»[1] diplomatique hérité d'une longue histoire, ne peut imposer ses vues, ni dans la Communauté européenne, alors qu'au début de la crise yougoslave, s'est conclu le traité de Maastricht, ni à l'ONU, dont elle demeure, membre permanent du Conseil de sécurité, même si dans le cercle restreint du «groupe de contact» qui s'est constitué en mars 1994,[2] l'influence française ne fut pas négligeable.

I. La Phase «européenne» de la guerre

Jacques Poos, ministre des Affaires étrangères du Luxembourg et membre de la troïka,[3] s'est rendu célèbre, peu avant les accords de Brioni (7 juillet 1991) en déclarant, le 28 juin 1991: «l'heure de l'Europe est venue». La France a voulu participer à cette «heure», mais sa culture politique propre, nettement distincte de celle de l'Allemagne, comme l'absence de vraie force militaire européenne et, en

1. Titre d'un des chapitres où le général De Gaulle analyse la politique internationale en 1944-1945. Ch. DE GAULLE, *Mémoires de guerre*, t.3, Plon, Paris, 1959, p.201.
2. Ce groupe est formé des 4 Etats vainqueurs de 1945, membres permanents du Conseil de sécurité, et de l'Allemagne.
3. Du fait de le présidence semestrielle dans la communauté européenne, la «troïka» comprend les ministres des Affaires étrangères du pays qui a présidé, qui préside et qui présidera l'Europe communautaire. Le 28 juin 1991, la Troïka comprenait Giovanni De Michelis (Italie), Hans Van Den Broek (Pays-bas) et Jacques F. Poos (Luxembourg). Du 1er juillet 1991 au 31 décembre 1991, les Pays-Bas présidaient, et pendant les six premiers mois de 1992, le Portugal prenait la relève. L'Italie présidait pendant le dernier semestre de 1990, le Luxembourg le premier semestre de 1991 (voir H. WYNAENDTS, *L'engrenage. Chroniques yougoslaves*, Denoël, Paris, 1993) Henri Wynaendts fut l'ambassadeur spécial des Pays-Bas dans cette zone «yougoslave» pendant les six mois de la présidence néerlandaise.

tout cas avant le traité de Maastricht,[4] de politique étrangère et de sécurité commune, ont rendu vite inopérant le rôle de l'Europe dans la crise yougoslave. On peut considérer que le plan Vance qui entre en vigueur, par l'installation d'une FORPRONU[5] au début du mois février 1992 en Croatie, inaugure une phase où l'ONU joue le rôle dominant, qui se prolongera jusqu'au mois de mars 1994 dans sa plénitude et, dans une certaine mesure, jusqu'au mois de juillet 1995, où l'action directe des Etats-Unis et de l'OTAN devient prépondérante.

Cette phase européenne a, elle-même, comporté un aspect diplomatique, un aspect juridique partiellement lié au précédent, le tout influencé ou déformé par le poids de l'opinion publique et des relais médiatiques et intellectuels.

L'aspect diplomatique au sens strict fut bref et a vite tourné à l'impuissance. Le succès initial de la troïka européenne, qui s'est traduit par la signature de l'accord de Brioni (7 juillet 1991)[6] entre les protagonistes du conflit naissant (la République de Slovénie, la République fédérale de Yougoslavie, la République de Croatie, la République de Serbie), a vite tourné à la paralysie. La communauté européenne a nommé une commission composée des présidents des cours constitutionnelles des principaux pays composant la communauté.[7] Sa mission était de prononcer des avis sur le respect des normes juridiques européennes par les républiques aspirant à l'indépendance, ainsi que sur la situation de la fédération du point de vue de sa désagrégation juridique. La Commission était présidée par Robert Badinter, président du Conseil constitutionnel en France, et le principal rédacteur en était Alain Pellet, professeur de droit international public à l'Université de Paris X-Nanterre. Le contenu des avis a été marqué par une influence française, mais avec une inflexion européenne qui rend cette influence méconnaissable si on se réfère au modèle français centralisé et unitaire.

En effet, si on examine le contenu des avis de la commission Badinter, publiés les 29 novembre 1991 et 11 janvier1992,[8] on ne peut qu'être frappé par le caractère mixte de l'inspiration. D'une part, une référence sur les «citoyens» au sens français, comme l'avis sur l'indépendance de la Bosnie, d'autre part, qui comporte le rappel des principes du Conseil de l'Europe et celui du droit des minorités considérées comme un élément du *Jus Cogens*, un principe du droit international public défini par les articles 52 et 53 de la Convention de Vienne sur le droit des

4. Le traité de Maastricht fut rendu public au Conseil européen le 16 décembre 1991, et signé le 7 février 1992.
5. Sigle français de la force de l'Onu (en anglais: *UNPROFOR*).
6. Les accords ont été décidés le 7, mais s'appliquent à compter du 8 juillet 1991 et prévoient un régime transitoire de 3 mois de gel des indépendances des deux républiques du Nord (Slovénie et Croatie) jusqu'au 8 octobre 1991.
7. Le Royaume-Uni n'a pas de cour constitutionnelle et la commission n'a pas de membre britannique.
8. Les avis du 29 novembre portent sur la situation de la fédération yougoslave dans son ensemble, que la commission estime être en état de dissolution, et les avis du 11 janvier 1992 sur les reconnaissances de chacune des républiques, dont par exemple l'avis n°4 sur la reconnaissance de la Bosnie-Herzégovine. Cf. B. DELCOURT et O. CORTEN, *Ex-Yougoslavie: droit international, politiques et idéologies,* éd. Bruylant, Bruxelles, 1998.

traités du 23 mai 1969. Le Jus Cogens, en droit international, définit les principes auxquels nul traité ne saurait déroger. L'exemple typique du Jus Cogens est l'interdiction de l'esclavage: un traité tolérant l'esclavage serait, au regard du Jus Cogens, nul de plein droit. Selon l'interprétation de la commission Badinter, il en résulte que nul traité ou constitution, dans cette région de l'ex-Yougoslavie, ne saurait déroger au droit des minorités.

Or, le droit des minorités provoque, on le sait, plus que des réticences dans la tradition française, inséparablement politique et juridique. D'autre part, La France a émis des «réserves» au sens juridique du mot[9] sur le Jus Cogens lors de la ratification de la Convention de Vienne sur le droit des traités, ce qui signifie qu'elle ne reconnaît pas cette notion, faute d'avoir ratifié les articles en cause de cette convention de Vienne du 23 mai 1969. Certes, la commission Badinter n'est pas une commission uniquement française. Mais cela montre que la France, en tant qu'acteur de la crise yougoslave, tend à exporter un modèle contradictoire, décalé par rapport à son modèle intérieur, lui-même en évolution constante sous la pression des modèles du droit européen, au sens le plus large possible, c'est-à-dire à la fois le droit communautaire et le droit de la Convention européenne des Droits de l'homme.

Mais la décision de reconnaître les deux républiques du Nord de la fédération en décomposition, comme les autres qui allaient suivre, n'a été prise, après une longue controverse franco-allemande, qu'au Conseil européen du 16 décembre 1991. Les termes de la controverse sont connus et ont été longuement exposés par les protagonistes notamment Roland Dumas,[10] et Hubert Védrine,[11] principaux collaborateurs de François Mitterrand sur le dossier yougoslave. Ce dernier se souvient des craintes qu'avait, en juillet 1991, le président français sur le risque d'une extension du conflit en Europe. Roland Dumas, ministre des Affaires étrangères de mai 1988 en mars 1993, dans une interview télévisée du 15 septembre 1991, déclare que le conflit «constitue comme une expérience presque de laboratoire par rapport à tout ce qui va se passer en Europe».

La France, Etat unitaire et centralisé, ne voulait pas précipiter l'effondrement de la fédération et, en tout état de cause, voulait obtenir des garanties sur le droit des minorités dans le cadre de frontières, anciennes ou nouvelles, des nouvelles républiques. François Mitterrand récusait l'accusation d'être «pro-serbe», dans la mesure où il se voulait «pro-yougoslave».[12] Il jugeait, au début de la crise,

9. Une «réserve» en droit international public permet, pour un des Etats qui adhère à un traité ou à une convention, d'empêcher la signature et la ratification d'une partie d'une convention internationale ou d'un traité, ce qui a pour effet qu'il ne lie pas l'Etat en cause sur ce point, alors même que cet Etat aura ratifié le reste du traité.
10. R. DUMAS, *Le fil et la pelote,* Mémoires, Plon, Paris, 1996, p.352. Voir également l'interview de Dumas à la chaîne de télévision TF1, le 15 septembre 1991.
11. H. VÉDRINE, *Les Mondes de François Mitterrand*, Fayard, Paris, 1996, notamment le chapitre «la tragédie yougoslave», et surtout la page 607 sur les craintes du président français d'une guerre en Europe.
12. H. VÉDRINE, op.cit., p.630.

c'est-à-dire entre le 25 juin 1991 et la conférence de Brioni du 7 juillet 1991, indispensable le maintien de la fédération pour la stabilité des Balkans.[13] Pour lui, le fédéralisme était défendu par les Serbes contre les républiques croate et slovène, dont les «sécessions» ne pouvaient intervenir unilatéralement et sans conditions. Certes, dés le mois de juillet 1991, son opinion évolue à la lumière des faits. Dans son interview télévisée pour le 14 juillet 1991 et surtout dans la conférence conjointe avec le chancelier Helmut Kohl du 23 juillet 1991, à Bad Wiessee, il reconnaît que la «fédération ne peut subsister sur la base de la force», qu'elle doit se transformer dans le respect des grands principes du droit international en souhaitant «ralentir, pour l'encadrer et la canaliser, cette désintégration yougoslave».[14] Le président français s'est alors rallié au principe d'une reconnaissance conditionnelle des républiques aspirant à l'indépendance, en fonction du règlement préalable des problèmes de frontières et de minorités. C'est dans cet esprit et dans ce contexte, nous l'avons vu, que fut créée la commission d'arbitrage, ou «Commission Badinter».[15] Dans cette logique, le président français a refusé d'interpréter le conflit serbo-croate comme une agression de la part des Serbes, préférant s'en tenir à l'idée qu'il existe un partage de responsabilité entre un pouvoir fédéral soucieux de maintenir l'intégrité et des républiques «sécessionnistes». Dans une interview au journal allemand Frankfurter Allgemeine Zeitung, du 14 décembre 1991, il déclare:

> «Vous me demandez qui est l'agresseur et qui est l'agressé? Je suis incapable de vous le dire. Ce que je sais, c'est que l'histoire de la Serbie et de la Croatie, depuis longtemps, est remplie de drames de ce genre. Notamment, lors de la dernière guerre mondiale, les Serbes ont eu beaucoup de personnes tuées dans les camps croates. Vous savez que la Croatie faisait partie du bloc nazi et pas la Serbie».

Cherchant davantage «des solutions que des coupables»,[16] il craint pour le sort des minorités serbes de Croatie. Il a voulu limiter, dans la mesure du possible, la dislocation de la fédération et, corrélativement, la guerre. Il n'envisageait pas de faire «la guerre aux Serbes». Cette attitude ne fut pas comprise par les Allemands et a été critiquée par une partie de l'opinion française, et l'on entend par-là à la fois des hommes politiques comme Jean-François Deniau et des intellectuels les plus divers, dont l'exemple plus évident est la revue Esprit[17] mais il faut préciser que s'il a toujours refusé de considérer les Serbes comme agresseurs dans le conflit serbo-croate, il a fini par les reconnaître comme tels dans le conflit bosniaque lors de la conférence des chefs d'Etat et de gouvernement européens de Lisbonne(26-27 juin 1992).[18]

13. Ibid., p.603.
14. Ibid., p.613.
15. La «commission Badinter» a été créée et définie par la «déclaration sur la Yougoslavie» (réunion ministérielle extraordinaire de coopération politique européenne, La Haye, 3 septembre 1991) et la déclaration des ministres des Affaires étrangères à la conférence de La Haye, le 7 septembre 1991.
16. H. VÉDRINE, op.cit., p.603.
17. La revue *Esprit* a fondé le comité «Vukvar-Sarajevo», puis le «comité Kosovo», dont les membres les plus connus sont Pierre Hassner, Olivier Mongin et Antoine Garapon, qui entretiennent des relations avec les essayistes ou philosophes comme Alain Finkielkraut, André Gluksmann, Claude Le Fort, etc.
18. *Le Monde*, 28-29 juin 1992.

Le point de vue allemand a été bien résumé par un expert allemand travaillant à l'IFRI (Institut français des relations internationales), en France, Hans Stark:

> «Alors que moins de cinq pour cent des habitants de Yougoslavie se sont déclarés 'yougoslaves' lors des derniers recensements, pour la France, dont la tradition centralisatrice et jacobine est si opposée à la notion d'Etat multinational, il ne semblait y avoir en Yougoslavie que des yougoslaves, de même que l'URSS n'était peuplée que de Soviétiques. De là à faire l'amalgame entre Yougoslaves et Serbes, il n'y avait qu'un pas à franchir, qui le fut d'autant plus facilement que Belgrade était la capitale à la fois de la Serbie et de la Yougoslavie; aussi, malgré les agissements du président de la Serbie, Slobodan Milosevic, arrivé au pouvoir en septembre 1987, la responsabilité de l'éclatement de la Fédération yougoslave n'incomberait qu'aux seules républiques de Slovénie et de Croatie, qualifiées le plus souvent de 'sécessionnistes' par la presse française. D'ailleurs, la Croatie ne mérite-t-elle pas son destin pour avoir été oustachie il y cinquante ans? Enfin, du moins jusqu'en septembre 1991, l'exécutif français, dans son refus de distinguer l'agresseur de l'agressé dans un conflit qualifié de 'guerre de tribus' a défendu l'intégrité d'une fédération, morte depuis des mois déjà».[19]

L'Allemagne, poussée par son opinion publique, considérait que des peuples aux identités culturelles et politiques différentes, avaient le droit de se séparer, comme les Allemands avaient voulu se réunifier.

Il faut, toutefois, reconnaître que la France et notamment François Mitterrand et Roland Dumas ont eu le vif souci d'un compromis possible avec l'Allemagne. C'est sur l'initiative de la France que fut adoptée par la conférence des douze chefs d'Etat et de gouvernement européen la «déclaration sur les lignes directrices de la reconnaissance de nouveaux Etats en Europe orientale et en Union soviétique». Il est vrai que le même jour, l'Allemagne a fait savoir qu'elle allait reconnaître la Croatie et la Slovénie sans attendre l'avis de la commission Badinter. Les dirigeants français n'ont pas apprécié cette décision perçue comme unilatérale.[20] La divergence franco-allemande ne fut pourtant pas le seul facteur de division au sein de la communauté ou de l'union européenne.[21]

La France s'est, très vite, déclarée favorable à une force d'interposition européenne. Le 24 juillet 1991, soit près d'un mois après les déclarations d'indépendance du 25 juin 1991 de la Slovénie et de la Croatie, Roland Dumas évoque pour la première fois cette hypothèse:

> «je crois que si une avancée nouvelle peut être utile, telle que l'envoi de nouveaux observateurs ou d'une force d'interposition là où le feu couve, il ne faut pas hésiter à le faire […]. Dés aujourd'hui, je puis indiquer que la France est favorable à l'envoi de ces observateurs ou de ces forces d'interposition si cet envoi est de nature à faciliter le dialogue».

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19. H. STARK, *Les dissonances franco-allemandes sur fond de guerre serbo-croate*, IN: *Politique étrangère*, 2(1992), p.340. Hans Stark n'est pas un officiel, mais l'IFRI est un «Think Tank» subventionné par les ministères français de la Défense et des Affaires étrangères.
20. H. VÉDRINE, op.cit., pp.617-619.
21. Le traité de Maastricht n'est entré en vigueur que le 1er novembre 1993, après le processus de ratification. Partant, le terme «Union européenne» n'a de sens qu'après cette date.

Dans un premier temps, les Allemands ont émis des réserves.[22] Aussi, le 24 juillet 1991, à Bruxelles, Roland Dumas n'évoque-t-il que le renforcement des contrôleurs de la Communauté européenne et son élargissement à la Croatie: la France annonce qu'elle est prête «à contribuer à hauteur d'une centaine de missionnaires». L'Allemagne, d'abord hésitante, évolue cependant sous l'influence d'une partie des parlementaires CDU, suggérant l'envoi de «casques bleus européens», proposition qui semble avoir été faite par le ministre des Affaires étrangères allemand, Hans-Dietrich Genscher.[23] De cette négociation franco-allemande dans le cadre européen résulte la conférence de presse de Roland Dumas du 6 août 1991 à la réunion des douze de La Haye:

> «il n'est pas exclu qu'une force d'interposition puisse être appelée à intervenir. L'expression de 'casques bleus européens' a été employée par plusieurs d'entre nous. C'est une réflexion que l'on doit continuer de conduire notamment dans le cadre de l'UEO avec la participation d'autres pays qui ne sont pas membres de cette organisation. Tout doit être prêt en vue de mettre en place cette force d'interposition».

Cette idée de force d'interposition signifie une force de maintien de la paix stationnée sur le territoire croate avec le consentement des parties et dont la mission serait d'établir une zone-tampon entre les belligérants, après qu'un cessez-le-feu ait été conclu. Le même jour, la France demande et obtient que Genscher, en sa qualité de président en exercice du Conseil de l'UEO, convoque le conseil permanent de l'UEO afin que celui-ci étudie les modalités d'une contribution de l'organisation en vue d'assurer le respect du cessez-le-feu en Croatie.[24]

Le Conseil des ministres (défense et affaires étrangères) du 19 septembre 1991 avait abouti à une paralysie politique. Ce jour là, le président François Mitterrand et le chancelier Helmut Kohl ont proposé qu'une force de paix, dans le cadre de l'UEO, soit envoyée en Croatie, afin d'y superviser, avec le consentement des parties, un accord de cessez-le-feu. Le projet a rencontré l'opposition des petits pays (Portugal, Danemark), mais aussi celle du Royaume-Uni. Il a été écarté.

La Communauté européenne n'avait donc pu, du fait de l'opposition des Etats les moins favorables à l'intégration ou les plus «atlantistes», c'est-à-dire de ceux qui privilégient l'OTAN,[25] se mettre d'accord sur cette intervention armée, même modeste, même avec l'accord des parties au conflit, dans la région et avait envoyé des observateurs ou «casques blancs», que la population locale allait ironiquement appeler Sladoledari[26] (marchands de glace). Le plan français était peut-être techniquement irréalisable,[27] du moins est-ce le point de vue britannique.

22. D. VERNET et J.-M. GONIN, *Le rêve sacrifié*, Odile Jacob, Paris, 1994, pp.31-32.
23. *Le Monde,* 25 juillet et 23août 1991.
24. Assemblée UEOP, *L'union européenne face aux évolutions en Europe centrale et orientale*, document 1293, 27 novembre 1991, pp.12-13.
25. Th. TARDY, *La France et la gestion des conflits yougoslaves (1991-1995), Enjeux et leçons d'une opération de maintien de la paix de l'Onu*, Bruylant, Bruxelles, 1999, notamment p.128.
26. Du mot serbo-croate «Sladoled» (glace).
27. D. VERNET et J.-M. GONIN, op.cit., p.44, citant Jonathan Eytal*, Lessons from a failure, Whitehall paper series*.

Dés l'automne de 1991, cette politique a provoqué des critiques en France. Un double héritage a été souligné. Les sympathies de la France pour la Serbie, depuis l'arrivée au pouvoir de Pierre de Serbie en 1903; l'idée que l'indépendance de la Slovénie et de la Croatie contribuait à diffuser une influence allemande dans la *Mitteleuropa,* le poids de l'héritage jacobin, la crainte de perdre l'acquis politique de l'équilibre européen hérité de la fin du second conflit mondial expliquent, dans une certaine mesure, la politique française. Comme le dit Jacques Rupnik,

> «la France a été à la fois victime de sa crainte de l'Allemagne et d'une inquiétude jacobine : un double piège de son histoire».[28]

Et Patrice Canivez, critique féroce de cette politique remarque:

> «Paris s'inquiète de la dislocation des grandes unités politiques et de la remise en cause de l'équilibre européen hérité de la fin du second conflit mondial. Cette crainte, qui explique les erreurs de jugement et les bévues commises au moment de la réunification allemande, puis du putsch de Moscou, va de nouveau jouer au début de la guerre en Yougoslavie».[29]

Toutefois, ce serait un contresens de ne voir dans la politique française face à la crise yougoslave qu'un reflet d'une mentalité particulière symbolisée par les noms de François Mitterrand et Roland Dumas. Après mars 1993, le nouveau ministre des Affaires étrangères, Alain Juppé,[30] plus ferme dans le discours lorsqu'il était dans l'opposition, c'est-à-dire avant mars 1993, n'a pas envisagé une intervention sans l'aval de l'union européenne, de l'ONU ou de l'OTAN. L'action ou l'inaction de la France se place dans un cadre multilatéral. On ne peut nier une continuité de longue durée: depuis plusieurs siècles, au moins depuis Richelieu, la politique française admet la *Raison d'Etat* comme cadre de la politique étrangère et soutient les Etats unitaires, en se méfiant des sécessions. Il était très difficile de mettre en place cette force de l'UEO, du fait des divisions entre européens, mais aussi du caractère initial de «guerre civile», sur le plan juridique, du conflit: il aurait fallu placer l'action dans le cadre contraignant du chapitre VII de l'ONU. Du point de vue militaire, cependant, l'opportunité d'agir au moindre coût existait. Selon le général Jean Cot, qui a commandé la FORPRONU à compter de 1992, c'est en octobre 1991 qu'il était possible

> «d'arrêter les Serbes avec trois bateaux, trois douzaines d'avions et trois milliers d'hommes engagés à Dubrovnik et Vukovar pour marquer sans équivoque la détermination de la Communauté européenne».[31]

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28. J. RUPNIK (dir.), *De Sarajevo à Sarajevo*, Complexe, Bruxelles, 1992.
29. P. CANIVEZ, *La France face à la guerre dans l'ex-Yougoslavie*, in: V. NAHOUM-GRAPPE (dir.), *De Vukovar à Sarajevo,* éd. Esprit, Paris, 1993, Sur «l'instinct de conservation» et «l'obsession allemande», cf. M. MARIAN, *France-Europe de l'Est, les rendez-vous manqués*, in: *Politique internationale*, 56(1992); sur la controverse, en général, cf. P. CANIVEZ, *Questions de responsabilité. La France et l'idée d'Europe face la guerre dans l'ex-yougoslavie*, Colibri, Paris, 1994.
30. Alain Juppé fut ministre des Affaires étrangères de mars 1993 à mai 1995, quand il devient premier ministre pour deux ans.
31. J. COT, *Dayton ou la porte étroite: genèse et avenir d'un désastre*, in: Actes du colloque cordonné par le général Jean Cot, *La dernière guerre balkanique?*, FED/L'Harmattan, Paris, 1996, p.121.

En tout état de cause, après la conférence du conseil des ministres du 19 septembre 1991, l'heure de l'Europe était passée. Sans doute n'est–ce pas un hasard si la résolution 713 de l'ONU du 25 septembre 1993 relatif à l'embargo sur les armes inaugure le rôle de l'ONU dans la crise yougoslave, faute de capacité et de volonté européenne d'en assurer la gestion. Cette résolution se plaçait, déjà, sous l'égide du chapitre VII de la charte de l'ONU. La France, dans un communiqué du ministère des Affaires étrangères, se félicite d'avoir été l'instigatrice de cette résolution; la France, active dans les diverses organisations internationales, s'en prévaut. Dans une déclaration à la presse du 27 septembre 1991, Roland Dumas passe en revue les initiatives françaises au sein de la CEE, de l'UEO, de la CSCE et des Nations-Unies, pour mieux ensuite s'en féliciter. Cette déclaration a été réitérée devant l'association de la presse diplomatique française, le 4 octobre 1991, et à l'assemblée nationale, le 9 octobre 1991.

II. La mise en place d'une Politique française de soutien d'une gestion de la crise par l'ONU durant l'année 1992

Après le 3 janvier 1992 et le cessez-le-feu intervenu en Croatie à cette date, la gestion de la crise, du point de vue juridique, politique et militaire s'est largement exercée dans le cadre de l'ONU, même si l'OTAN a joué un rôle croissant, devenu presque exclusif entre juillet et décembre 1995, alors que les Etats-Unis ont eux-mêmes joué un rôle déterminant à compter du mois de mars 1994, après les accords de Washington (1er mars 1994) et de Vienne (18 mars 1994).

Très concrètement, le rôle de L'ONU a signifié la création de la FORPRONU. Le 6 octobre 1991, le président en exercice du conseil européen, Hans Van Den Broek, déclare à l'issue d'une réunion des douze aux Pays-Bas, que la communauté «s'approche de la limite de ses possibilités». Le 8 octobre 1991, conformément à la résolution 713, le secrétaire général de l'ONU Javier Javier Perez de Cuellar, nomme l'ancien secrétaire d'Etat américain, Cyrus Vance, son «représentant personnel» en Yougoslavie. Les parties au conflit, dont la Serbie, la Yougoslavie et la Croatie, réticentes à une force d'interposition européenne, étaient favorables à une action de l'ONU. S'exprimant devant la presse, à Noordwijk (Pays-Bas), après une réunion des douze ministres des Affaires étrangères de la Communauté Européenne, sur la nouvelle saisine du Conseil de sécurité, Roland Dumas déclare, le 12 novembre 1991:

> «La tâche est facilitée, nous semble-t-il, sur le plan juridique, car la Serbie et la Croatie ont demandé l'intervention de l'ONU. Jusqu'à présent, l'objection qui nous était faite à l'intervention des Nations-Unies était que le pays intéressé ne le demandait pas. Or, cette condition est aujourd'hui remplie, donc il faut profiter de cette possibilité pour agir au plus vite».

Le 27 novembre 1991, le Conseil de sécurité adopte sa deuxième résolution sur le conflit yougoslave, la résolution 721; le Conseil acte de la volonté commune des

parties d'accepter le déploiement d'une force internationale et demande au secrétaire général de présenter rapidement des recommandations sur «la mise en place éventuelle en Yougoslavie d'une opération de maintien de la paix des Nations-Unies».[32]

Le cessez-le-feu du 2 janvier 1992 a permis la mise en place de cette première FORPRONU en Croatie, mais le quartier général initial, établi le 13 mars 1992, était à Sarajevo, considéré comme une ville à l'abri des combats. La participation française est considérée comme inéluctable, à Paris, parce que membre permanent du Conseil de sécurité, le rôle de principe, le «rang» de la France, peut s'affirmer, ce que le transfert à l'OTAN de la force internationale, après les accords de Dayton ne permettra plus de faire de manière aussi évidente. D'autre part, le conflit se déroule en Europe et, eu égard au débat constitutionnel en Allemagne sur l'envoi de forces à l'étranger, la France constitue, avec le Royaume-Uni, également membre permanent du Conseil de sécurité, le vivier naturel de forces militaires dans cette zone. Si l'on considère que la force de maintien de la paix constituée par l'ONU n'est autre que la mise en œuvre de l'idée de force d'interposition lancée par la France dés l'été 1991, on peut considérer que la France est véritablement à l'origine de la FORPRONU. Le 14 décembre 1994, François Mitterrand déclare, dans l'interview déjà citée, au Journal *Frankfurter Allgemeine Zeitung* le 14 décembre:

> «La France est prête à contribuer à toute force d'interposition que les Nations-Unies décideraient d'envoyer. Elle le souhaite même».

Deux jours plus tard, Roland Dumas préconise un engagement plus ferme et plus utile du Conseil de sécurité dans la crise yougoslave, notamment pour ce qui concerne l'envoi d'une force de maintien de la paix. Le ministre de la Défense, Pierre Joxe, déclare le 10 février 1992:

> «Nous sommes à la disposition des Nations-Unies, de la communauté internationale comme nous étions depuis des mois à la disposition de l'Union de l'Europe occidentale. Nous sommes donc disposés à fournir, si c'est demandé, et pour aller au lieu qui nous sera indiqué, un contingent qui pourra aller jusqu'au quart de la force qui est envisagée par les Nations-Unies».

A compter du 5 février 1992, les 4.389 hommes de la FORPRONU sont fournis par 18 Etats (dont six de la Communauté européenne, dont la France, le Royaume-Uni, le Bénélux, le Danemark). La France fournit deux bataillons (un bataillon d'infanterie et un bataillon logistique) ainsi que du personnel d'état-major (un quart du total), des policiers civils et militaires et des observateurs. Au total, 2.062 français participent à la FORPRONU, un chiffre un peu inférieur au quart des forces.[33] Déployé par voie de mer, un bataillon d'infanterie est basé près de la ville

32. Voir le tableau des résolutions de l'ONU du 25 septembre 1991 au 15 janvier 1996 dans l'ouvrage de Th. CHRISTAKIS, *L'ONU, le Chapitre VII et la crise Yougoslave*, Cedin-Parisi, collection «perspectives internationales» , Montchrestien, 1996.
33. F. PONS, *Les Français à Sarajevo. Les bataillons piégés, 1992-1995*, Presses de la cité, Paris, pp.3-33 et 37-40 et annexe 2.

de Gracac, dans le secteur sud de la Krajina, tandis que le bataillon logistique est basé sur l'aéroport de Zagreb et sur la base de Pancevo, à côté de Belgrade.

Le véritable test de cette action de l'ONU, dont la FORPRONU se veut une cheville ouvrière, sera, cependant, la Bosnie-Herzégovine. Entre avril et juin 1992, le déchaînement de la guerre, accompagnée de massacres et de «traitements inhumains et dégradants» suivant les termes de l'article 3 de la convention européenne des Droits de l'Homme, ont eu pour effet une intervention humanitaire de la communauté internationale, dont l'ONU constitue la figure universelle. Pour les mêmes raisons qu'en Croatie («tenir» son rang, jouer un rôle en Europe), la France se fait un devoir d'intervenir. Mais elle a écarté la possibilité d'une action de force contre une des parties, du moins avant juillet 1995. Une interposition, en raison du refus, en Bosnie comme en Croatie, de la plupart des Etats d'intervenir militairement contre un des protagonistes (seule une intervention contre les Bosno-serbes de Radovan Karadzic était envisagée), s'est révélée impossible. Le rôle de la FORPRONU s'est donc limité à un caractère humanitaire.

La Bosnie est devenue indépendante dans le contexte de l'effondrement général de la fédération yougoslave. Les dirigeants musulmans et croates de Bosnie ne voulaient pas devenir une république périphérique d'une Yougoslavie dominée par la Serbie. Conformément aux recommandations de la commission Badinter au sujet de la reconnaissance de cette république,[34] un référendum a été organisé les 29 février et 1er mars 1992. Le referendum a donné une écrasante majorité favorable à cette indépendance: 98% des suffrages exprimés ont voté oui à l'indépendance, mais plus du tiers des électeurs s'est abstenu, essentiellement des Serbes des régions rurales de Bosnie, hostiles à l'indépendance et déjà prêts aux hostilités contre le nouvel Etat.

Un conflit complexe débute, dont les premières violences commencent dés le 1er mars 1992, qui va s'accélérer après la reconnaissance de la Bosnie–Herzégovine par la Communauté Européenne, le 6 avril 1992. Contrairement au secrétaire général de l'ONU, qui se déclare contre une opération de maintien de la paix, la France se prononce en faveur de cette force, le même jour, c'est-à-dire le 24 avril 1992. Dans un communiqué commun des ministres des Affaires étrangères français, polonais et allemand en date du 24 avril 1992, il est affirmé:

> «nous demandons une réunion d'urgence du Conseil de sécurité des Nations-Unies, qui doit maintenant pendre ses responsabilités. Nous attendons du Conseil de sécurité qu'il se déclare en faveur de l'extension de la mission des casques bleus à la Bosnie-Herzégovine».

Le rapport du secrétaire général du 12 mai 1992 rejette une nouvelle fois l'idée d'une force de maintien de la paix ou de rétablissement de la paix (*Peacemaking)*. En réponse à ce rapport, le 14 mai 1992, sur l'initiative de la France, de la Belgique

34. Avis n°4 sur la reconnaissance internationale de la République socialiste de Bosnie-Herzégovine par la communauté européenne et ses Etats membres, Commission d'arbitrage, 11 janvier 1992. Document disponible au secrétariat du Conseil Constitutionnel, Palais-Royal, Paris. Le oui l'a emporté à 99,78%, mais les Serbes se sont massivement abstenus.

et du Royaume-Uni, un projet de résolution sur le renforcement de la mission des observateurs de la FORPRONU en Bosnie-Herzégovine est déposé au Conseil de sécurité (alors que les envoyés de la CEE ont quitté la Bosnie le 12 mai), en attendant une nouvelle étape de l'intervention de l'ONU.[35]5 Par sa résolution 758 du 8 juin 1992, le Conseil de sécurité décide d'élargir le mandat de la FORPRONU crée en vertu de la résolution 743. La France fait savoir qu'elle est prête à envoyer des troupes dans la capitale bosniaque.[36] Le 1er juillet 1992, 2 jours après la visite du président Mitterrand du 28 juin 1992, le détachement précurseur français arrive à Sarajevo et le bataillon français prend le contrôle de l'aéroport le 2 août 1992.[37]

La France a continué de rappeler, pendant l'été 1992, malgré son rôle dans la force internationale, qu'elle est contre une option militaire en Bosnie, comme elle l'avait fait en Croatie pendant l'automne de 1991. Dans une interview au journal *Le Figaro*, le 7 août 1992, Georges Kiejman, ministre délégué aux Affaires européennes, en charge d'une partie des problèmes, notamment de l'aspect juridique au regard des textes sur les droits de l'homme, déclare:

> «une intervention militaire serait hasardeuse, et un combat au sol serait aussi sanglant qu'incertain. Sur un terrain se prêtant à la guérilla, il faudrait un déploiement de forces considérable aussi bien peu de nations sont prêtes aujourd'hui à contribuer».

S'agissant de la «purification ethnique», il poursuit que

> «ce concept est pour partie un moyen de propagande marginale que les extrémistes de tout bord se jettent au visage. La réalité principale, c'est une guerre civile entre Etats et leurs composantes nationales».[38]

Dans un communiqué précédant le vote de la résolution 770 du Conseil de sécurité, le ministère des Affaires étrangères déclare, tout en rappelant que la France a agi dans le cadre des Nations-Unies, et que Bernard Kouchner, ministre de la Santé et de l'Action Humanitaire, était sur le point de partir pour l'ex-Yougoslavie dès l'adoption de la résolution 770, déclare que:

> «les observateurs les plus avisés savent qu'il s'agit d'un drame complexe et qu'aucun pays n'a fait plus que la France à ce jour, sur tous les plans, y compris sur le plan militaire, pour essayer de le résoudre, et pour venir en aide aux peuples de l'ex-Yougoslavie en détresse».[39]

La France, en modérant le texte d'une proposition américaine, a donc fait adopter une proposition de résolution 770, qui paraît très ferme. Dans cette résolution,[40] le Conseil de sécurité considère que

> «la situation en Bosnie-Herzégovine constitue une menace pour la paix et la sécurité internationales et que l'aide humanitaire à la Bosnie-Herzégovine représente un élé-

35. *Le Monde* , 15 mai et 16 mai 1992.
36. *Le Monde*, 10 juin 1992.
37. F. PONS, op.cit., pp.63-65; P. MORILLON, *Croire et oser. Chronique de Sarajevo*, Grasset, Paris, 1993, pp.87-102(chapitre IV).
38. Sur l'usage de cette expression, voir A. KRIEG-PLANQUE, *Purification ethnique. Une formule et son histoire*, éditions CNRS, Paris, 2003.
39. Citée dans Th. TARDY, op.cit., p.165.
40. Voir Th. CHRISTAKIS, op.cit., pp.158-162.

ment important de l'effort en vue de rétablir la paix et la sécurité internationales dans la région».

En estimant «agir en vertu du chapitre VII de la Charte des Nations-Unies», le Conseil de sécurité «exhorte les Etats à prendre, à titre national ou dans le cadre d'organisations ou d'arrangements régionaux, toutes les mesures nécessaires». Le même jour, c'est-à-dire le 13 août 1992, la résolution 771 condamne

> «les violations du droit humanitaire international, y compris celles qu'implique la pratique de "l'épuration ethnique" [et exige] que soit accordé aux organisations humanitaires l'accès sans entrave et en permanence aux camps, prisons, et centres de détention sur le territoire de l'ex-Yougoslavie».

La référence au chapitre VII semble se rapprocher d'une intervention, puisque ce chapitre VII de la charte des Nations-Unies traite d'une procédure de rétablissement de la paix par la force. Dés le 14 août 1992, la France propose d'envoyer en Bosnie-Herzégovine 1.000 hommes, et un commandement de 100 officiers, soit un total de 1.100 hommes.[41] Ces hommes, selon la proposition française, agiraient, cependant, sous les couleurs françaises, sous le commandement de l'UEO. Roland Dumas, dans l'interview susmentionnée, déclare:

> «Il y a, d'un côté, ne confondons pas les choses, les forces de l'ONU; il y aura de notre côté des forces nationales qui accompagneront les forces de l'ONU et l'aide humanitaire, car il s'agit bien de cela. [Pour] ce qui concerne les relations entre l'UEO et l'OTAN: il faut assurer un commandement, sinon un commandement unique, un commandement de coordination. Cela se fera dans le cadre de l'OTAN et dans le cadre de l'UEO. De l'UEO pourquoi? Parce que c'est l'organisation européenne et nous sommes là entre Européens. Mais le Royaume-uni n'est pas plus disposé de s'associer à une action de l'UEO qu'en 1991. Le gouvernement de M. Major, qui assure la présidence de la Communauté européenne consent, toutefois, à mettre à la disposition de l'UEO, et en application de la résolution 770, un contingent de 1.800 hommes, composé d'un bataillon d'infanterie, de blindés légers et d'hommes du génie».[42]

Le jour même de l'adoption de la résolution 770, le président Mitterrand réduit l'interprétation de la résolution 770 en précisant qu'il ne peut s'agir que d'une intervention à but humanitaire, et qu'il ne pourrait s'agir d'une véritable intervention contre l'un des protagonistes.[43] Sur ce point, à vrai dire, le discours de la diplomatie française a une parfaite continuité, soutenant toujours une interprétation humanitaire de la résolution 770 et soulignant qu'aucun partenaire de la France, dans la communauté européenne ou au Conseil de sécurité, n'était prêt à une véritable intervention. Comme le dit Roland Dumas, dans une interview:

> «Nous ne sommes pas actuellement dans le cadre d'une résolution qui prévoirait d'une force d'interposition pour empêcher Serbes, Bosniaques et Croates de se bat-

41. Interview du ministre des Affaires étrangères, Roland Dumas, journal télévisé, Antenne 2, 14 août 1992.
42. Le Monde, 20 août 1992.
43. Interview accordée au journal *Sud-Ouest*, 13 août 1992.

> tre. La résolution 770 prévoit seulement que l'on accompagnera d'une façon 'musclée' des convois humanitaires. Toute autre hypothèse peut être évoquée au Conseil, mais ne l'a pas encore été. Personne ne le demande pour le moment».[44]

Pendant l'été 1992, à compter du 4 juillet 1992, la France prend l'initiative d'une conférence de paix élargie à l'Onu qui associe donc la Communauté européenne et l'ONU.[45] Réunie les 26 et 27 août 1992, à Londres, cette conférence prend le relais de la conférence européenne de La Haye et prolongera ses effets jusqu'à la création du groupe de contact, en mars 1994. D'autre part, la résolution 776 élargit, le 14 septembre 1992, le mandat de la FORPRONU à l'ensemble de la Bosnie-Herzégovine. La troupe est mise en place avec le consentement des parties et ne peut recourir à la force qu'en cas de légitime défense, ce qui correspond aux caractéristiques d'une force de maintien de la paix. Contrairement à la force déployée en Croatie, qui joue un rôle de surveillance de l'armistice, la FORPRONU n'a pas pour objectif de s'interposer après un accord de cessez-le-feu. Mais juridiquement, il ne s'agit pas d'une création d'une nouvelle force, mais de l'élargissement de la FORPRONU de Croatie. La création en décembre 1992 (résolution 795 du 11 décembre 1992) d'une force de l'ONU en Macédoine complète le dispositif.[46] La France a de nouveau contribué à la mise sur pied de cette force. En octobre 1992, elle a déployé un bataillon de 1.350 hommes à Bihac, financé sur un budget uniquement français jusqu'au mois de mars 1993.[47]7 Au 1er décembre 1992, la France déployait trois bataillons en Bosnie-Herzégovine et deux en Croatie, sans compter le personnel d'état-major et les troupes envoyées en Macédoine.[48]

Le voyage entrepris par François Mitterrand à Sarajevo, le 28 juin 1992, est très discuté à l'étranger, notamment en l'Allemagne. La critique porte d'abord sur la forme, parce que la visite procède d'une initiative française à la fin d'un sommet européen(Lisbonne); elle touche ensuite le fond, dans la mesure où elle a semblé freiner un relatif durcissement des organes de l'ONU. Mais en définitive, il est excessif d'affirmer qu'elle a empêché une action militaire, comme le souligne Hubert Védrine:

> «Je dois témoigner que si François Mitterrand a pensé qu'il n'y avait pas de solution militaire à ce conflit et refusé a priori toute action isolée de la France. La vérité est qu'aucun pays ne l'a envisagée, pas même les Etats-Unis, quelles qu'aient été les rumeurs distillées par Washington pour des raisons de politique intérieure américaine».[49]

L'exception française a eu ses limites dans la gestion de la crise yougoslave.

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44. *Le Monde*, 27 août 1992.
45. Voir le 18 août 1992, le communiqué de presse de la commission des Affaires étrangères de l'Assemblée nationale
46. Il faudra attendre le 31 mars 1995 pour que le Conseil de sécurité scinde juridiquement la FORPRONU en trois forces distinctes: l'ONURC en Croatie, la FORPRONU en Bosnie-Herzégovine et LA FORDEPRENU en Macédoine.
47. *Le point*, 17 avril 1993.
48. F. PONS, op.cit., annexes 78, pp.285-293.
49. H. VÉDRINE, op.cit., p.636.

III. Les Contradictions de la FORPRONU et la reprise en main par L'OTAN

Conformément à la volonté de la France et d'autres Etats, en l'occurrence le Royaume-Uni, l'opération de maintien de la paix n'est pas destinée à exercer une pression militaire sur l'une des parties. On peut y voir le «signe d'une décision de non-intervention militaire»,[50] en ce sens qu'elle ne vise pas à stopper le conflit, mais à en atténuer seulement les conséquences négatives. L'opération définit implicitement ce que les Etats ne souhaitent pas entreprendre: recourir à la force. Le recours à l'ONU se présente «comme le moyen recherché par les grandes puissances pour partager une responsabilité qu'elles ne veulent pas assumer seules».[51] Pour ce qui concerne la FOPRONU, on établit d'une part une opération de maintien de la paix en Croatie, et d'autre part, une opération de protection des convois humanitaires en Bosnie-Herzégovine. Il est vrai que certaines modifications sont intervenues, comme la création de la zone d'interdiction de survol du territoire bosniaque, la réalisation de six zones de sécurité en mai 1993 ou, en février 1994, des zones d'exclusion des armes lourdes à Sarajevo et de Goradze. Ces modifications furent votées sur la base du chapitre VII de la charte de l'ONU, ce qui pourrait suggérer une volonté d'imposer une solution aux belligérants, mais l'ONU confie l'application de ces décisions à l'OTAN, notamment à l'aviation de l'alliance atlantique. C'est le cas de l'interdiction de survol du territoire bosniaque. Dès l'adoption de la résolution 781 (9 octobre 1992) par le Conseil de sécurité décrétant la zone d'interdiction de survol en Bosnie-Herzégovine, l'OTAN avait mis ses avions de surveillance AWACS à la disposition de l'ONU. Il en résulte que la politique conduite par l'ONU est restée celle d'un soutien aux opérations humanitaires. La France a augmenté sa participation à la FORPRONU, en passant de 4.800 hommes en décembre 1992 à 6.000 hommes en avril 1994. La création des «zones de sécurité» en mars 1993[52]2 s'est révélée peu effective dans ses effets, malgré le célèbre discours du général Philippe Morillon, le 17 mars 1993, à Srebrenica, promettant aux habitants de ne pas les abandonner. En février 1994, l'ultimatum adressé par l'OTAN aux Serbes de Radovan Karadzic qui assiègent Sarajevo a permis un retour au calme de quelques mois. La France a beaucoup contribué à cette opération, notamment son ministre des Affaires étrangères (mars 1993 à mai 1995), Alain Juppé, qui a beaucoup insisté auprès de ses collègues du «groupe de contact» pour imposer cet ultimatum.

Le nécessaire rapprochement avec l'OTAN que traduisent ces dernières opérations est admis par la France, mais selon le président Mitterrand,

50. G. SALAME, *Appels d'empire*, *ingérences et résistances à l'âge de la mondialisation*, Fayard, Paris, 1996, p.157.
51. M.-Cl. SMOUTS, *Les organisations internationales*, Armand Colin, paris, 1995, p.322.
52. Sur ces épisodes, voir notamment les analyses du général J. COT, op.cit., et les mémoires du général P. MORILLON, op.cit.

«*ce qui est en jeu, à nos yeux, c'est tout à la fois la maîtrise politique de nos actions en Bosnie et la place de l'OTAN dans la défense de l'Europe, à l'avenir, par rapport à des organismes plus spécifiquement européens*».[53]

La France est donc soucieuse de garder, le contrôle politique des opérations menées par l'intermédiaire de l'ONU. Elle se préoccupe cependant de rester en mesure d'éviter des actions qui pourraient entraîner des représailles contre ses propres troupes. Des affrontements politiques discrets se déroulent entre la France et les Etats-Unis, qui n'ont pas de troupes stationnées au sol. La résolution 816 du 31 mars 1993, qui constitue la base juridique de l'opération *Deny Flight*, définit la subordination de toute action au contrôle de l'ONU. Mais les Etats-unis avaient souhaité que celui-ci ne s'exerce point sur le plan opérationnel. La France en faisait une condition à sa participation. Or, ce contrôle de l'ONU se traduit par un système, dit de la «double clé»,[54] c'est-à-dire que toutes les opérations, non seulement celles de l'OTAN, doivent être approuvées par l'ONU en la personne de Yasuhi Akashi, le représentant du secrétaire général Boutros Boutros Ghalli, consulté soit directement, soit par l'intermédiaire de son adjoint aux opérations extérieures, Koffi Annan. Cette complexité a contribué au drame de Srebrenica.[55]5 Elle rend, en effet, difficile toute décision militaire face à une situation imprévue. Devant opérer dans un environnement de guerre, dans lequel les casques bleus eux-mêmes sont souvent la cible des belligérants, alors même qu'aucune des deux forces n'a ni le mandat ni les moyens de contraindre les parties à quelque action que ce soit,[56] la FORPRONU s'est vite trouvée paralysée.

Dans cette difficile situation, la France, jusqu'au mois de juillet 1995, a maintenu sa ligne politique en deux volets: une action diplomatique et une action humanitaire. La diplomatie française a soutenu différents plans de paix, dont le plan Owen-Vance du 2 janvier 1992.[57] Pour ce qui concerne l'action de la FOPRONU, la position française pourrait se résumer ainsi: durcir le mandat, sans passer à une action coercitive. La résolution 807 du 19 février 1993 qui proroge le mandat de la FORPRONU dans un texte d'inspiration française, se réfère au chapitre VII, mais lors de son adoption l'ambassadeur de France à l'ONU, Jean-Bernard Mérimée, précise:

«qu'il ne s'agit pas de changer la nature de la force, autrement dit de passer du maintien de la paix au rétablissement».

53. H. VÉDRINE, op.cit., p.652.
54. L'adoption formelle de ce système de la «double clé» résulte du Conseil de l'OTAN du 9 août 1993, sur proposition française.
Cf. *La chaîne de commandement ONU-OTAN. Mémento-défense désarmement 1994-1995*, Les dossiers du GRIP, Bruxelles, 1994, pp.193-195.
55. Voir le rapport de Koffi Annan sur ce drame du 15 novembre 1999, résumé dans *Le Monde* du 16 novembre 1999.
56. P. HASSNER, *Ex-Yougoslavie: le maintien de la paix*, in: M.-Cl. SMOUTS, *L'Onu et la guerre*, Complexe, Bruxelles, 1994, pp.103-122.
57. Voir le chapitre «The Vance-Owen Peace Plan», in: *Balkan Odyssey*, Indigo, London, 1996, pp.89-149.

Ceci ne change pas la nature de l'opération. Le 9 février 1993, François Mitterrand déclare dans une interview accordée au journal *Le Monde*:

> «La France n'engagera pas d'opérations militaires. Elle appliquera les décisions du Conseil de sécurité».

A cela s'est ajouté le souci d'assurer la sécurité de la FORPRONU, alors que le 12 février 1993, la France déploie 4.648 hommes sur près de 23.OOO hommes.

De manière répétée, le gouvernement socialiste de Pierre Bérégovoy (mai 1991 à mars 1993) s'était refusé de recourir aux frappes militaires et à toute intervention armée en Bosnie-Herzégovine. Après la formation d'un nouveau gouvernement de centre-droit sous Edouard Balladur, le 29 mars 1993, le nouveau ministre des Affaires étrangères, Alain Juppé, déclarait à l'issue d'une réunion des douze ministres européens des Affaires étrangères (24 avril 1993) que «notre politique, c'est la politique des sanctions». Le concept est certes peu clair, mais une politique de négociations va, dans l'ensemble, prévaloir. Cette ambivalence est manifeste à l'heure du vote des deux résolutions sur les «zones de sécurité» définies comme étant «à l'abri de toute attaque armée». Aussi les résolutions 819 (16 avril 1993) à propos de Srebrenica, et 824 (6 mai 1993) au sujet de Sarajevo, Tuzla, Zepa, Goradze et Bihac, comme la résolution 836 (6 juin 1993) sur le principe de ces zones, n'autorisent-elles pas la FORPRONU à faire appliquer, éventuellement avec l'usage de la force, le principe de la zone de sécurité.[58]8 Il s'ensuit que le 21 avril 1993, Alain Juppé se prononce devant l'Assemblée Nationale et définit ainsi le rôle des forces militaires:

> «Soyons là aussi lucides et sans hypocrisie. Que pourrait être cette phase militaire? Une intervention massive terrestre? Tout le monde l'exclut, ce serait un nouveau Vietnam ou un nouvel Afghanistan. La levée de l'embargo sur les fournitures d'armes à la Bosnie-Herzégovine? Je voudrais en souligner les risques: c'est la fin de l'action humanitaire. Ce serait l'internationalisation du conflit et une conflagration générale dans les Balkans. Reste l'hypothèse d'une frappe aérienne sur des objectifs terrestre. Nous sommes en train de les étudier, et je tiens à dire très solennellement qu'en toute hypothèse, cela exigerait une décision, une résolution formelle du Conseil de sécurité des Nations-Unies».

Le mémorandum français sur ces zones du 19 mai 1993 voulait accorder des pouvoirs réels de défense aux forces de l'ONU, mais l'ONU n'obtiendra pas les moyens adéquats. Il ne s'agit pas d'une simple question d'intendance. Au mois de mai 1993, les Américains, face à l'impasse provoquée par le rejet du plan Vance-Owen au «parlement» auto-proclamé des Bosno-serbes de Radovan Karadzic, les Américains avaient relancé l'idée des frappes aériennes et la levée de l'embargo sur les armes. La France se devait de présenter une contre-proposition et le projet des «zones de sécurité» en a tenu lieu. Ainsi, en dépit d'aspects apparemment coercitifs, c'était de nouveau le choix d'une FOPRPRONU humanitaire qui était fait. L'ultimatum (faute du retrait des armes lourdes de la zone

58. Y. KERBRAT, *La référence au chapitre VII de la charte des Nations-Unies dans les résolutions à caractère humanitaire du Conseil de S*écurité, LGDJ, Paris, pp.58-59, et Th. CHRISTAKIS, op.cit., pp.168-169.

située à plus de 20 km du centre de Sarajevo, les forces de l'OTAN auraient bombardé les forces de Karadzic à partir du 20 février 1994) adressé aux Bosno-serbes à la suite du massacre du marché de Markale (5 février 1994) fut bien un succès français. Alain Juppé avait convaincu le président Mitterrand et son premier ministre Balladur. Puis il réussit à convaincre les Etats-Unis. L'opération a été décidée dans le cadre de l'OTAN pour éviter le veto russe au Conseil de sécurité. La France a fait savoir qu'un refus pouvait signifier son retrait de la FORPRONU.[59]9 La menace était d'autant plus vraisemblable qu'Edouard Balladur avait décidé de refuser l'augmentation du contingent français pour les «zones de sécurité», en l'absence, selon la perception française, de plan de paix global et d'effort de la part des autres pays.[60] Les contingents français de Bosnie sont ensuite regroupés autour de Sarajevo, pour diminuer leur vulnérabilité.

A partir du mois de février 1994, l'écartement de l'ONU est devenu manifeste. La création du groupe de contact, le 25 avril 1994, où la France est toujours représentée, s'est présenté comme une

> «formation empirique imposée par la carence des organismes et des institutions internationales; un directoire caché, illégitime au regard des institutions européennes».[61]

Ce groupe de contact a *de facto* mis fin à la conférence de paix sur l'ex-Yougoslavie, incarnée alors par le tandem Owen-Stolttenberg. Le 6 juillet 1994, il publie un plan d'inspiration franco-britannique, qui somme chacune des parties de l'accepter, sous peine de sanctions.[62]

Pendant l'année qui suit, la France a eu la tentation de se retirer. Le 18 avril 1995, un communiqué du service de presse du premier ministre, après avoir rappelé les exigences françaises sur la prolongation de la trêve, la reprise des négociations et la liberté d'action de la FORPRONU, concluait:

> «Si les résultats de ces initiatives n'étaient pas satisfaisants […] la France, qui a fait tout son devoir et qui est le premier pays contributeur de troupes aux Nations-Unies, constatant que les bonnes conditions d'exercice du mandat des Nations-Unies ne sont pas réunies, devrait décider le retrait des soldats français de Bosnie».

Mais ceci aurait été synonyme d'un échec français majeur. La France avait voulu cette force; son retrait risquait d'entraîner la fin de la FORPRONU, et, techniquement, le repli signifiait de faire appel massivement à l'OTAN, ce qui aurait souligné la dépendance de la France. Comme le souligne un document interne de l'ONU, au début de 1995, la FORPRONU se trouve

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59. Interview d'Alain Juppé à TFI, 8 février1994.
60. E. BALLADUR, *Deux ans à Matignon*, Plon, Paris, 1995, pp.109 et 111-112.
61. F. BOIDEVAIX, *Une diplomatie informelle pour l'Europe. Le groupe de contact Bosnie*, Fondation des études de défense, Paris, 1997.
62. Il s'agit du plan qui confie 51% de la Bosnie à la fédération bosno-croate et 49% à une «Republika Srpska».

> «en de nombreux endroits, incapable de protéger l'acheminement de l'aide humanitaire, incapable de dissuader les attaques, incapable de se défendre et incapable de se retirer».[63]

Le nouveau président Jacques Chirac se trouve ainsi confronté à une situation difficile. La «crise des otages», qui débute le 25 mai 1995 par la capture de 200 casques bleus par les Bosno-serbes pour servir de «bouclier humain» contre les bombardements de l'OTAN, l'oblige d'ordonner la reprise du pont de Vrbanja à Sarajevo, sans passer par la chaîne de commandement de l'ONU. Le président montre de la sorte sa détermination de résister aux humiliations subies par ses soldats.[64]4 Le 3 juin 1995, lors d'une conférence des ministres de la Défense des Etats de l'UEO et de l'OTAN qui contribuaient à la FORPRONU, la résolution 988 du 16 juin 1995 du Conseil de sécurité est approuvée. La France y a fait accepter la mise en place d'une force de réaction rapide (FRR). Composée de contingents anglais, français et néerlandais, cette force mobile est équipée d'armements lourds (artillerie, blindés et hélicoptères). Elle a reçu pour mission d'appuyer la FORPRONU et d'aider à son «redéploiement», c'est-à-dire son regroupement en unités plus grandes afin de la rendre moins vulnérable. Même si elle a été rattachée aux comandants militaires de la FORPRONU (les généraux Pierre Janvier et Rupert Smith), et qu'elle ne dépendait plus des dirigeants civils de l'ONU, elle opérait sous des uniformes nationaux et ses véhicules n'étaient pas peints en blanc.

Du point de vue français, il ne s'agissait pas d'une force d'imposition de la paix. Le ministre de la Défense, Charles Millon, déclare que la FRR

> «pourra effectuer des missions de combat pour permettre aux Casques bleus d'assurer leur mission de paix, mais ne constitue pas une force de guerre».[65]

Malgré tout, une mise à l'écart partielle de l'ONU, du fait de la paralysie de la FORPRONU, devient effective. Une opération menée par trois pays européens sans réel contact avec l'UEO, puisque le Portugal, président en exercice de l'UEO, n'est pas invité à la conférence de Paris du 3 juin 1995, redouble l'effet de la création du groupe de contact, qui avait écarté l'ONU de la gestion politique de la crise.[66]Même si le rôle de légitimation juridique de l'ONU demeure intact,[67] les décisions du président Chirac ont bien pour effet, sinon pour objet, une «re-nationalisation» de la politique française.

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63. Département des opérations de maintien de la paix, cité par Srebrenica, *Record of a War Crime*, Penguin Books, London, 1996, p.150.
64. A. MACLEOLD, La politique française et l'affirmation du leadership international, in: A. MACLEOLD et St. ROUSSEL (dir.), *L'intérêt national et responsabilités internationales: six Etats face un conflit en ex-Yougoslavie (1991-1995*), Guérin universitaire, Montréal, 1996.
65. Intervention du ministère de la Défense lors des débats parlementaires consécutifs à la déclaration du gouvernement sur la situation en ex-Yougoslavie, 6 juin 1995.
66. D. VERNET, *Le Groupe de contact: le retour des grandes puissances en Europe?*, in: *Relations internationales et stratégiques*, 19(1995), pp.132-138.
67. Lors de la chute de Srebrenica, le président de la république française a proposé, dans une conférence de presse à Strasbourg le 11 juillet 1995 (le jour de la chute de la ville), que la FRR participe au rétablissement de l'enclave dans son intégrité, à la condition que le Conseil de sécurité en décide ainsi.

D'inspiration française, la résolution 1004 a été admise le lendemain de la chute de Srebrenica. Elle exige le retrait des Serbes et demande au secrétaire général de l'ONU «d'utiliser tous les moyens disponibles» afin de «restaurer le statut de zone de sécurité» à Srebrenica», tandis que le 13 juillet1995, dans un communiqué officiel, l'Elysée déclare «indispensable, par une action, par une action militaire ferme et limitée, de donner un coup d'arrêt à l'abandon des enclaves» et annonce que «la France est prête à engager ses moyens, en particulier les éléments français de la force de réaction rapide». Le lendemain, à l'occasion de la fête nationale du 14 juillet, il ajoute dans une déclaration à la presse:

> «pour le moment, nous sommes seuls. Seuls, nous ne pouvons pas agir, nous n'avons pas le mandat pour le faire et nous n'avons pas non plus les moyens pour le faire».

Les discussions qui ont lieu, à la suite de la chute de Srebrenica, lors de la conférence de Londres du 21 juillet 1995, précédée le 16 juillet par une réunion des chefs d'états-majors français, britanniques et américains n'aboutissent pas à un résultat clair, à l'exception d'un engagement d'effectuer des bombardements en cas d'attaque serbe contre la «zone de sécurité» à Goradze.[68] La proposition française d'envoyer 3.000 hommes lourdement armés et appuyés par des hélicoptères américains pour protéger Sarajevo et Goradze, est rejetée.

Cependant, l'intervention américaine, qui s'est déroulée entre le 30 août et le 6 octobre 1995 dans le cadre opérationnel de l'OTAN baptisée *Deliberate Force*, a été déclenchée pour des motifs et dans un environnement qui échappent largement à la politique française. Cela est vrai pour le contexte de la politique intérieure américaine, du fait des conflits entre le sénat américain, qui avait voté la fin de l'embargo sur les armes pour les Etats de l'ex-Yougoslavie, et le président Bill Clinton, qui avait opposé son veto à ce vote. Toutefois, ce veto n'avait qu'un effet temporaire de retardement: le président américain était contraint à agir à partir du mois de septembre 1995. Cela est vrai pour le contexte yougoslave: la contre-offensive croate (4-7 août 1995) en Krajina occupée par les forces des Serbes de Croatie avait crée un nouveau rapport de force, débloquant de surcroît des régions de Bosnie ou de Bihac menacées par les Serbes. Les forces françaises de la FRR ont, cependant, joué un rôle important dans cette opération de l'OTAN en participant au déblocage de Sarajevo.[69] L'issue de la crise résulte néanmoins d'un subtil mélange d'action militaire et de pressions diplomatiques des Américains, dont l'action est cordonnée par Richard Holbrooke. La défaite militaire des Serbes de Bosnie et l'accord de Dayton du 21 novembre 1995 sont donc, pour l'essentiel, le résultat de l'action de la puissance américaine. La signature à l'Elysée du traité du 14 décembre 1995 des accords conclus à Dayton reconnaît, il est vrai implicitement, le rôle actif de la France.[70]

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68. *Le Monde*, 22 juillet 1995 et *Libération*, 23 juillet 1995.
69. Selon le général Cot [*Dernière Guerre Balkanique* …, op.cit., p.123], le rôle de la FRR fut plus important que celui de l'OTAN pour débloquer Sarajevo. Cf. aussi P. HASSNER, *Ex-Yougoslavie: le tournant?*, in: *Politique internationale,* 69(1995), p.207.
70. Richard Holbrooke, dans une interview accordée au magazine *Le trimestre du Monde*, 2(1996), p.94, repère deux causes de l'intervention américaine: le rôle joué par le président Chirac et la chute de Srebrenica.

Conclusion

La politique française dans le processus de décomposition de la Yougoslavie est donc passée depuis 1991 jusqu'à l'automne 1995 d'un attachement affirmé à l'intégrité de la fédération yougoslave dans un cadre européen, vers une participation effective au déblocage de la ville de Sarajevo contre des forces serbes. Toutefois, cette rupture apparente ne doit pas dissimuler la continuité de la politique française. Très tôt, dés la fin du mois de juillet 1991, les autorités françaises ont renoncé à sauver la fédération. La France veut freiner la déstabilisation de la région. Elle se méfie de la prolifération étatique associée au concept de «balkanisation» et n'envisage pas, avant juillet 1995, de passer du maintien de la paix (*Peacekeeping*) à l'imposition de la paix (*Peacemaking*) et ce, malgré le vote de nombreuses résolutions placées sous le signe du chapitre VII de la charte des Nations Unies. Cependant, la France s'est prêtée au compromis, comme le montre le Conseil européen du 16 décembre 1991, où la position allemande l'a emporté. Pour l'essentiel, dans le cadre de la publication du traité de Maastricht, elle s'est adaptée au rôle dominant des Etats-Unis à compter du mois de février 1994. Entre temps, elle fut la principale inspiratrice de la FORPRONU, qui a politiquement échoué, même si son rôle humanitaire n'a pas été négligeable. Ce bilan restreint témoigne des limites relatives de la puissance française. La diplomatie française s'efforce de tenir son «rang». Son action se rattache à un idéal universaliste. Toutefois, la crise yougoslave témoigne d'une hésitation entre un héritage «westphalien», attaché à la souveraineté nationale, à la raison d'Etat, tradition que l'on peut suivre de Richelieu à Mitterrand et un modèle «individualiste humanitaire», posture kantienne de défense aux droits de l'homme, hostile aux Etats perçus comme oppresseurs. L'équilibre s'est lentement infléchi vers ce dernier modèle, comme allait le montrer la crise du Kosovo.

British policy in Bosnia 1991-1995

Jane M. O. Sharp

This article explores British policy in Bosnia 1991-1995. To write on this topic in the aftermath of prime minister Tony Blair's enthusiastic support of the US war against in Iraq in 2003-2004, is to realise how different Anglo-American relations were during the Bosnian crisis of the early 1990s, and how wide the pendulum swings in relations between London and Washington, as well as between inaction and interventionism in British foreign policy. Although Britain supported the US-led Operation Desert Storm to liberate Kuwait from Iraqi occupation in 1991, John Major's government did all in its power to prevent any western military intervention in the Balkans in the following years. And far from enjoying the warmth of the so called "special relationship", from 1992-1994, relations between the governments of Bill Clinton and John Major were as bad as at any time since the Suez crisis of 1956, when president Eisenhower condemned the Anglo-French attempt to take over the Suez Canal. As the American columnist William Safire wrote in November 1994,

> "the sustained fecklessness of prime minister John Major has made 'un-special' the relationship built up by strong British leaders through hot and cold wars".[1]

For their part, British policy makers who supported the first Iraq war in 1991, deeply resented American reluctance to lead the western alliance through the Yugoslav crisis.

Although Britain contributed the second largest contingent of manpower to the UN Protection Force in former Yugoslavia (UNPROFOR), the British government was widely criticised as a major obstacle to progress in finding a solution to the conflict there. Criticism came not only from Bosnia, whose citizens were the main victims of the war, but also from Muslim countries world wide, from Washington, from other NATO capitals, from European neutrals and especially from officials and workers with non-governmental organisations (NGOs) working in former Yugoslavia (FYU). Critics compared British acquiescence in Slobodan Milosevic's campaign for a Greater Serbia to Neville Chamberlain's appeasement of Hitler at Munich in 1938. The harshness of these judgements stemmed in part from Britain's prominent role in diplomatic efforts which failed to end the war in 1992-1995, but also because Britain accepted early Serbian war gains as the basis for a peace settlement and consistently argued against using an expeditionary force to protect Bosnia unless there was a substantial input of ground troops from the United States.[2]

There is little doubt that Britain would have supported a US intervention in Bosnia in the early 1990s, but without US leadership Major was reluctant even to join

1. W. SAFIRE, *Arm Muslims and Bomb Serb positions*, in: *International Herald Tribune*, 29 November 1994.
2. See for example, *The former Yugoslavia: Briefing Note*, prepared by the Foreign and Commonwealth Office in October 1992.

UNPROFOR.[3] British resentment of the United States increased as both president Bush and president Clinton refused to put US troops on the ground in Bosnia or elsewhere in FYU, while at the same time hurling criticism at the Anglo-French leadership of the UN operation. London also found naïve Washington's analysis of the protagonists in the Balkans. From London it appeared that Americans saw everything in terms of good and evil, black hats versus white hats. From Washington it looked as if the Tories could not distinguish between aggressor and victim.

British policy options

The British government laid out its options early, chose its policy and pursued it consistently. According to Foreign secretary Douglas Hurd, in 1992 Britain faced four choices with respect to Former Yugoslavia (FYU): go to war on behalf of Bosnia against Serbia by sending in a massive ground force to impose a peace; send in material support to help one side win; do nothing; or save civilian lives by supporting a humanitarian effort, hold the ring and help to broker a peace settlement.[4] Britain dismissed the first option because none of the allies were prepared to make the necessary sacrifices or take on an imperial role. Going to war, or intervening to enforce a peace by rolling back Serb war gains was judged feasible only with US leadership and involvement as in the 1991 Gulf War. In 1992 with no sign of US interest in taking up the Bosnia cause this was not a viable option, in the view of the British government. Another factor looming large for Douglas Hurd was the British experience in Northern Ireland. At all costs Hurd wanted to avoid another open ended military commitment. As he told an EC conference in September 1991, British troops were deployed to Northern Ireland in August 1969 to protect Catholics from militant Protestants, and were still there, with no end of the mission in sight, twenty two years later.[5]

The second option, of supporting a proxy war, was one that the US and Germany appeared to favour in 1993, when they urged a lifting of the arms embargo to provide Bosnia with the means to defend itself. Britain, however, claimed such a war could spread beyond the Balkans and perhaps even become a global conflict with the US helping one side and Russia the other. In the absence of public pressure the government might have preferred to wash its hands of Bosnia, but Douglas Hurd dismissed this third option, claiming that indifference in the face of such tragedy would be inhuman. Public opinion and the pressure of the media thus helped to move the government into the fourth option: humanitarian aid to ameliorate the effects of war and diplomatic help to broker a settlement.

3. Britain joined UNPROFOR in October 1992.
4. D. HURD, *We can, at least, save civilian lives*, in: *The Independent*, 12 December 1994; see also Idem., *Memoirs*, Little Brown, London, 2003, Chap.5: *Croatia and Bosnia*, pp.444-476.
5. Hurd cited by D. USBORNE, *EC pulls back from sending troops to Yugoslavia*, in: *The Independent*, 20 September 1991.

Proponents of the fourth option claim that it saved civilian lives, but critics note that it did little to address the underlying conflict. British forces with UNPROFOR helped to deliver humanitarian aid and to stabilise the peace that was eventually agreed between the Bosnian Croats and Bosnian Muslims in early 1994, but until August 1995 UNPROFOR did nothing to curb the aggression of Serb and Bosnian Serb forces, and could only carry out its humanitarian function at the pleasure of local warlords. In effect, UNPROFOR froze the situation on the ground with the Serbs in control of 70% of the territory of Bosnia-Herzegovina.[6] Moreover, the arms embargo which the UN imposed on Yugoslavia on 25 September 1991 (UNSCR 713) undermined the ability of Bosnian government forces to mount an adequate defence and made Bosnia dependent on the UN for basic supplies.[7]

Critics saw Britain's policy less as a search for a solution than as a figleaf for acquiescing in the most blatantly genocidal aggression in Europe since the second world war. Hurd shrugged off such criticism, noting that

> "Those who work for a negotiated settlement and reject solutions that would increase the killing and involve Britain in war are accused of appeasement. Peace-makers are usually criticised unless and until they succeed. We just have to bear this."[8]

The British input to EC diplomacy

Western intelligence agencies kept a close watch on Yugoslavia throughout the Cold war because they expected trouble after Tito passed from the scene. No NATO government could therefore claim that the debacle in former Yugoslavia was an intelligence failure: all the signs of impending trouble were duly noted. In particular a CIA report leaked to the New York Times in October 1990 predicted war in former Yugoslavia.[9] Nevertheless, little action was taken by the western powers to curb Serbian bullying of Albanians in Kosovo in the late 1980s, or to challenge Croatian denial of the rights of its Serbian minorities as the government in Zagreb declared its independence from Belgrade in the summer of 1991. Britain shared the overriding western objective to preserve the status quo, to hold Yugoslavia together as a unitary state on the grounds that its breakup would be an ominous precedent for the USSR.

Initially Britain pursued this policy via the European Communities (EC), then through the United Nations (UN) and the EC combined as the International Conference on Former Yugoslavia (ICFY), with NATO and the WEU brought in as sub-contractors to monitor the arms embargo imposed on Yugoslavia by the UN in

6. For an unusually rich analysis of UNPROFOR, see R. CAPLAN, *Post-mortem on UNPROFOR*, Defence Study, 33(1996).
7. The embargo applied to all of FYU, but Serbia and Croatia were better endowed both with weapons stockpiles and manufacturing capacity.
8. D. HURD, *We can, at least save civilian lives*, op.cit., note 3.
9. D. BINDER, *Yugoslavia seen breaking up soon*, in: *New York Times*, 28 November 1990.

September 1991. From April 1994 until mid-1995, the search for a settlement was conducted through the five nation Contact Group comprising Russia, the US, France, UK and Germany. In all these different forums Britain sought to use its considerable diplomatic skills to control western policy, to curb what it considered rash and misguided proposals by its partners, and especially to steer the Clinton administration away from what London considered uncritical support for Alija Izetbegovic and towards the need to deal with Slobodan Milosevic in Belgrade.

The EC, anxious to prove that it was a foreign and security policy actor, accepted responsibility for resolving the crisis in FYU in late June 1991 when Milosevic unleashed the Yugoslav National Army (JNA) on Croatia and Slovenia in response to their declarations of independence. At that time, EC Foreign ministers, gathered in Luxembourg for a regular council meeting, immediately dispatched the EC Troika of Foreign ministers (Gianni de Michelis of Italy, Jacques Poos of Luxembourg, and Hans van den Broek of the Netherlands) to Belgrade and Zagreb. They went with a plan designed to resolve what they saw as a crisis in the rotating presidency of Yugoslavia, to try to persuade Slovenia and Croatia to suspend their declarations of independence for three months, and to return all troops to barracks.

The Troika left Zagreb on the morning of 29 June believing they had secured a cease fire. In fact, the fighting continued for another week, but it appeared that Slobodan Milosevic had tacitly agreed to allow Slovenia to secede, even if the JNA were reluctant to accept the break-up of Yugoslavia. The Netherlands assumed the presidency of the EC on 1 July 1991, and the secession of Slovenia was codified in the agreement which Hans van den Broek, brokered at Brioni on 8 July. Annexe II of the Brioni Agreement mandated the EC to send military monitors (ECMMs) to patrol Slovenia's borders with Serbia, although Serb president Slobodan Milosevic opposed the deployment of ECMMs on the Croatian border.[10]

The Carrington mission

Though active behind the scenes, in particular to block all proposals to deploy inter-positional or peace keeping forces in FYU, Britain did not have a high profile in the EC diplomatic effort until September 1991, when the EC Troika appointed Lord Carrington, a former British Foreign secretary and a former secretary general of NATO, to negotiate a constitution for a loose federation of the former Yugoslav states. Carrington later admitted the naiveté of the EC, especially his and van den Broek's view that they could negotiate a settlement in FYU before the end of the year and the end of the Dutch term in the EC presidency.[11]

10. ECMM staff were drawn not only from EC countries but also from Poland, Hungary, Sweden and the Czech and Slovak republics.
11. L. SILBER and A. LITTLE, *The Death of Yugoslavia*, Penguin/BBC Books, London, 1995, Chap.14, pp.209-225.

Carrington convened the first session of the EC peace conference on FYU at The Hague on 7 September 1991 and realised immediately that Franjo Tudjman and Slobodan Milosevic had decided to carve up Bosnia-Herzegovina between them at the expense of the Muslims. Carrington, who as secretary general of NATO in the 1980s chastised France for being an "à la carte" ally, nevertheless proposed an "à la carte" solution for FYU. His goal was to retain as much or as little autonomy for each of the six Yugoslav republics as they wanted for themselves. Each, he thought, could choose which of the central institutions it would participate in, and which it would opt out of.[12] Carrington said that he undertook the Yugoslav mission with the clear understanding from Brussels that no EC state would recognize any of the former Yugoslav republics until such a settlement had been achieved.[13] This explains why Britain was deeply irritated by Germany, Austria, Hungary and the Vatican who were at the time all encouraging the secession of Croatia.

In October 1991, after Serbs and Croats had ignored nine EC-brokered cease-fires, the UN secretary general, Javier Perez de Cuellar (impatient with EC diplomacy) appointed Cyrus Vance, a former US secretary of State, as his special envoy to FYU. Vance brokered a ceasefire between Croatia and Serbia on 23 November 1991, which was formally signed in January 1992.

On 2 December 1991, Carrington wrote to Hans van den Broek (then chairman of the EU Troika) warning that recognition of Croatia would undermine the peace process. Javier Perez de Cuellar also wrote van den Broek, on 10 December, to say he was

> "deeply worried that any early selective recognition could widen the present conflict and fuel an explosive situation, especially in Bosnia-Herzegovina and Macedonia".[14]

EC ministers signed the Maastricht Treaty creating the European Union on 11 December and within a few days held a special ministerial meeting on European Political Consultation (EPC). Despite Zagreb's unsatisfactory constitutional position on minority rights as reported by the EU's own commission of jurists headed by Robert Badinter, the other EU ministers caved in to German demands for recognition of Croatia.[15]5 The Badinter commission judged that of the former Yugoslav republics only Slovenia and Macedonia merited recognition. Many British parliamentarians were appalled by Germany's premature recognition of Croatia in December 1991, but – ever pragmatic – British ministers dampened any criticism of Germany because, at Maastricht the previous week Germany had acquiesced in Britain's opt-out from the EU Social Charter.[16] The result was that EU governments recognised Croatia with minimal

12. This mirrored the dominant British Tory view of how Britain should associate with the European Union.
13. P. CARRINGTON, *Turmoil in the Balkans: developments and prospects*, in: *RUSI Journal*, 13(5 October 1992).
14. Perez du Cuellar speech in UNDOC S/23280, 11 December 1991
15. Conférence pour la paix en Yugoslavie, Commission d'Arbitrage, Avis No.5 (Croatie), 11 January, 1992.
16. On the bargain between Britain's opt out at Maastricht and British passivity about German recognition of Croatia, see D. HURD, *Memoirs*, op.cit., p.451.

pre-conditions, thereby forfeiting any leverage the EC might have exerted on future Croatian behaviour, in effect letting Tudjman off the hook. British policy makers claim this policy not only under undermined Carrington's mission, but left the government of Bosnia-Herzegovina no choice but to declare its own independence in April 1992.[17]

Though enjoying a long history of autonomy, Bosnia was hardly ready for self government, having been under some kind of foreign protectorate ever since the Congress of Berlin in 1878.[18] Rather than recognition, some Bosnians would have preferred western governments to negotiate a UN trusteeship for Bosnia.[19] To recognise a state not fully ready for independence was irresponsible, but even more reprehensible was to refuse president Izetbegovic's repeated requests (during October – December 1991) for a preventive deployment of troops to deter the Serb paramilitaries poised to attack as soon as Bosnian independence was declared. Bosnia requested troops through a number of different channels. In December 1991, for example, prime minister Ejup Ganic lobbied for troops with three UN officials in a Belgrade hotel room. These officials sympathised with Bosnia's fear of a Serb offensive, but turned down Ganic's request on three grounds. The first was their claim that among the five permanent members of the Security Council, China would not agree to deploy troops in pursuit of secession. The second was that Cyrus Vance wanted any UN troops for FYU to be deployed in Croatia to monitor the ceasefire he had recently negotiated. The third was that Bosnia was in its current predicament because of misguided EC recognition policies, therefore the EC should provide any necessary defensive troops.[20] This was hardly an encouraging response since Douglas Hurd had already vetoed the use of European troops at several WEU and EC meetings.

Portugal held the EU presidency in the first half of 1992 and convened a conference on Bosnia in Lisbon in late February. The objective was to recognise the territorial integrity of Bosnia-Herzegovina without prejudicing the case for independence. The resulting Carrington-Cutilleiro Plan, however, was an agreement to divide the country into three ethnically based cantons.[21] This was the first of several Bosnian peace plans based on ethnic partition and can thus be seen as the precursor to the Dayton Agreement signed in November 1995.[22] The plan was

17. On EC recognition policy see R. CAPLAN, *The EC's recognition of new states in Yugoslavia: the strategic implications*, in: *Journal of Strategic Studies*, vol.21(3, September 1998).
18. H. POULTON, *The Balkans: minorities and states in conflict*, Minority Rights Publication, London, 1991; C. CVIIC, *Remaking the Balkans*, Pinter Press for RIIA, Chatham House, 1st ed. 1991, 2nd ed. 1994; N. MALCOLM, *Bosnia: a short history*, Macmillan, London, 1994.
19. Z. PAJIC, *UN Trusteeship Can halt Ethnic Ghettos*, in: *Yugofax*, 11(17 May 1992). See also: C. DUPUY, *The Wall Street Journal*, 21 August 1992; H. KISSINGER, *The Independent Herald Tribune*, 21 September 1992.
20. Interviews with UN officials in Macedonia and New York.
21. Text of the Carrington Cutileiro Plan reprinted in: *Review of International Affairs*, Belgrade, 1 April 1992; see also G. MESSERVY-WHITING, *Peace conference on Former Yugoslavia: the politico-military interface*, in: *Defence Study*, 21(February 1994), p.5; N. MALCOLM, op.cit., pp.229-233; S.L. WOODWARD, *Balkan Tragedy: Chaos and Dissolution after the Cold War*, The Brookings Institution, Washington D.C., 1995, p.196; L. SILBER and A. LITTLE, op.cit., pp.240-241.
22. The Vance-Owen plan by contrast tried to preserve the multi-ethnic character of Bosnia.

accepted verbally by all the parties in March 1992, but after consultation with (some would argue under pressure from) Washington, Izetbegovic later rejected the plan as did the Croatian presidency.[23]

The UN Protection Force (UNPROFOR)

In late February, the UN mandated peace keeping troops to demilitarise three UN "protected areas" (UNPAs) in the Krajina. The objective of this UN Protection Force (UNPROFOR) was to remove the Yugoslav army from the Serb-occupied regions of newly independent Croatia.[24] Unlike the ECMMS, these troops were welcomed by Slobodan Milosevic because they served his purpose of keeping the newly "cleansed" Serb enclaves out of Zagreb's control. As some critics argued, UNPROFOR thus became the unwitting agent of Serb paramilitary forces who proclaimed an autonomous Republic of Serb Krajina and held sway over the region until the summer of 1995.[25]

As the Bosnian Serb offensive against Bosnia intensified during the summer of 1992, the UN mandated humanitarian aid convoys.[26] Despite evidence by June of Serb concentration camps in Northern Bosnia, in which Muslim women were systematically raped and men of military age summarily executed, the UN refused to treat this as an inter-state war of aggression, but only as a humanitarian crisis.[27] Glynn Evans, at the time in charge of the UN desk in the British Foreign Office, claims it was a British idea to extend the mandate of UNPROFOR in mid-September, to use force to protect the aid convoys(UNSC Resolution 776). The first British commander in Bosnia, Colonel Bob Stewart, nevertheless records that his mandate and rules of engagement were far from clear.[28]

23. R. M. HAYDEN, *The partition of Bosnia and Hercegovina 1900-1993*, RFE/RL Research report, pp.1-14; and *Bosnian Debacle*, in: *Eurobalkans*, 1994(Autumn), pp.22-35.
24. UNSCR, 743(21 February 1992).
25. C. HODGE and M. GRBIN, *A test for Europe*, Institute of Russian and East European Studies, University of Glasgow, Glasgow, 1997, pp.57-64.
26. UNSCR, 770(13 August 1992).
27. Bernard Kouchner reported that president Izetbegovic briefed president Mitterrand on the Serb camps when Mitterrand flew into Sarajevo on 28 June 1992. See B. KOUCHNER, *Ce que je crois*, Grasset, Paris, 1995, pp.47-8; on the camps, see also R. GUTMAN, *A Witness to Genocide*, Element, New York, 1993.
28. B. STEWART, *Broken Lives, A personal view of the Bosnian Conflict*, Harper Collins, London, 1993.

EC and UN join forces in the ICFY

Britain assumed the EC presidency on 1 July 1992 and in August convened an EC-UN conference on the FYU in London, co-chaired by prime minister John Major and UN secretary general Boutros Boutros Ghali. Among those attending were the Austrian, Canadian, Danish, Dutch, French and German Foreign ministers as well as acting secretary of State Lawrence Eagleburger (USA), prime minister Milan Panic (Yugoslavia), and prime minister Slobodan Miosevic (Serbia), and Bosnian Serb leader Radovan Karadzic. The conference participants agreed a list of thirteen principles to guide their deliberations:

1. cessation of force by all combatants,
2. no-recognition of any territorial advantages gained by force,
3. negotiation by all parties based on these principles,
4. respect for human rights,
5. special effort to protect human rights of minorities,
6. condemnation of all ethnic cleansing, closure of all detention camps, return of all displaced persons,
7. compliance with all four Geneva Conventions of 1949 (obligations to protect victims of war),
8. preservation of inviolability of borders (change by peaceful means only),
9. settlement of succession issues by arbitration not force,
10. full compliance with all UN resolutions,
11. provision of humanitarian aid to those in need, especially children,
12. cooperation in monitoring, peacekeeping and arms control, and
13. international guarantees for any agreements reached.

If followed these principles, which focused on multi-ethnicity and the protection of human rights, would have produced a very different peace agreement than the one eventually agreed in Dayton in November 1995; a partition agreement which divided Bosnia into a Muslim/Croat federation and a Bosnian Serb republic based largely on war gains by the Serbs.

Carrington, increasingly unhappy to represent the EU after the recognition of Croatia, resigned as the EU envoy just prior to the London conference which also established the International Conference on Former Yugoslavia (ICFY) in Geneva. In September the EC appointed another former British Foreign secretary, David Owen, as co-chairman of the ICFY, with Cyrus Vance as the other co-chair representing the UN. Owen's appointment was welcome especially among those who felt John Major and Douglas Hurd were too passive in the face of Serb aggression. This was because in July Owen had written an open letter to John Major which criticised the pusillanimous policy of the Tory government on Bosnia and had called for NATO air strikes against Serbia.[29] Owen soon toed the government line, however, and by September was calling for the lifting of sanctions against the Serbs.

29. Owen's letter reprinted in full in: D. OWEN, *Balkan Odyssey*, Victor Gollanz, London, 1995, pp.14-16; see also Idem., *When its right to fight*, in: *The Times*, 4 August 1992.

The Vance-Owen Plan

Owen and Vance were supported in Geneva by an ICFY steering committee, comprising representatives from both the UN and the EU, which assembled in Geneva in September 1992. Six working groups dealt with different aspects of the conflict. The first fruit of this effort, in early October, was a set of five options for the future of Bosnia drafted by the Finnish diplomat, Martti Ahtisaari, who led the working group dealing with Bosnia-Herzegovina. These options ranged from a centralised multi-ethnic, multi-confessional state with local functions assigned to some 10-20 communes whose boundaries would not be set on ethnic lines (the Bosnian Muslim preference), to a three way partition of Bosnia into a Bosnian Muslim state, allowing the Bosnian Serbs an autonomous state closely associated with Serbia and the Bosnian Croats a similar arrangement with Croatia (preferred by ethnic Serbs and Croats in Bosnia, and which eventually emerged as the Dayton peace agreement in November 1995). In between were three other options with varying degrees of autonomy for the three main ethnic groups, within a single state of Bosnia-Herzegovina.[30] The option which became the Vance-Owen Plan was in the middle of the range. It divided Bosnia into ten provinces which would retain substantial autonomy. One province would be assigned to the multi-ethnic central government in Sarajevo, which would control defence and foreign policy.[31] Three provinces were designated Serb majorities (Banja Luka, Bijeljina and Nevesinge), two with a Croat majority (Mostar and Bosanski Brod), four would have Muslim majorities but would retain their multi-ethnic character (Bihac, Tuzla, Zenica and Travnik).[32]

The Vance-Owen Peace Plan (VOPP) was far from perfect and would have been difficult to implement.[33] Nevertheless, in January 1993 all three warring factions in Bosnia accepted the draft constitution in principle as a basis for negotiating a settlement. The plan was signed by all the relevant parties in Athens in early May, but Bosnian Serbs reneged soon afterwards.[34] The greatest resistance to Vance-Owen came from the newly elected Clinton administration in the United States. In May 1993 after the Clinton administration refused to endorse the plan, transatlantic tensions were running high, not least because Owen, and a number of British officials, suspected the main reason for American reluctance to sign up to any version of the VOPP was their unwillingness to provide an appropriate share of implementation forces. Nevertheless, two new initiatives rose from the ashes of the Vance-Owen plan: the first was the International Criminal Tribunal for Former Yugoslavia (ICTY) and the second was the Joint Action Plan which embraced the concept of safe areas.

30. ICFY Working paper on Constitutional Options Pl 4/10/92, *Balkan Odyssey*, CD-Rom.
31. The Ahtisaari plan is described in detail in the *Report of the Secretary General on the International Conference on the Former Yugoslavia*, UN Documents S/24795, 11 November 1992, pp.11-24.
32. Details of the VOPP in D. OWEN, *Balkan Odyssey*, op.cit. pp.89 sqq.; see also the discussion in J. GOW, *The Triumph of the Lack of Will*, Hurst, London, 1997, ca. p.238.
33. As many have observed, however, the Vance-Owen plan would have been a much better deal for the Bosnian Muslims than the agreement negotiated in Dayton in November 1995.
34. D. OWEN, *Balkan Odyssey*, op. cit., pp.148-149; and S.L. WOODWARD, *Balkan Tragedy* …, op.cit., pp.307-309.

Safe Areas and the Joint Action Plan

British prime minister John Major was a strong proponent of the safe havens instituted in northern Iraq after the 1991 Gulf war, to protect the Iraqi Kurds from Saddam Hussein's regime. In October 1992, Cornelio Sommaruga, president of the International Red Cross (ICRC) proposed the establishment of similar zones to protect vulnerable groups in Bosnia-Herzegovina. Vance and Owen opposed the concept on the grounds that Serbs would simply herd Muslims into such areas which the international community would then have to protect. In December, Cyrus Vance condemned the safe area concept at a meeting of the UN Security Council claiming that it would simply provide the Serbs with additional excuses for more ethnic cleansing. The same month, at an EC summit meeting in Edinburgh that marked the end of the British presidency, John Major urged support for safe areas as a way of keeping potential refugees in Bosnia rather than spilling over into EU countries.[35]

The safe area idea was revived again in March 1993 when general Radko Mladic, having blocked all aid convoys to Srebrenica for months, began to attack the town aided by helicopters and armoured units from the Serbian Army.[36] In response, on 16 April, the UN Security Council passed Resolution 819 declaring Srebrenica a safe area, but without any provision for demilitarising the area, without any specific new tasks for UNPROFOR, and without even delineating the boundaries of the area.[37] The UN Commanders on the ground (generals Phillipe Morrillon and Lars-Eric Wahlgren) met the two main protagonists, general Radko Mladic and the Bosnian general, Sefer Halilovic, at Sarajevo airport on 18 April to negotiate a ceasefire, an exchange of prisoners and safe passage for Canadian UNPROFOR troops who would supervise the demilitarisation of the Muslims in the Srebrenica enclave. The Canadians exploited the lack of definition of the area by demanding that the Muslims demilitarise the town, but not the surrounding areas under their control.[38] Three years later Mladic invoked the failure to completely demilitarise Srebrenica as his rationale to attack the town in July 1995, on the grounds that the Muslims were using the safe area as a launching pad to attack Serb forces.

In the spring of 1993, the safe area of Srebrenica provided the model for an additional five safe areas as an alternative to the Vance-Owen plan. Few in the West, or in Bosnia, much liked this new American initiative launched as the Joint Action Plan. David Owen was particularly bitter about the way in which the British and French governments went along with the new safe areas, in opposition to agreed EU policy which still supported Vance-Owen. Owen records that Douglas Hurd and Alain Juppé, without either informing or consulting Owen or their counterparts in the EU (despite the Common Foreign and Security Policy, launched at Maastricht in December 1991) agreed with US secretary of State Warren

35. Author interviews with participants at the Edinburgh meeting.
36. M. TANNER, *Yugoslav Army intervening in Bosnia Conflict*, in: *The Independent*, 29 March 1993.
37. D. OWEN, *Balkan Odyssey*, p.135.
38. J.W. HONIG and N. BOTH, *Srebrenica: record of a War Crime*, Penguiin Books, London, 1996, pp.104-106.

Christopher and Russian Foreign minister, Andrez Kozyrev, to ditch the Vance-Owen Plan in favour of the Joint Action Plan, with its five safe areas, which recognised rather than sought to roll back Serbian war gains.

The new plan was scheduled for formal announcement on Saturday 22 May, but was leaked to the New York Times on Friday 21 May. Owen was reading the article in London when Douglas Hurd phoned from Washington. Owen complained that the plan implied partition and urged Hurd to dissociate himself from it.[39] But it was too late. The only concession the "big four" made to meet EU sensitivities was to invite the then Spanish Foreign minister, Javier Solana, to be a co-sponsor.

At a NATO meeting to consider the Joint Action Plan, those allies who had been left out of the Washington meeting on 22 May were disgruntled about the lack of consultation; especially the Germans and the Italians.[40] In FYU, safe areas were considered nothing more than Muslim ghettos (and as such applauded by Serbs and deplored by the multi-ethnic Bosnians). Balkan experts in Britain described the initiative as: "an American device for killing Vance-Owen" (James Gow), "the final death warrant for Bosnia" (Noel Malcolm), "a cruel betrayal packaged as a new initiative" (Ed Vulliamy).[41]

On 4 June 1993 the UN Security Council followed up on the 22 May initiative with UNSCR 836 which mandated protection of the six designated Safe Areas: Bihac, Gorazde, Sarajevo, Sebrenica, Tuzla and Zepa. There was however no commitment of resources to implement such a mandate; an extraordinary shirking of responsibility by Britain and the other permanent members of the Security Council. In June 1993 UN secretary general Boutros Boutros-Ghali said his military experts estimated 34,000 troops were needed to deter attacks against the six safe areas. Later, as it became clear that these troops would not be forthcoming, UN officials claimed 7,500 troops and 50 military observers would be sufficient, but even these modest numbers were never mustered. In July, Barry Frewer, a Canadian UN official, admitted that no serious attempt was made to implement the UNSCR on safe areas.[42] In the event, each safe area was manned by only a few hundred lightly armed UNPROFOR troops.

It was obvious to president Izetbegovic that the UN was not serious about protecting the safe areas and he went to the EU Foreign ministers meeting in Copenhagen, on 21 June, 1993, to plead for the arms embargo to be lifted so that Bosnia could more effectively defend itself. This was another attempt to get the Western democracies to pursue not peace at any price but peace with justice. Chancellor Helmut Kohl endorsed Izetbegovic's request and produced a supporting letter also from president Clinton. British Foreign secretary Douglas Hurd was more

39. D. OWEN, *Balkan Odyssey*, op. cit. (Chap.4, *Ditching the VOPP*), p.169.
40. *NATO/DPC: Allies discuss Joint Action Plan for Bosnia*, in: *Atlantic News*, 2528(27 May 1993), pp.1-2.
41. J. GOW, *Triumph of the lack of will: international diplomacy and the Yugoslav War*, Columbia University Press; New York; N. MALCOLM, *Bosnia: a short history*, Macmillan, London, 1994, p.250; Ed. VULLIAMY, *Seasons in Hell*, Simon and Schuster, London, 1994, p.285.
42. M. TANNER, *UN admits "safe areas" do not exist*, in: *The Independent*, 29 July 1993.

vociferous in opposition, however, and carried the day. Hurd believed that lifting the embargo and arming the Bosnians would simply prolong the war.[43] After the meeting officials told the press that EU strategy was to persuade the Sarajevo government to accept Serb and Croat war gains and to sue for peace.

The Owen-Stoltenberg Plan: a return to ethnic partition

After the Vance-Owen collapsed in May 1993, David Owen and Thorvald Stoltenberg (the Norwegian diplomat who replaced Vance in April 1993) returned to the principle of ethnic partition (as embodied in the Carrington-Cutliero Plan launched in Lisbon in March 1992). Cyrus Vance, writing to Owen from retirement, deplored the abandonment of serious efforts to achieve a multi-ethnic Bosnia saying: "We always said there would be no partition. It's wrong. It's the equivalent of endorsing ethnic cleansing". Bill Clinton, by contrast, said he had no objection to partition if all three warring parties agreed.[44]

Owen was not happy to be promoting partition, not least because this contravened most of the principles agreed at the August 1992 London conference that launched the ICFY, but laid the blame for moving away from a multi-ethnic solution unambiguously at Bill Clinton's door for rejecting Vance-Owen. As Owen told reporters in Geneva in June 1993 it would not be possible now to negotiate an "honorable settlement". Indeed, the next plan to appear, variously described as the Owen-Stoltenberg Plan or the Invincible Plan, could hardly have had less reputable authors. It was adapted from one drawn up by Franjo Tudjman and Slobodan Milosevic, based on the Bosnian territory their proxy forces had taken since 1991.[45] Talks on this plan were held in Geneva through the summer of 1993 and culminated in a September session on the British aircraft carrier, HMS Invincible, then patrolling in the Adriatic. As one Bosnian Serb delegate described it: the Turks (Bosnian Muslims) are going to be like walnuts in a Serbo-Croat nutcracker.[46]

Anglo-Russian rapprochement

Both London and Moscow were more sympathetic than either Washington or Bonn to Serb interests, and a feature of the diplomatic effort to settle the crises in FYU was the increasingly good relations enjoyed by Russian and British officials parallel to the deterioration of relations between London and Washington. At ICFY meetings in

43. D. HURD, *Memoirs*, op.cit., pp.459-462.
44. D. OWEN, *Balkan Odyssey*, op.cit., p.192.
45. L. SILBER and A. LITTLE, *Death in Yugoslavia*, Penguin Books, London, revised ed. 1997, Chap.23, pp.303-308.
46. L. SILBER and A. LITTLE, op. cit., page 303

Geneva, several members of the British team said they had better relations with the well informed and active Russian delegate, Vitaly Churkin, than with the US representatives Reginald Bartholomew and Charles Redman.[47]

In the spring of 1993, as the Vance-Owen plan withered for lack of American support, and after rejection of the plan by the Bosnian Serbs, Andrei Kozyrev and David Owen issued a joint statement proposing the progressive implementation of Vance-Owen in those areas of Bosnia-Hercogovina outside Serb control. As Kozyrev said, "We can put out the fire in FYU step by step … not wait until the last Bosnian fighter endorses the plan".[48] Together with the leaders of Bosnia and Croatia, Owen and Kozyrev approved such a plan on 18 May in Medjugorie, but there was no follow-up.[49]

Another example of Anglo-Russian rapprochement was in early February 1994 when, after the shelling of the Sarajevo market place, Britain's reaction seemed closer to that of the Russians than of the Americans. Michael Rose, the new British commander of UNPROFOR in Sarajevo, anxious to fulfil his UN mandate as a neutral peacekeeper, was reluctant for NATO to issue an ultimatum to the Serbs, i.e. to pull back their heavy weapons or risk NATO strikes. Britain eventually went along with the other allies, not wanting to be isolated from both France and the US.[50] But Rose obviously preferred Russian pressure on the Serbs to withdraw their heavy weaponry than having to punish the Serbs with air strikes.[51] Rose, and many others in Britain credited the deployment of Russian troops to Sarajevo as a crucial factor in persuading the Bosnian Serbs to accept a demilitarised (heavy weapons exclusion) zone around that city. British Defence minister, Malcolm Rifkind, used the influx of Russian troops to point out the continued absence of American troops on the ground, as both Moscow and London called on Washington to become more involved in the effort to negotiate a permanent peace for Bosnia.[52] Foreign secretary Douglas Hurd trumpeted the Russian involvement as helpful in buttressing the NATO ultimatum and in reinforcing general Rose's efforts to secure a cease fire around Sarajevo. Hurd also called on the west to help Russia accept new responsibilities in the post-Cold war world.[53]

47. Author interviews with British participants at ICFY meeting.
48. Kozyrev cited by *Daily Telegraph*, 17 May 1993.
49. G. MESSERY-WHITING, *The Peace Conference and Former Yugoslavia: the Political Military Interface*, in: *London Defence Study*, 21(1994), p.38., note 13.
50. J. DEMPSEY and R. MAUTHNER, *Chance for life in the dead zone*, in: *Financial Times*, 19-20 February 1994; and B. CLARK, *Idealism gives way to disenchantment*, in: *Financial Times*, 19 April 1994.
51. A. KRUSHELNYCKY, *Swooping jets step up NATO's war of nerves*, in: *The European*, 18-24 February 1994.
52. On Rifkind, see J. DEMPSEY, J. LLOYD and J. RIDDING, *NATO holds Serbs to strict deadline*, in: *Financial Times*, 19-20 February 1994.
53. D. HURD, *A World role for a great power*, in: *The Independent*, 20 April 1994.

The Contact Group

The Contact Group stemmed from the realisation (in London and elsewhere) early in 1994 that Owen and Stoltenberg representing the EU and the UN as the ICFY, were insufficiently weighty to reach a political solution in FYU. The US and Russia had been instrumental in achieving the cease-fire between the Croatian government and the Croatian Serbs, signed on 29 March 1994. A consensus was thus developing that a way must be found to engage the US and Russia more closely with the three major EU powers. Pauline Neville-Jones, former political director of the Foreign and Commonwealth Office, credits Douglas Hurd with initiating the Contact Group when he went to Washington in January 1994 to plead with the Clinton administration to take a lead in Balkan diplomacy not just "observe" the process from the sidelines.[54]

In early March, Charles Redman, Clinton's special Balkan envoy, together with Bosnian prime minister Haris Sliajdzic and Croatian Foreign minister Mate Granic, brokered the Washington agreement which created a federation between the Bosnian Croats and the Bosnian Muslims. This was the first sign of serious US involvement in Balkan diplomacy and prompted Britain and France to re-assert their respective roles in the diplomatic process. In a lecture to the Pescatore Foundation in Luxembourg on 11 March, David Owen warned that a lasting peace settlement would require the cooperation of EU, US and Russia. Meanwhile, in Paris, French Foreign minister, Alain Juppé, urged "that all the little bits of the diplomatic process should be pieced together".[55] In mid-April at the EU Foreign ministers meeting in Luxembourg Juppé said that three separate European, Russian and American diplomatic tracks on Bosnia made it easier for the Bosnia Serbs to play "double games". Douglas Hurd tried to be more upbeat, pointing to recent "successes" such as the (temporary) lifting of the siege of Sarajevo and the opening of Tuzla airport, but he agreed with Juppé that it made no sense to have three separate diplomatic efforts and that more coordination was needed with Russia and the US.[56] EC ministers instructed David Owen to convene formal EU discussions with the UN, US, and Russia.[57]

The Contact Group met at ministerial level for the first time on 13 May and developed a two track approach, namely that the easing of sanctions on Belgrade was dependent on a peace settlement acceptable to all the parties. The group proposed a 51-49% division of Bosnia Herzegovina between the federation of Croats and Muslims on the one hand, and the Serbs on the other. There were serious differences among the group, however, about details of the map and on when and whether to ease sanction on the Serbs and the arms embargo on the Bosnians. In general, though not on every specific issue, the US and Germany

54. P. NEVILLE JONES, *Dayton, IFOR and Alliance Relations in Bosnia*, in: *Survival*, vol.38(Winter 1997-1997), p.46.
55. A. Juppé cited in *Atlantic News*, 2606(16 March 1994), p.1.
56. D. Hurd cited by L. BARBER, *EU tries to patch up its Bosnia policy*, in: *Financial Times*, 19 April 1994; J. PALMER, *EU seek Russian and US backing for peace push*, in: *The Guardian*, 19 April 1994.
57. I. TRAYNOR and Ch. STEPHEN, *Terror and Mayhem in Gorazde*, in: *The Guardian*, 19 April 1994.

defended the interests of the Croat and Muslim Federation, while Russia, France and Britain were more sensitive to Serb interests.

The Contact Group presented its territorial plan to the relevant parties in Bosnia as a "take it or leave it" offer in late June. Initially Croatia and Bosnia accepted the plan. The Bosnian Serbs dithered, no doubt encouraged by the comments of general Rose and others that the plan was impractical.[58] The Bosnia Serbs laid down several conditions that must be met before they could sign: a sovereign Bosnian Serb state fully independent of the Bosnian Croatian federation; access to the Adriatic, partition of Sarajevo, and the lifting of sanctions on all Serbs.[59]

Despite having earlier said that a "Yes but" response would be interpreted as a "No", the Contact Group then started to amend the proposal to meet Bosnian Serb demands. Reaching agreement within the Contact Group on how to sweeten the package was difficult, however, because of the differences between the US and Germany on the one hand and Russia, Britain and France on the other. Initially, in their rhetoric at least, Bonn and Washington took a high moral tone in the Contact Group, calling for a policy that punished the war crimes of the Serbs and protected multi-ethnic Bosnia. American and German views, however, tended to carry less weight than those of the three states with troops in the line of fire. By late 1994 both Bonn and Washington had backed away from pressuring the Bosnian Serbs. They were unwilling to put their own troops at risk and understood that their three partners were not willing to use the kind of force against general Mladic's forces that might trigger retaliation and put UNPROFOR troops at risk.

Britain and Russia (and to a lesser extent France) took a pragmatic rather than a moral attitude to the search for peace. They tended to discount the viability of a multi-ethnic community in Bosnia after the horrors of "ethnic cleansing", and increasingly as the war progressed to regard the three main ethnic groups (Serb, Croat and Muslim) as equally culpable warring factions. British participants in the Contact Group complained that Germany and the US saw sanctions as a stick to beat Milosevic with, whereas in London (and Moscow though less in Paris) sanctions were seen as bargaining currency that should be cashed in, if and when the time was ripe. While not totally blind to the genocidal nature of ethnic cleansing, Britain tended to play down the need to deal with Serbian and Croatian war crimes and to focus on pragmatic ways to end the war, even if to do so meant acquiescing in Serbian war gains. Peace-now again took preference over peace-with-justice.

58. J. BRAN, *Partition plan puts NATO on collision course with Serbs*, in: *The Times*, 19 July 1994; R. COHEN, *British officers voice Serb fears over territorial map*, in: IHT, 8 November 1994.
59. L. SILBER, *Bosnian Serbs keep peace verdict secret*, in: *Financial Times*, 20 July 1994.

Anglo-American Differences

The most severe rifts in the Contact group were between London and Washington. In November 1994, two events highlighted Anglo-American differences. The first was that the US ceased to participate in enforcing the UN arms embargo on Bosnia-Herzegovina. The second was British opposition to NATO air strikes to save Bihac, a UN designated safe area, from Serb forces.

The UN imposed an arms embargo on all of Yugoslavia in September 1991 after a request by Budimir Lonear, then Foreign minister of Yugoslavia. Apparently the British government encouraged Lonear to ask for the embargo, which may be part of the reason that London was so doggedly attached to it.[60] In the summer of 1992, Peter Carrington and Lewis MacKenzie, the Canadian commander of UNPROFOR's Sector Sarajevo, told Itzetbegovic that he had better sue for peace soon because there was no prospect of an international military intervention and Bosnian government forces were too weak to counter the Bosnian Serbs. Itzetbegovic refused and instead called on the international community to adopt a policy of "lift and strike", by which he meant lift the arms embargo on Bosnia and strike Serb positions from the air, to give the Bosnians a better chance to defend themselves.[61] Initially there was no response from the western powers, but the Clinton administration endorsed "lift and strike" in April 1993.

The British opposed lift and strike. In a revealing Foreign Office memorandum about the US proposal in the summer of 1993 a member of the British delegation at the UN in New York wrote:

> "The UK has consistently opposed this lunatic idea, but our style has been cramped by the need to tend to the special relationship […] it has been reassuring, however, to know that when the crunch came […] the Russian veto would definitely be forthcoming if necessary".[62]

During 1994 the US Congress continued to press for a unilateral lifting of the embargo, but in the Contact Group, and at the UN, Russia, France and Britain maintained a united front to keep the embargo in place.

On 1 July 1994 the US Senate narrowly defeated an amendment that would have forced a unilateral lifting of the embargo.[63] On 9 July president Clinton said that the US would lift the embargo if the Bosnian Serbs rejected the Contact Group plan. In August in a letter to the Senate Armed Services Committee Clinton said that he would go to the UN and ask for the embargo to be lifted if the Bosnia Serbs had not accepted the plan by October 15th. As congressional pressure increased in late September Boris Yeltsin and John Major met at Checquers to discuss ways to bolster

60. J. GOW, in: T. HALVERSON and A. DANCHEV (ed.), *International perspectives on the Yugoslav crisis*, Macmillan, London, 1996.
61. L. SILBER and A. LITTLE,, op. cit. page 279-280
62. Cited by M. ALMOND, *Europe's backyard war*, Mandarin, London, 1994, p.413.
63. H. DEWAR, *Senate weapons ban on Muslims in Bosnia*, in: *International Herald Tribune*, 2 July 1994.

the embargo.[64] At the same time Izetbegovic (now receiving weapons from Iran) called for a six month delay in lifting the embargo, hoping to avoid a split in the Contact Group.[65] In Washington on 12 November, citing UNPROFOR's manifest lack of will or capability to protect UN safe areas, the US Congress voted to forbid American participation in the enforcement of the arms embargo. Although more symbolic than substantive, this US decision led to bitter recriminations from the European allies, especially from London and Brussels. British officials condemned the Clinton administration for breaking the embargo by covertly supplying arms to Croatia, and via Croatia to Bosnia. For their part, Americans voiced suspicions that Britain (and France) wanted Bosnian government forces to suffer a decisive defeat, and give up the idea once and for all of reclaiming territory lost to the Serbs.[66] Foreign secretary, Douglas Hurd, told reporters in London that the US reneging on an agreed alliance procedure had brought Anglo-American relations to their lowest point since Suez.[67] In the United States Anthony Lewis in the New York Times wrote: "Britain's performance in the destruction of Bosnia has brought back life to perfidious Albion".[68]

Different US and British attitudes towards NATO air strikes surfaced over the Bihac safe area in November 1994. French troops pulled out of Bihac in early October leaving only ill-equipped Bangla Deshi troops to protect the enclave. Transatlantic tensions increased through November and December as the Bosnian and Krajina Serbs teamed up with rebel Muslim leader Fiktec Abdic to attack the Bihac safe area. The Croatian government was particularly distressed by the involvement of the Krajina Serbs (as their actions were being launched from Croatian territory) and, in early November, warned US ambassador Peter Galbraith in Zagreb that Croatian government forces might enter the fray.[69] In Washington the Clinton administration responded by proposing the kind of heavy weapons exclusion zone around Bihac that UNPROFOR had imposed around Sarajevo the previous February.[70]

Britain and France refused to go along with this, not least because Michael Rose blamed Bosnian government forces in Bihac for provoking the crisis.[71] The US then urged NATO air strikes on Serb missile sites around Bihac. These were initially

64. E.-A. PRENTICE, *Major and Yeltsin hail joint Bosnia initiative*, in: *The Times*, 26 September 1994.
65. B. CROSETTE, *Bosnian leader agrees to six month delay in lifting arms embargo*, in: *New York Times*, 28 September 1994.
66. M. GORDON, *NATO quarrels left Bihac in the lurch*, in: *The Guardian*, 5 December 1994.
67. F. BONNART, *America strikes a body blow to the transatlantic security alliance*, in: *International Herald Tribune*, 14 November 1994; B. CLARKE and Ch. FREELAND, *New World Order going badly wrong*; and Ph. STEPHENS and G. GRAHAM, *UK fears NATO split over Bosnia*, in: *Financial Times*, 19 November 1995.
68. A. LEWIS, *The shame began with George Bush's decision to do nothing*, in: *International Herald Tribune*, 3-4 December 1994.
69. M. GORDON, *NATO quarrels left Bihac in the lurch*, op.cit.
70. *Atlantic News*, 2674(30 November 1994).
71. In a sense this was true, but for understandable reasons. The Bosnian 5th Army Corps attacked Serb forces which had blocked all food convoys to Bihac for the previous six months.

opposed by both Rose and general Bertrand de Lapresle, then French Commander of UNPROFOR in Zagreb. In the event NATO did strike some Serb anti-aircraft missile sites, but most of the November strikes were against non-serious targets such as empty armoured personnel carriers and empty runways at the Udbina airport in the Krajina, which did little to deter the Serbs. When Biahac fell to general Mladic, Charles Forrest, an American liaison officer with UNPROFOR, resigned in protest at the UN's failure to get supplies to those besieged in Bihac and because he refused to be complicit in what he considered a policy of appeasing the Bosnian Serbs.[72]

To many observers Michael Rose appeared to be taking orders from London rather than from the UN in New York, because he manifestly did not take advantage of the flexibility to use force inherent in UN resolutions mandating "all necessary measures" to deliver aid.[73] Rose's behaviour was widely condemned in the United States and by several European diplomats, but his minimalist use of force was not at all surprising in the context of the British government's view that the war should be ended as soon as possible even if this meant on Serb terms. Former prime minister Edward Heath, at the time a back bench MP, expressed a widely held Conservative view to a BBC interviewer in September 1993, when he said that "If you hold out any hope for the Bosnians, […] then you abolish all hopes of peace".[74]Douglas Hogg, a Foreign office minister, said eight months later:

> "I acknowledge this is extraordinarily unpalatable, but they [the Bosnians] have to recognise military defeat when it is staring them in the face, and that land has been seized by force and there is going to have to be a certain amount of acquiescence in that […] and that the military option has to be abandoned".[75]

British officials were frustrated by the Clinton administration who tended to give Bosnian Muslims the impression that help was on the way and thereby encouraged president Izetbegovic to hold out for a better peace deal and to conduct military offensives against the Serbs. From Whitehall, American policy in the Balkans 1992-1994 appeared mischievous if not downright malign.

Anglo-American convergence: pragmatism trumps principle

Ironically, as tension increased between London and Washington in 1994, the policy of the Clinton administration moved steadily closer to the British position on Bosnia. The change was driven by the US Defence department which took the initiative to

72. C. FORREST, *The UN and NATO have a responsibility to save Bosnia*, in: *International Herald Tribune*, 8 December 1994; see also D. OWEN, op.cit., p.307.
73. UN Security Council Resolutions 770, 776, 781, 819, 820, and 836 all mandated the use of force by UNPROFOR troops if their mission was obstructed.
74. E. HEATH, Radio 4, 3 September 1993, cited by M. ALMOND, *A faraway country*, in: B. COHEN and G. STAMKOSJI (ed.), *With No Peace To Keep*, Grainpress, London, 1995.
75. D. HOGG cited by A. SAVILL, *Peace in eight weeks or we pull out, UK warns Bosnians*, in: *The Independent*, 19 May 1994-

move policy in the direction of what they called 'pragmatic peace' rather than 'peace with honour'. Moral support for the Bosnian government increasingly gave way to positions espoused by Britain and France, i.e. in favour of ending the war as soon as possible, even if on Serb terms. The new US policy was clarified in late 1994, when the Clinton administration realised that NATO might not survive a threatened Anglo-French withdrawal from UNPROFOR.[76] When US policy makers decided in mid-1995 that they needed to take decisive military action against the Bosnian Serbs they found a willing ally in Rupert Smith who succeeded Michael Rose as British Commander of UNPROFOR in Bosnia, and took a more robust view of what kind of military action was allowed under the UNPROFOR mandate.[77]

During 1994, the prevailing ethic in Whitehall was to treat all combatants as equally responsible for the war and not attempt to distinguish aggressor from victims. Under general Rose's command UNPROFOR thus became a virtual agent of the Serb siege of Sarajevo, for example preventing Bosnian civilians from leaving Sarajevo through the airport.[78] By contrast, Rupert Smith's instinct was to deal harshly and impartially with all those who contravened the law and abused human rights, be they Serb, Croat or Bosniak. In particular Smith felt a special responsibility to break the Serb stranglehold on Sarajevo, a mission frustrated by inadequate military equipment as Smith admitted to Izetbegovic in April 1995.[79] On numerous occasions in early 1995 Smith urged redeployment of UNPROFOR troops out of vulnerable UN designated 'safe areas' so that NATO airstrikes would not be opposed by the major troop contributing nations like Britain and France. Smith also pleaded for deployment of a more robust rapid reaction force (RRF) in Bosnia. On 28 May the British cabinet agreed to reinforce British troops in UNPROFOR to form the core of a new RRF. Approval quickly followed in NATO and from the UN. In June the UN Security Council formally approved the RRF with UNSC Resolution 998. The other contributors to the RRF were France and the Netherlands. The force was commanded by Rupert Smith operating out of Kiseljak rather than Sarajevo, which remained the main base for UNPROFOR peacekeepers rather than the RRF peace enforcers.[80]

Rupert Smith's tougher line against the Serbs, and deployment of the new RRF, were unable to save Srebrenica in July 1995, not only because the US did not pass on the necessary intelligence about Mladic's plans, but also because Smith was subordinate to general Bernard Janvier.[81] The RRF came into its own the following month, however. The shell that killed 37 in the Sarajevo market on 28 August

76. I. DAALDER (*Getting to Dayton*, The Brookings Institution, Washington D.C., 2000) gives the best account of the change in US policy in 1995.
77. On Rupert Smith's command of UNPROFOR, see T. RIPLEY, *Operation Deliberate Force: The UN and NATO campaign in Bosnia 1995*, Centre for Defence and International Security Studies (CDISS), Lancaster, 1999.
78. I. TRAYNOR, *Farewell Bosnia*, in: *The Guardian*, 21 December 1995.
79. T. LOZA, *From hostages to hostiles*, in: *War Report*, 43(July 1995), pp.28-38.
80. he best source on the development of the RRF is: T. RIPLEY, op.cit., (note 76), pp.130–139.
81. On the failure of the UN to prevent the massacres at Srebrenica, see K. ANNAN, *Report of the Secretary General pursuant to General Assembly Resolution 53/55 (Srebrenica Report)*, United Nations, New York, 1998.

provided the trigger for long overdue retaliatory action against the Bosnian Serbs. Fortunately general Janvier was away on vacation which allowed Rupert Smith the authority to initiate the contingency plan for Operation Deliberate Force formulated by NATO at the post-Srebrenica London meeting on 21 July. Smith immediately deployed the RRF to destroy general Mladic's ammunition dumps and anti-aircraft guns. Rushing back from vacation general Janvier tried to halt NATO air strikes and RRF ground operations, but was over-ruled and shelling of Serb positions resumed on 5 September.[82]

Mladic was not entirely cowed by the combined force of the RRF and air strikes. As Rupert Smith later acknowledged it required Assistant US secretary of State Richard Holbrooke's arm-twisting in Belgrade before Milosevc ordered Mladic to pull back his heavy weapons.[83] This backing down of Serb forces, combined with Croat and Bosnian military gains earlier in the year, changed the military balance sufficiently to provide an opening for Richard Holbrooke's shuttle diplomacy. In New York on 26 September Holbrooke and the three Foreign ministers of Serbia, Croatia and Bosnia-Hercegovina agreed a set of principles for building democratic governments, guaranteeing human rights and facilitating the return of refugees. Bosnian and Croatian forces continued to retake ground lost to the Serbs until mid-October. On 5 October, president Clinton announced a 60 day cease-fire, which came into effect on 12 October. The proximity talks began at Dayton on 1 November and ended with the signing of a general Framework Agreement on 21 November.

Britain at Dayton and beyond

Rupert Smith's command of UNPROFOR and the RRF certainly enhanced Britain's reputation in Washington during 1995, but the British delegation to Dayton, Ohio, in November admitted they were not privy to all aspects of the Proximity Talks led by Richard Holbrooke. They were not as active as the Germans during the first week or much involved in detailed discussions of the maps in the third week, but Pauline Neville-Jones (the British delegate to Dayton) claimed that Britain made a substantial contribution to the negotiations on the Bosnian constitution during the second week in Dayton. Apparently the initial American drafts did not provide for strong state institutions for the central government in Sarajevo, but focused on the two entity governments: Republika Srpska and the Muslim-Croat federation. This was alarming to the Bosnian Muslims who always suspected that Dayton was intended by the Clinton administration to be a partition

82. On Operation Deliberate Force, see T. RIPLEY, op.cit., (note 76); and I. DAALDER, op. cit., pp.129-134.
83. R. SMITH cited in: *The Economist*, *The crossing of the Mogadishu line*, 13 January 1996, pp.41-42.

agreement, and that Holbrooke's talk of a unified Bosnia-Herzegovina was just a figleaf.[84]

If British diplomats were overshadowed by Holbrooke at Dayton, British forces nevertheless played a leading role in the NATO implementation force (IFOR) during 1996, since the ground forces were based on the Allied Command Europe Rapid Reaction Corps commanded by lieutenant Michael Walker. As the framework nation for the ARRC, Britain provided most of the Sarajevo HQ staff and the largest contingent in IFOR after the United States. IFOR comprised three multinational divisions of 20,000 troops each: one US-led Sector North based in Tuzla, one French-led Sector Southeast based in Mostar, and one UK led based Sector Southwest initially based in Gorni Vakuf, then in Banja Luka. The US participated in IFOR, even though it had refused to join forces with France and Britain in UNPROFOR, but was anxious to leave after 12 months. This completely unrealistic US exit strategy generated more transatlantic tension and eventually the Clinton administration was persuaded that the Stabilisation Force (SFOR) which replaced IFOR in 1997 would have to stay until Bosnia was indeed stable, a condition still not achieved in 2004.

Conclusion

British rhetoric on the conflict in former Yugoslavia began on the moral high ground by recognising the Serbs as the main aggressors against Croatia in 1991 and against Bosnia from 1992, as reflected in the principles adopted at the EU conference in August 1992. Without US support for a serious military intervention to curb Serb aggression when it began in 1991, however, Britain adopted a pragmatic rather than a just peacekeeping policy in Bosnia, which in effect appeased the Serbs at the expense of the Muslims. Especially difficult for the Conservative government of John Major was the fact that, until the summer of 1995, British policy in Bosnia was at odds with that of the Clinton administration in Washington. To the dismay of the Foreign and Commonwealth Office, the much vaunted "special relationship" proved to be non existent. Only when Britain threatened to withdraw troops from UNPROFOR, thereby threatening the fabric of NATO, was the United States persuaded to lead a military operation to curb Serb aggression and move seriously towards a negotiated peace.

From 1992 to 1995 Britain moved away from supporting a genuinely multi-ethnic solution as embodied in the Vance-Owen plan of early 1993, through a series of proposals (the Joint Action Plan for Safe Areas, the Owen Stoltenberg Plan and the Contact Group Plan) increasingly based on ethnic separation, and ending with the overt ethnic partition codified by the November 1995 Dayton

84. A. BORDEN and D. HEDL, *How Bosnia was Broken*, in: *War Report*, February-March 1996; see also P. NEVILLE JONES, op.cit., pp.42-65.

Agreement. Richard Holbrooke, the chief architect of Dayton claimed the Agreement was designed to knit Bosnia back together again, but despite some overarching central structures the entity governments remained dominant, resistant to change and still (almost a decade after Dayton) almost entirely dependent on assistance from the international community.

If Bosnia wants to modernise by joining West European structures, like the European Union and NATO, it will have to dissolve the two entities established by Dayton in favour of a strong central government with cantonal structures to govern at the local level; in effect to return to the Vance-Owen proposal of 1993.[85]

85. As outlined by the European Stability Initiative (ESI), *Making Federalism Work – A Radical proposal for Practical Reform***,** ESI, Berlin, January 2004, pp.9 sqq.

Activist and Catalyst: Dutch Moralistic Decision-making Regarding (Former) Yugoslavia, 1991-1994

Bob de Graaff

On 11 July 1995 an attack by the Bosnian-Serbian Army led to the fall of the Muslim enclave Srebrenica, which had been declared a safe area by the United Nations more than two years before. In the following days a total of about 7,500 men died, chiefly through mass executions. It was the largest massacre in Europe since the Second World War. After an initial feeling of relief that only one Dutch soldier had died (by a Muslim action), questions presented themselves as to the fate of the Muslim men and the behaviour of the battalion of the airmobile brigade Dutchbat. Why had the Dutch military, being part of UNPROFOR, the United Nations Protection Force, not protected the population of the enclave? Why had the 'safe area' not been really safe? What could Dutchbat have done to prevent this outcome?[1]

The answers to these questions were preordained by the decisions that were taken prior to the deployment of the first of three Dutch battalions in the spring of 1994. The circumstances surrounding the dispatch of the first battalion had already been very unfavourable. It was no coincidence that the Netherlands government had been the only one willing to offer troops for Srebrenica. That decision had been shaped not only by the general disposition of the Netherlands government regarding peace operations, but also by the stand the Dutch government had taken within the European Community in the years 1991 to 1993. This article will try to explain how the Dutch government acting upon moral imperatives, manoeuvred itself into a position that should not necessarily have led to the slaughter of 1995 but in which the Dutch peacekeeping troops did become utterly dependent upon the whims of the Bosnian-Serb authorities.

The stand taken by the EC prior to the Yugoslav conflict

When on 25 June 1991 Croatia and Slovenia declared their independence, as they had announced before, there was almost general jubilation about the chances it

1. Among the major publications in the Netherlands was J.C.H. BLOM and P. ROMIJN (eds.), *Srebrenica, een 'veilig' gebied. Reconstructie, achtergronden, gevolgen en analyses van de val van een Safe Area*, Boom, Amsterdam, 2002, the report on 'the events prior to, during and after the fall of Srebrenica' which was asked for by the Netherlands government from the Netherlands Institute for War Documentation. The author wrote the first part of this report, an English translation of which can be found on the Internet: www.srebrenica.nl. In the footnotes the reader will be referred to both the Dutch-language report by page numbers and (between brackets) to the relevant section of the report on the Internet. There was also a parliamentary inquiry, which resulted in: TWEEDE KAMER DER STATEN -GENERAAL, *Missie zonder vrede*, The Hague, 2003.

offered the European Community (EC) to rehabilitate for the inconspicuous role they had played during the first Gulf war. It was not only Foreign minister Jacques Poos of Luxemburg who, in the latter days of the Luxemburg EC-presidency, thought that 'the hour of Europe' had broken and that 'if anyone could achieve a solution, it would be the European Community'.[2] German chancellor Helmut Kohl,[3] the president of the European Commission Jacques Delors[4] and the Italian Foreign minister Giovanni de Michelis[5] also declared that the Americans should not meddle in these European affairs. Dutch Prime minister Ruud Lubbers expected that this was an opportunity for Europe to rehabilitate itself, as well.[6] Dutch parliamentarians opined that both Yugoslavia and the world could praise themselves lucky that the Netherlands took over the EC-presidency on 1 July 1991, as the Dutch were not tainted by a war past in Yugoslavia, like the Germans and Italians, they had no pro-Serb sympathies, like the French and the British, they had no direct interests in Yugoslavia and their country was neither big nor threatening.[7] In other words, their irrelevance should prove to be advantageous.

The American government ceded the European governments their finest hours without demur. In the year preceding the outbreak of the conflict in Yugoslavia a difference of opinion between the US and the EC about the right approach of the rising tensions in Yugoslavia had made itself felt.[8] The US government had laid emphasis on the maintenance of stability, what seemed to imply a choice in favour of the federal authorities in Yugoslavia's capital Belgrade. The EC had stressed the need for democratic developments and had been under the impression that those were to be found mainly in the republics that were striving for independence or more autonomy. However, both the US and European governments realized that neither democracy without stability nor stability without democracy was desirable. Therefore the American and European leaders had agreed upon a policy of both unity and democracy. No force was to be used, neither for unity nor for secession. The authorities in Washington and Brussels pressed the Yugoslav authorities for

2. Jacques F. Poos, speaking on BBC Radio 4 News, 27 June 1991 and Channel 4 News, 27 June 1991, respectively, quoted in: M. ALMOND, *Europe's Backyard War. The War in the Balkans*, Heinemann, London, 1994, p.392, n.3. Cf. A. RIDING, *Conflict in Yugoslavia: Europeans send high-level team*, in: *New York Times*, 29 June 1991. See also R. GUTMAN, *A Witness to Genocide: the 1993 Pulitzer Prize-winning Dispatches on the 'Ethnic Cleansing' of Bosnia*, MacMillan, New York etc., 1993, p.xxv; G. DE VRIES, *Een kwestie van leiderschap* (A question of leadership), in: G. DE VRIES a.o., *Een continent op drift. Opstellen over de veiligheid van Europa*, Van Oorschot, Amsterdam, 1994, p.18.
3. *Bemiddeling EG* (EC mediates), in: *de Volkskrant*, 29 June 1991. See also O. GARSCHAGEN, *Kwestie-Joegoslavië brengt EG-leiders in alle staten* (Yugoslav question agitates EC leaders), in: *de Volkskrant*, 1 July 1991.
4. Cited in W. BERT, *The Reluctant Superpower. United States' Policy in Bosnia, 1991-95*, MacMillan, London/New York 1997, p.139.
5. A. RIDING, *Conflict in Yugoslavia: A Toothless Europe?*, in: *New York Times*, 4 July 1991.
6. Dutch Radio 1, VARA, Vrijdageditie, 5 July 1991, 6.10 pm.
7. Dutch Lower House, 1990-1991, 22 181, No.2.
8. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., pp.153-158 (The history preceding the conflict: Yugoslavia up till 1991, Chapter 5).

dialogue, although with receding hope. Even the prospect of an associated EC-membership, financial aid up to five billion ecu and intercession with the IMF on behalf of Yugoslavia, as offered by Luxembourg Prime minister Jacques Santer, being the then EC-president, and Jacques Delors at the end of May 1991, could not convince the main actors in Belgrade, Ljubljana and Zagreb that they should give up their nationalistic policies that would inevitably lead to bloody confrontations.[9] During a last minute visit on 21 June James Baker stressed the importance of Yugoslavia's unity,[10] thereby unintentionally giving the wrong signal to both the top brass of the Yugoslav army, which still clung to its constitutional role of maintaining Yugoslavia's integrity, and Serb president Slobodan Milosevic and his environment, who were striving for a Greater Serbia, which would consist of not only Serbia but also of those territories outside Serbia where many Serbs lived or that were considered to be of historical importance, such as Krajina in Croatia, large parts of Bosnia-Herzegovina, Kosovo and finally Montenegro.

The EC at the beginning of the conflict

Considering the changes in the security architecture of Europe after the fall of the Berlin Wall, the crisis in Yugoslavia came too early. NATO was still not empowered for out-of-area operations. The Western European Union (WEU) was mainly a debating club and to a large extent the same was true for the OSCE, which during the first six month of the Yugoslav crisis was still handicapped by the unanimity rule for its decisions. And the secretary-general of the United Nations, Javier Perez de Cuellar, declared at the beginning that the crisis was an internal affair of Yugoslavia and no threat to the international peace and security.[11]

It seemed therefore natural that the EC was to handle this crisis. However, the EC had some serious shortcomings. Contrary to what Dutch parliamentarians, used to the moderate situation in their own country, expected, it soon became obvious that the ability to threaten the conflict parties in Yugoslavia, especially Milosevic's regime, was a major precondition for the management and the conclusion of the crisis. However, the EC had no other means than economic sanctions to make a threat rest on. They did not have a military force of their own.

Due to the organization of the EC with its presidency rotating every six months, the Foreign ministry of its current president had to act as crisis centre. In spite of the fact that the Netherlands government had looked after the interests of EC-president Luxembourg in Yugoslavia during the first part of 1991 and could therefore have been

9. Ibid.
10. W. ZIMMERMANN, *Origins of a Catastrophe. Yugoslavia and its Destroyers*, Time Books, New York, 1999, pp.134, 137; Idem., *The Last Ambassador. A Memoir of the Collapse of Yugoslavia*, in: *Foreign Affairs* vol.74(2) (March-April 1995), pp.11-12.
11. H. AMELINK, *Joegoslavische crisis eerste test voor CVSE-mechanisme* (Yugoslav crisis first test for CSCE mechanism), in: *NRC Handelsblad*, 29 June 1991.

better prepared for the coming events, Yugoslavia had only played a minor role in the Dutch preparations for the taking over of the EC-presidency. After Hans van den Broek had become minister of Foreign affairs in 1982, the regional divisions of his ministry had been reduced in importance.[12] The bureau for Eastern Europe, which had to pay attention amongst other countries to both Yugoslavia and the Soviet Union, counted only three officials in the summer of 1991.

The situation in Yugoslavia soon developed into the most important issue of the Dutch EC-presidency beside the Maastricht treaty, which would have to be signed at the end of the six months term. Confronted with the Yugoslav crisis several top officials of the Netherlands ministry of Foreign affairs headed for the bookstore in the summer of 1991 to update their knowledge of the Balkan region.[13] Not so minister Van den Broek. He thought that knowledge of the region was irrelevant to his most important policy aim, i.e. to maintain consensus among the twelve members of the EC.[14] That by itself was already difficult enough.

The government of the United Kingdom had experience with both a civil war (Northern Ireland) and a troublesome peacekeeping operation (Cyprus). The UK minister of Foreign affairs Douglas Hurd realized that in both cases it was much easier to start intervening than withdrawing.[15] Once again, splendid isolation from the European continent seemed to be Britain's best advice. As a matter of fact, British Prime minister John Major even seemed to doubt whether Yugoslavia could be called European. 'This is Africa', he pointed out to his Dutch colleague Lubbers the first time the two spoke about the Yugoslav crisis.[16]

In Paris pro-Serbian and anti-Croatian feelings went hand in hand with reluctance against *Kleinstaaterei*, especially with president François Mitterrand.[17] This seemed to lead to a breach in the French-German axis, which traditionally formed the core of much EC decision-making. In the recently reunited Germany the right to self-determination was presented with much force. If the German people had realized this right, why then would not the peoples of Slovenia and Croatia be allowed to do the same? It was furthermore to be expected that Germany would have to carry the main burden of the refugee waves.[18] Already in the first weekend after the declarations of independence public opinion weighed heavily upon the German government, forcing both chancellor Kohl and minister of Foreign affairs Hans-Dietrich Genscher to oppose Serbian aggression strongly, if only with words. The fact that the German government, pleading constitutional and historical grounds, claimed not to be able to dispatch troops did not temper its

12. B. DE GRAAFF, *De organisatie en coördinatie van het ministerie van Buitenlandse Zaken*, on the CD-ROM attached to J.C.H. BLOM and P. ROMIJN (eds.), op.cit.
13. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., p.226 (Part 1, Chapter 1, Section 6).
14. Ibid. (Part 1, Chapter 1, Section 6).
15. A. MENON, A. FORSTER and W. WALLACE, *A common European defence?*, in: *Survival*, vol. 34/3(Autumn 1992), p.118, n.11.
16. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., p.208 (Part 1, Chapter 1, Section 4).
17. Ibid., pp.214-217 (Part 1, Chapter 1, Section 4).
18. Ibid., p.212 (Part 1, Chapter 1, Section 4).

verbal decisiveness. Dutch Foreign minister Van den Broek did not take this high profile in connection with a reborn German self-esteem after the reunion of both Germanys lightly. It led to childish arguments between him and Genscher.[19] This all deflected Van den Broek from the fact that the German government, in despite of all rhetoric, just like himself put the highest priority on establishing a monetary and a political union at the end of the year. That was also the formula on which Germany and France reached consensus again in late August, early September.[20] They considered the European integration to be too important to let it be endangered by the belligerents in Yugoslavia.

Multi-ethnic or mono-ethnic states?

The lack of a separate EC crisis centre and a European armed force were countered rather originally by establishing the European Community Monitoring Mission (ECMM). On 7 June the Brioni agreement was signed under the guidance of the EC troika.[21] It provided for a dialogue between the warring parties in Yugoslavia, a cease-fire and a three months moratorium on independence. The ECMM, consisting of tens of observers, would oversee the cease-fire. Later ECMM would expand to about 400 observers. They would be the eyes and ears of the EC in the field. However, they mainly produced localized efforts at mediation.

Although the EC thought the Brioni agreement, realized during the third EC troika mission since the declarations of independence, was a success worthwhile of its own efforts,[22] it only seemingly was a victory. The agreement left it to the Yugoslavs themselves to start a dialogue, which had been impossible for years already because of a stalemate between the supporters of (re)centralization and those in favour of more decentralization. EC hopes that the federal authorities in Belgrade still had any say in a Yugoslavia that was falling apart were not justified. Demanding an effective ceasefire before political discussions could start meant that precious time would be lost, especially considering the three months moratorium on independence. While the EC formally clung to the unity and integrity of Yugoslavia, Croatia and Slovenia could cherish the hope that after the lapse of three months nothing could stop their independence any longer. Giving a rather restricted interpretation of the ECMM's mandate, its head, the Dutch diplomat Jo van der Valk, confined its activities initially to Slovenia, causing the EC to lag behind the outbreak of the conflict in Croatia.[23] It was not to be the last time the international

19. Ibid., pp.219, 231-233, 242-243, 352, 358-365 (Part 1, Chapter 1, Section 5; Section 8; Section 9; Chapter 2, Section 7; Chapter 2, Section 8; Section 9).
20. Ibid., pp.351-354 (Chapter 1, Section 8).
21. The text of this agreement is given in *Review of International Affairs*, Vol.42, Nos.995-7, pp.20-23.
22. See e.g. O. GARSCHAGEN, *CVSE moet eer aan EG laten in crisispreventie* (CSCE has to give way to EC when it comes to crisis prevention), in: *de Volkskrant*, 13 July 1991.
23. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., p.236 (Part 1, Chapter 1, Section 8).

community thought to have scored a diplomatic success in Yugoslavia, while the regional actors were preparing themselves for the next conflict, in this case in Croatia.

Despite the lack of sufficient knowledge of the region within the Netherlands ministry of Foreign affairs, its most important policy-maker after the minister, director of political affairs Peter van Walsum, realized early in the crisis that the most important confrontation in Yugoslavia would take place in Bosnia-Herzegovina, 44 percent of its population being Muslims, 31 percent Serbs and 17 percent Croats.[24] Once Milosevic had granted Slovenia's secession in an operetta-like war, it was unlikely that Croatia, Bosnia and Macedonia would acquiesce in his domination of the federal presidium, where his puppets occupied the seats of Serbia, Montenegro, Kosovo and Vojvodina. In July the media reported on rumours that Milosevic and Croatia's president Franjo Tudjman were not only on the brink of a war in Croatia, but were at the same time planning to divide Bosnia, mainly according to ethnic lines. Van Walsum foresaw that this would lead to a lot of bloodshed. On behalf of minister Van den Broek he sent a so-called COREU[25] message through the EC's communication system to the other European capitals proposing a voluntary revision of the internal boundaries of Yugoslavia in order to establish maximum ethnical homogeneity.[26] None of the other EC governments was willing to support this proposal, however, with the exception of the Danish government. The other EC members feared that such a revision would open Pandora's box, setting free claims for border revisions from Scotland to Corsica and from Basques to the Soviet-Union. Van Walsum's colleagues in The Hague were as surprised by his COREU as the diplomats in other capitals. According to Van Walsum's own report, his close colleagues 'tore the telegram to shreds' when they finally became aware of its contents.[27] The rest of the ministry staff was opposed to Van Walsum's telegram not only because they were against the idea of discussing the borders at all, but also because they took a positive stand in favour of multi-ethnicity.[28] The West chose multi-ethnic society as the model for the new republics which they hoped would rise out of the old Yugoslavia. This was a choice that, in Van Walsum's words, was 'forced' on Yugoslavia.[29]

The discussion on this topic would flare up again in late 1997 and early 1998 in the coded messages passing between a number of staff members in Foreign affairs.

24. Ibid., p.246 (Part 1, Chapter 1, Section 10).
25. COREU is a European Community communication network between the member states and the Commission for cooperation in the field of foreign policy and is especially used to make swift decisions in emergencies.
26. P. van WALSUM, *De ontbinding van Joegoslavië*, *Liber Amicorum voor Henry Wijnaendts*, s.l., 1997, p.80; Idem., *Verder met Nederland. De kritische terugblik van een topdiplomaat*, Balans, Amsterdam, 2001, p.73; TIJDELIJKE COMMISSIE BESLUITVORMING UITZENDINGEN (TCBU), *Vertrekpunt Den Haag. Rapport*, 's-Gravenhage, The Hague, 2000 (Dutch Lower House 1999-2000, 26454, nos.7-10), III, deposition by A.P. van Walsum, 22/05/00, p.10.
27. P. van WALSUM, *Nederland*, op.cit., p.73.
28. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., p.249 (Part 1, Chapter I, Section 10).
29. P. van WALSUM, *Nederland*, op.cit., p. 76.

At the time, Van Walsum had rejected the criticism of his colleagues that the proposal he had made in his COREU message of 13 July 1991 was 'indefensible, irresponsible, unwise and impracticable'. He pointed out that the decision not to discuss the internal boundaries of Yugoslavia had led to the creation of the sovereign state of Bosnia-Herzegovina - a development that he regarded as highly questionable. He was hurt by the allegation from inside the ministry that the drawing of boundaries around ethnically homogeneous regions was 'morally indefensible':

> 'It goes without saying that it is better to maintain multi-ethnic structures under all circumstances – but then that would have applied to Yugoslavia too. It is curious that everyone realized that Europe did not have the power to save Yugoslavia, while it was assumed unhesitatingly that we could keep Bosnia-Herzegovina together or that the problem would not arise at that level'.[30]

Van Walsum was prepared to admit in 1998 that dividing up Yugoslavia along ethnic lines was not an ideal solution,

> 'but I find it difficult to see why it should be morally more indefensible than the course actually chosen by the Twelve, which cost the lives of at least 150,000 people'.[31]

Even later than that, Van Walsum would stick to his opinion that the EC had been too quick to assume that multi-ethnicity was the best solution for the new states arising out of the old Yugoslavia.[32]

Loss of control by the EC-presidency

Meanwhile, in the summer of 1991, minister Van den Broek, who was acting frantically to keep ceasefire agreements from being violated before the ink of the agreements had dried, was rapidly losing his grip on the developments in Yugoslavia. Already in early April 1991 after a visit of the EC troika to Yugoslavia he had reported in the Dutch ministerial council that the nationalistic feelings in Yugoslavia were so strong that he thought it almost impossible for the EC to exert any influence on them at all.[33] The Slovenian president Milan Kucan said that during the Brioni talks Van den Broek had left the room uttering the words 'What a people! What a country!'.[34] As Van den Broek himself told at an internal meeting of Dutch diplomats, he had got the feeling during the first weeks of the conflict 'to sit at the table merely with horse thieves and brigands'.[35] In his turn the Serbian minister of Foreign affairs Vladislav Jovanovic was irritated by Van den Broek's

30. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., p.249 (Part 1, Chapter 1, Section 10).
31. Ibid. Cf. P. van WALSUM, *Nederland*, op.cit., p.78 and Idem, *Ontbinding*, op.cit., p.82
32. TCBU, *Vertrekpunt, III*, deposition by A.P. van Walsum, 22/05/00, pp.9-10.
33. J.C.H. BLOM and P. ROMIJN (eds.), op.cit. (The history preceding the conflict: Yugoslavia up till 1991, Chapter 5).
34. L. SILBER and A. LITTLE, *The Death of Yugoslavia*, Penguin, London 1996^2(1995), p.164.
35. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., p.343 (Part I, Chapter 2, Section 7).

lack of will to learn more about Yugoslavia, which he thought was indicative of both the EC's and Van den Broek's arrogance.[36]

From 2 to 4 August Van den Broek visited Belgrade to reach an agreement on permitting the ECMM to monitor in Croatia as well. Milosevic and the other Serb politicians reacted negatively. They said they would welcome EC representatives as politicians, diplomats, businessmen and tourists, but not as peacekeepers or monitors.[37] Van den Broek felt insulted by the disdainful approach by Serbia's leaders. Afterwards he gave a press conference at which he said he felt compassion for a people that had leaders like Milosevic. According to the Dutch minister, who looked noticeably exhausted and who would later recall the Yugoslav crisis as the low of his ten years as minister,[38] there was little left the EC could do for Yugoslavia.[39] Many commentators felt that Van den Broek had behaved rather undiplomatically by airing his frustration with so much ostentation.[40]

On 6 August at an extraordinary session of the European Political Co-operation (EPC) the other EC-ministers of Foreign affairs urged Van den Broek not to stop his efforts.[41] Meanwhile the major European powers began to take the reigns from his hands. The UK government took the initiative for a conference on Yugoslavia to be held in The Hague and to be chaired by Lord Carrington.[42] At about the same time the French-German axis, which had broken down in the early days of the conflict, was under repair. On 27 August Van den Broek drew a blank during a meeting of the EPC ministers with a strong anti-Serbian declaration, in which Serbia was threatened to be excluded from the coming conference on Yugoslavia.[43]

It appeared that the German and French governments had already discussed how the conference should proceed and for that reason they thought it would be

36. Ibid., pp.228, 480 (Part 1, Chapter 1, Section 7; Chapter 3, Section 12).
37. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., p.338 (Part 1, Chapter 2, Part 7).
38. J. BRON DIK, *De Hollanditis ligt gelukkig achter ons, er is weer internationaal respect* (Fortunately Hollanditis is history and once again there is an international perspective), in: *CD/Actueel*, 13(1993), p.4.
39. W. NIEUWENHUIS, *Van den Broek vermoeid en ontmoedigd* ('Van den Broek weary and discouraged), in: *NRC Handelsblad*, 5 August 1991; P. NIJDAM, *EG-missie mislukt in Joegoslavië* (EC mission fails in Yugoslavia), in: *Telegraaf*, 5 August 1991; and *Van den Broek verbitterd en somber na mislukking EG-trojka. 'Servië saboteert vredesmissie'* ('Van den Broek bitter and gloomy after EC troika failure. Serbia sabotages peace mission), in: *Trouw*, 5 August 1991.
40. S. ENGELBERG, *Carving Out a Greater Serbia*, in: *The New York Times*, 1 September 1991; Idem., *Bijbaantje* (Job on the side), in: *NRC Handelsblad*, 30 August 1991; W. JOUSTRA, *Waar niet wordt gepraat, vallen doden* (Where talking stops, people die), in: *de Volkskrant*, 7 August 91. See also *Joegoslavië*, in: *de Volkskrant*, 6 August 1991.
41. See e.g. H.-D. GENSCHER, *Erinnerungen*, Siedler, Berlin, 1995, p.944.
42. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., p.345 (Part 1, Chapter 2, Section 7).
43. H.-D. GENSCHER, op.cit, pp.946-948; M. LIBAL, *Limits of Persuasion. Germany and the Yugoslav Crisis, 1991-1992*, Westport, Connecticut/London, 1997, pp.40-41; N. BOTH, *From Indifference to Entrapment. The Netherlands and the Yugoslav Crisis 1990-1995*, Amsterdam University Press, Amsterdam, 2000, p.119. See also R. MEINES, *Genscher en Dumas prijzen Den Haag, maar niet te veel* (Genscher and Dumas praise The Hague, but not too much), in: *NRC Handelsblad*, 4 September 1991.

better to continue the EC's official policy of even-handedness. Besides, Genscher and Mitterrand held talks with the main Yugoslav actors about the upcoming conference, without previously informing Van den Broek. A little later, during a press conference on 12 September, Mitterrand said that he could not exclude the possibility of independence of Croatia and Slovenia at a certain stage in the future.[44] Four days later French Foreign minister Roland Dumas told on French television that the problem was no longer whether Croatia and Slovenia would become independent, but only how.[45] On 19 September finally Kohl and Mitterrand reached a compromise on their positions regarding Yugoslavia along the line that Germany 'weder allein steht noch allein geht'.[46] Kohl promised that Germany would take no unilateral step and would guarantee respect for the rights of minorities in Yugoslavia, while Mitterrand accepted Croatia's and Slovenia's right to self-determination in principle.[47]

Furthermore they agreed that their representatives at the UN would ask for a peacekeeping force to be sent to Yugoslavia, as the EC did not have the means and the WEU for political reasons had been unable to do so.[48] On 25 September the Security Council decided to establish an arms embargo for the whole territory of Yugoslavia, a resolution that was most advantageous for Serbia, which had the most weapons at its disposal.[49] It was also decided that the former Secretary of State Cyrus Vance would become the UN's representative for Yugoslavia.

Van den Broek's time limit for recognition

On 8 October, after the expiry of the Brioni moratorium, Croatia and Slovenia declared themselves definitively independent, thus putting pressure on the EC, as Germany favoured a speedy recognition, whereas the British and French governments opted for a more cautious approach. Van den Broek thought to find a way out by offering, during telephone conversations with Washington and European

44. K.P. ZEITLER, *Deutschlands Rolle bei der völkerrechtlichen Anerkennung der Republik Kroatien unter besonderer Berücksichtigung des deutschen Aussenministers Genscher*, editor, Marburg, 2000, p.97.
45. Ibid., p.305.
46. *Initiative bei Mitterrands Besuch in Deutschland*, in: *Süddeutsche Zeitung*, 20 September 1991.
47. P.V. JAKOBSEN, *Multilateralism Matters, But How? The Impact of Multilateralism on Great Power Policy towards the Break-up of Yugoslavia*, in: *Cooperation and conflict*, vol.30, 4(1995), pp.371, 375-376 and 378-379; K.P. ZEITLER, op,cit., p.97.
48. D. GOW, J. PALMER, *Mitterrand and Kohl urge UN intervention in Yugoslavia*, in: *The Guardian*, 19 September 1991.
49. Security Council, Resolution 713.

capitals, the prospect of an automatic recognition if the Yugoslavia conference would not produce any results within the next two months.[50] What made Van den Broek decide to alter his course?

In the first week of October there was optimism that Carrington had reached a break-through at the Yugoslavia conference, after Milosevic had responded favourably to a proposed over-all solution for Yugoslavia. At an informal meeting of the ministers of Foreign affairs of the Twelve at Haarzuilens Castle on 5 and 6 October, Van den Broek announced that Serbia now appeared resigned to recognizing the republics that were pursuing independence.[51] On the other hand, the ministers expressed dismay at the violence displayed by the JNA (Yugoslav National Army) in Croatia.[52] Genscher demanded the immediate withdrawal of the JNA from Croatia and stated that, if necessary, Germany would proceed alone to the recognition of Croatia and Slovenia. The twelve EC ministers also decided, if no ceasefire was in effect after 7 October, to resort to sanctions against reluctant parties and the termination of the cooperation agreement between the EC and Yugoslavia. On the other hand, a cooperation agreement would be concluded with the cooperative parties. This not only marked the EC's turn to a biased course, which it had been reluctant to take until then because of the mediation that it wished to provide in the Yugoslavia Conference, but it also created the impression that it was anticipating the recognition of Croatia, Slovenia and possibly other republics. However, on 8 October, after intensive telephone consultation, Van den Broek belatedly reached agreement with the deputy minister of Defence of Yugoslavia, Admiral Brovet, and the head of the ECMM mission, Van Houten, on a suspension of hostilities. This meant that the sanctions would not go ahead.[53]

Van den Broek badly needed a success. On Monday 30 September 1991, 'black Monday', the Dutch draft treaty for a political union was torpedoed by all other member states of the European Community except Belgium. 'We looked like complete idiots', concluded Van den Broek himself.[54] On 8 October, the three month moratorium set down in the Brioni agreement on the implementation of the proclamations of independence of Croatia and Slovenia expired. Both republics reaffirmed their independence and made a start on its implementation, including in the area of currency.

As EC president, Van den Broek still had to take account of the differences between Germany, which wanted rapid recognition, and France and Great Britain, which were not in favour. An example illustrating the tensions that this could cause

50. N. BOTH, op.cit., p.123; R. MEINES, *EC: leger verlaat Kroatië; leger weet van niets* (EC: army leaves Croatia; army aware of nothing), in: *NRC Handelsblad*, 11 October 1991. H. HETZEL, *In zwei Monaten entscheiden wir über die Anerkennung*, in: *Die Presse*, 18 October 1991. See also H.-D. GENSCHER, op.cit., pp.954-955.
51. N. BOTH, op.cit., p.125.
52. H.-D. GENSCHER, op.cit., p.953.
53. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., Part 1, Chapter 2, Section 9.
54. R. MEINES, *De Haagse zelfmoord* (The suicide of The Hague), in: *NRC Handelsblad*, 2 October 1991.

within the EC was minister Douglas Hurd of Great Britain, who under different circumstances was a none too warm supporter of European integration, on seeing the opportunity to curb German brashness, suddenly discovered the usefulness of the EC. In his address to the British Conservative Party Congress on 8 October, he said that:

> 'the luxury and danger of the West European powers pursuing national policy on their own in Eastern Europe belong in the first and not the last decade of this century. Even if the European Community had not been invented in 1956, we should have to invent it now for this reason. Had we not become a member in 1973, we should have to do so now'.[55]

Van den Broek's way out, the two months' time limit for recognition, caused no problems in Paris. On 9 October Roland Dumas stated at the Assemblée Nationale that Yugoslavia no longer existed and that the EC would have to draw logical conclusions from this fact.[56] Bonn was obviously pleasantly surprised by the sudden change of course of the Dutch minister of Foreign affairs.[57] Lord Carrington on the other hand was taken by surprise by Van den Broek's change of course and not amused. It was to be expected that knowledge of this prospect would reduce the remaining willingness of Croatia and Slovenia to make any concessions at the conference table.[58] However, the conference came to a dead end anyway on 18 October, when Milosevic showed his unwillingness to offer the Albanians in Kosovo the same minority protection that would be granted to Serbs outside Serbia.

End of the war in Croatia, beginning of the war in Bosnia

During the weekend of 9 and 10 November the political leaders in Belgrade and Zagreb suddenly showed their readiness to agree upon a ceasefire in Croatia.[59] There were several reasons for this change of attitude. One of them was that, contrary to what has often been said, Milosevic was personally afraid of sanctions, with which the EC had threatened his regime on 8 November.[60] He had counted on Greek resistance against such a move.[61] Another reason was that after the failure of the Yugoslavia conference the recognition of Croatia seemed to be only a matter of time. Therefore, Milosevic wanted to arrange an agreement with Tudjman as soon as possible, after which the next phase of the conflict could begin: the war in

55. Quoted in: J. ROPER, *Yugoslavia and European Security. EC, NATO, WEU, CSCE – which task for whom?*, in: *Review of International Affairs*, vol.43, no.1002(1 March 1992), p.2.
56. P.V. JAKOBSEN, op.cit., p.379; K.P. ZEITLER, op,cit., p.97.
57. H.-D. GENSCHER, op.cit., p.955.
58. N. BOTH, op.cit., pp.125-126.
59. B. JOVIĆ, *Poslednji dani SFRJ*, Beograd 1996, p.408. See also J. PEREZ DE CUELLAR, *Pilgrimage for Peace. A Secretary-General's Memoir*, MacMillan, Basingstoke/London, 1997, p.487.
60. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., pp.386-387 (Part I, Chapter 2, Section 9).
61. Ibid., p. 387 (Part I, Chapter 2, Section 9).

Bosnia-Herzegovina. It was not a coincidence that during the weekend of 9 and 10 November the Bosnian Serbs declared themselves against the sovereignty, which had been proclaimed by the Croatian and Muslim representatives in the Bosnian parliament four weeks earlier. Reports of internal discussions prove that Milosevic now saw the Serb occupied territories in Croatia mainly as a means to bring about Tudjman's cooperation in the splitting up of Bosnia, which they had discussed before. Milosevic counted upon Tudjman's need for a success to compensate for the fact that over a quarter of his country was occupied.[62]

Meanwhile UN's representative Cyrus Vance made things easy for Milosevic by stating that UN peacekeeping troops, if accepted, would be stationed along the existing frontlines, like in Cyprus. Considering the situation in Bosnia, where a war was about to break out and where Milosevic and the Bosnian Serbs claimed two thirds of its territory, these promises must have been music to Milosevic's ears. That solution for Croatia could later be repeated in Bosnia.[63]

So, on 2 January 1992 the cease-fire in Croatia became a fact and this time it held more or less. Upon the belligerents' request then a UN peacekeeping force, UNPROFOR, was stationed in the spring of 1992. Again, just like for the Brioni agreement, the international community thought to have scored a success, while in fact the parties on the ground were preparing for the next round in the conflict.

The recognition of Croatia and Slovenia

Although his fellow countrymen pressed hard for recognition of Croatia and Slovenia, German chancellor Kohl had always tried to avoid that this would stand in the way of the establishment of the European Union. The latter was on the agenda of the EC-summit that would take place in the Dutch city of Maastricht on 9 and 10 December. Therefore Kohl thought he could safely announce on 8 November that, if no results would have been reached in negotiations on Yugoslavia before the end of the year, the German government would no longer refrain from recognizing Croatia and Slovenia.[64] That announcement was not much out of line with the two months' term Van den Broek had set on 8 and 9 October. Shortly after this announcement the German government entered into a round of consultations with politicians of dissolving Yugoslavia. It became clear to the British and French governments that Bonn could no longer be stopped. Both

62. Ibid., (Part I, Chapter 2, Section 9).
63. Cf. O. KESIC, *Defeating "Greater Serbia", Building Greater Milosevic*, in: C.P. DANOPOULOS, K.G. MESSAS (eds.), *Crises in the Balkans. Views from the Participants*, Westview, Boulder, Colorado, 1997, p.61
64. *Bonn wil snel resultaten in Joegoslavië. Dreigement met erkenning* (Bonn wants fast results in Yugoslavia. Threat of recognition), in: *NRC Handelsblad*, 9 November 1991; K.P. ZEITLER, op.cit., p.142.

governments reduced their objections against recognition mainly to request prior guarantees for the rights of ethnic minorities.[65]

On 26 November there was a meeting of Christian-democrat leaders in the castle Stuyvenberg near Brussels. Among those present were chancellor Kohl and the Prime ministers Giulio Andreotti, Ruud Lubbers, Wilfried Martens, Constantine Mitsotakis and Jacques Santer. At this meeting it was decided that recognition of Croatia and Slovenia had to occur before Christmas, in fact the German viewpoint.[66] Although the participants did not make this agreement public, within twenty-four hours Kohl declared in the *Bundestag* that the German government would recognize both republics before Christmas. He added that he hoped that as many other EC-members would follow the German decision.[67] A day later Andreotti announced that his government would support the German decision.[68] In an interview with Die Welt Lubbers said that he was not surprised by the German and Italian announcements. The deadline was new, he said, but according to him the balance sheet had to be made up before the end of the year anyway.[69] The Dutch newspaper de Volkskrant repeated Lubbers' remarks for Dutch readers[70] and the Dutch ambassador in Bonn reported to his ministry on the Stuyvenberg decision.[71] Nevertheless, Van den Broek would say later that he had been completely unaware of these developments.[72]

After the summit in Maastricht on the monetary and political union had succeeded, indeed nothing stood in the way of a special EPC-meeting a week later, on 16 December, about Yugoslavia. Prior to this meeting especially the American government and UN secretary-general Perez de Cuellar put pressure on the EC to refrain from recognition as they feared that it might hamper the peace settlement

65. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., pp.398, 46, 467 (Part 1, Chapter 3, Sections 1 and 10).
66. N. BOTH, op.cit., p.131.
67. H.-J. AXT, *Hat Genscher Jugoslawien entzweit? Mythen und Fakten zur Aussenpolitik des vereinten Deutschlands*, in: *Europa Archiv*, no.12(25. Juni 1993), p. 352; D. EISERMANN, *Der lange Weg nach Dayton. Die westliche Politik und der Krieg im ehemaligen Jugoslawien 1991 bis 1995*, Nomos, Baden-Baden, 2000, p.74; H.-D. GENSCHER, op.cit., p.958; J.M. BIK, *Bonn erkent Kroatië nog vóór Kerstmis* (Bonn recognizes Croatia before Christmas), in: *NRC Handelsblad*, 28 November 1991; *Italy, Germany prepared to recognize Slovenia and Croatia*, by: Agence France Presse, 28 November 1991.
68. *Italy, Germany prepared to recognize Slovenia and Croatia*, by *Agence France Presse*, 28 November 1991; K.P. ZEITLER, op,cit., p.196; *Servische terroristen bereiden aanslagen op EG-politici voor* (Serb terrorists plan attacks on EC politicians), in: *NRC Handelsblad*, 28 November 1991; *Rome steunt Kohl in eis tot erkenning* (Rome supports Kohl's demand for recognition), in: *de Volkskrant*, 29 November 1991.
69. H. HETZEL, *Ruud Lubbers, der Handlungsreisende in Sachen EG* (Ruud Lubbers, commercial traveller in EC matters), in: *Die Welt*, 30 November 1991.
70. *EG erkent Kroatië en Slovenië dit jaar* (EC recognizes Croatia and Slovenia this year), in: *de Volkskrant*, 30 November 1991.
71. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., p.457 (Part 1, Chapter 3, Section 10).
72. N. BOTH, op.cit., p.132.

for Croatia and lead to an expansion of the war to Bosnia.[73] One day before the EPC-meeting the Security Council adopted a resolution that called upon all states to refrain from actions that could heighten the tensions and retard a peaceful outcome in Yugoslavia. It was no secret that this resolution was intended for Germany in the light of its urge for recognition.[74]

Van den Broek who suddenly once again realized the dangers that were threatening Bosnia[75] tried to delay the recognition and Van Walsum even seemed to succeed in doing so during the meeting of the political directors of the ministries of Foreign affairs.[76] However, Van den Broek gave up when he received a message from Mitterrand, addressed to Lubbers, Kohl and Major, in which the French president wrote that European unity had to be maintained, both with regard to the recognition as to the conditions for the protection of minorities. If the latter were accepted by Croatia and Slovenia, the twelve EC-states should recognize them simultaneously.[77] This proved once again that the French-German axis was working and it showed the way out for the EC. In the early morning of 17 December the Twelve decided to make the recognition of those former Yugoslav republics dependent upon the inviolability of the republican borders and the protection of the human rights, including those of minorities. Explaining the decision to the Dutch embassy in Belgrade, Van den Broek declared that he himself would not have wished that there had been no consensus among the Twelve at the end of the Dutch presidency of the EC.[78] It was difficult to see how the German urge for recognition, which had been there from early July, could have been reined in any longer, taken into consideration the growing EC criticism of Serb behaviour. Furthermore it could not be ruled out that Germany, eventually followed by some other countries, would proceed to recognition on its own, as Kohl had announced. It seems that none of the member states wanted this to happen. They saw the question of recognition as the first test for the EC to prove that they could reach consensus in the Maastricht spirit. As an anonymous high EC-diplomat stated on 16 December 1991: 'It will be very bad news indeed if the aspirations to a common policy fall at the first fence'.[79] And as Dumas said, the unity of the EC was much more worthwhile to him than the 'épiphénomène' Yugoslavia: 'L'éclatement de la Yougoslavie est un drame, celui de la Communauté serait une catastrophe'.[80] This desire to maintain an EC consensus left Van den Broek no other

73. J. PEREZ DE CUELLAR, op.cit., pp.492-494; Dutch Lower House, 1991-1992, 22 181 no.20, p.7; M. WELLER, *The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia*, in: *American Journal of International Law*, 3(1992), p.587; W. ZIMMERMANN, op.cit., pp.176-177; J.C.H. BLOM and P. ROMIJN (eds.), op.cit., p. 463 (Part 1, Chapter 3, Section 10).
74. Security Council resolution 724.
75. N. BOTH, op.cit., p.134.
76. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., p.464 (Part 1, Chapter 3, Section 10).
77. Ibid., pp.464-465 (Part 1, Chapter 3, Section 10).
78. Ibid., pp. 465-466 (Part 1, Chapter 3, Section 10).
79. J. PALMER, *German plan to recognize Croatia puts EC in turmoil*, in: *The Guardian*, 16 December 1991.
80. P. FAVIER, M. MARTIN-ROLAND, *La décennie Mitterrand. 4. Les déchirements (1991-1995)*, Seuil, Paris, 1999, p.244.

choice than to acquiesce to that fact. And so, immediately after the Maastricht treaty it became clear that a common foreign and security policy of the EC could be forced to the will of the most determined member state, just as would happen with the Greek resistance against the recognition of Macedonia, a question that dragged on for eighteen months despite the wishes of all other EC-members.

The EC-ministers also agreed that an arbitral commission presided by the French judge Robert Badinter would determine whether the criteria for recognition were met. In so far as this would be the case, the recognition for the republics could be implemented on 15 January 1992. However, the German government broke any connection between the advise of the Badinter commission and the decision on implementation, when in the early morning of 17 December 1991, as soon as his EC-colleagues had consented to recognition in principle, Genscher told them that his government would announce its recognition of Croatia and Slovenia on 19 December.[81] Obviously the German government did not want to be caught by a negative advise of the Badinter commission, which would prevent it from taking a positive decision. The German government could not even wait that long and announced publicly on 18 December that it recognized both republics, thereby frustrating the possibility of extracting better guarantees from the Croatian government on minority protection. As a 'courtesy' to their EC-partners the German government upheld the implementation of its decision till 15 January 1992.

Consequences for Bosnia?

That term would gain special significance for Bosnia-Herzegovina, but not, as many thought, because recognition came too early but because it was given too late to this republic. After the Bosnian government had asked the EC for recognition on 20 December 1991 the Bosnian-Serb nationalist leader Radovan Karadzic claimed that Bosnia no longer existed[82] and he warned that half a million people would die because of this request.[83] On 9 January the Bosnian-Serb leaders proclaimed the Republika Srpska, which would comprise two thirds of Bosnian territory.

On 15 January 1992 the EC recognized Slovenia and Croatia, even though the Badinter commission stated that the latter did not offer sufficient guarantees for minority rights.[84] However, the Twelve did heed the commission's advice to

81. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., p.468 (Part 1, Chapter 3, Section 10); H.-D. GENSCHER, op.cit., pp.961-962.
82. Quoted in J. EYAL, *Europe and Yugoslavia: Lessons From a Failure*, Royal United Services Institute for Defence Studies, London, 1993, p.61.
83. Th. ENGELEN, *Serviërs in Bosnië willen hun republiek opdelen* (Serbs in Bosnia want to split up their republic), in: *NRC Handelsblad*, 23 December 1991.
84. S. TERRETT, *The Dissolution of Yugoslavia and the Badinter Arbitration Commission. A contextual study of peace-making efforts in the post-Cold War world*, Ashgate/Dartmouth, Aldershot etc., 2000, p. 164.

postpone recognition of Bosnia-Herzegovina till a referendum had been held on the issue of independence. The result of this referendum, held in late February, early March, was hardly surprising. Most Serbs abstained from voting, while Croats and Muslims voted almost unanimously in favour.

Genscher has always maintained that without Germany's insistence on recognition the war in Croatia would have continued.[85] This was an over-estimation of the influence of the West. The actors in the region had their own rationale to end that war.[86] Genscher's claim is as vain as those of his critics who stated that the 'premature' recognition, forced on the EC by Bonn, led to the war in Bosnia. Preparations for that war had been made already before the recognition of Croatia and Slovenia.

Already in the spring of 1991, even before the independence declarations of these two republics, the leadership of the nationalistic Muslim party SDA began to build up two paramilitary groupings: the *Patriotic League* and the *Zelene Beretke* (Green Berets). On 10 June 1991, two weeks before the declarations of independence by Croatia and Slovenia, the SDA leadership decided to follow a course of trying to obtain recognition for Bosnia-Herzegovina on the one hand and preparing for the defence of Bosnia-Herzegovina on the other.[87] In that same month the federal army JNA tried to collect the weapons that were being used by the territorial defence forces in Bosnia to prevent them from being used by the Muslims. Subsequently the federal army provided the Bosnian Serbs with them. In the fall of 1991 the Serbs proclaimed autonomous areas in Bosnia. The population in these areas was partly mobilised and no longer paid their taxes to the central authorities in Sarajevo. In early December 1991 Milosevic ordered that the federal troops in Bosnia be transformed into almost completely Bosnian Serb troops, so that if Bosnia's independence would be recognized only its command still needed to be changed.[88] Within three weeks 85 per cent of the federal troops in Bosnia consisted of Bosnian Serbs.[89] At the same time the federal army started to dig in artillery on the hilltops surrounding Sarajevo, their barrels pointing towards the city.

So, the question of recognition by the EC had become a dreadful mess. The idea that consensus among the Twelve would automatically lead to worthwhile solutions in Yugoslavia was once more belied. Republics that in principle satisfied the criteria for recognition – Bosnia and Macedonia – did not (yet) obtain approval. However, Croatia, which did not give sufficient guarantees for the minorities, was recognized, because the other EC-countries did not want to fall out of line with

85. H.-D. GENSCHER, op.cit., pp.960, 963 and 966; L. SILBER and A. LITTLE, op.cit., p.199.
86. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., pp.453-455 (Part I, Chapter 2, Section 9).
87. A. IZETBEGOVIĆ, *Govori, Pisma, Intervjui '95*, editor, Sarajevo, 1996, pp.6 and 53. Cf. R. MAHMUTĆEHAJIĆ, *The war against Bosnia-Herzegovina*, paper for the seminar *War in Croatia and Bosnia-Herzegovina: 1991-1995*, Budapest, 25-27 September 1998, pp.13-15; M.A. HOARE, *Civilian-Military Relations in Bosnia-Hercegovina 1992-1995*, B. MAGAS, I. ZANIC (eds.), *The War in Croatia and Bosnia-Herzegovina 1991-1995*, Frank Cass, London/Portland, Oregon, 2001, p. 181.
88. B. JOVIĆ, op.cit., p.420; Fl. HARTMANN, *Milosevic. La diagonale du fou*, Denoël, Paris, 1999, p.187.
89. Fl. HARTMANN, op.cit., p.188.

Germany. The EC also overlooked the fact that Croatia's president Tudjman had repeatedly shown himself eager to obtain parts of Bosnia. Which guarantees did the EC obtain from Croatia that it would allow Bosnia to have the full independence and integrity Croatia had been aspiring for itself? And which means did the EC have at their disposal to support its recognition militarily, if need be? In late December 1991 the EC and in particular Van den Broek urged for the dispatch of a UN peacekeeping force to Bosnia. However, Vance took the classical viewpoint that such a force could be deployed only after a conflict, not before.[90]

The intensive interference with Yugoslavia, that more or less coincidentally forced itself upon the Netherlands government, explains according to some of those involved why it remained so strongly involved with the events there in the following years.[91] The interference, caused by its role as EC-president, had raised the standards for Dutch efforts so much that it felt the need to do more than it would have done without that coincidence during the second half of 1991. Besides, Dutch parliament had played a rather uncritical role vis-à-vis the Dutch government. This was caused on the one hand by the fact that they shared the annoyance of the Dutch government about the failure of the EC to reach a solution, on the other hand by the fact that during an EC-presidency it was common for Dutch parliamentarians not to hinder their own minister of Foreign affairs too much.

American-Dutch alliance, French obstruction

However, initially this state of heightened commitment did not show itself after the outbreak of the war in Bosnia in late March, early April. This changed when the American government started to interfere more with developments in Yugoslavia almost a year into the conflict. In March 1992 the American government had already torpedoed an EC scheme for dividing Bosnia into cantons on an ethnic basis. During the first weeks of that month Baker had also urged the EC-governments to recognize Bosnia-Herzegovina in order to enhance the chances of its survival. Furthermore, Washington wished to avoid a situation in which it would be solely responsible for the new state. The American government stated that, if the EC governments did not recognize Bosnia, Washington would not

90. L. ORNSTEIN, *Minister Van den Broek: "Ik zou zeggen: beginnen met een schot voor de boeg"* (Minister Van den Broek: "Let's start with a warning shot"), in: *Vrij Nederland*, 31 October 1992, p.10; W. ZIMMERMANN, *The Last Ambassador; a Memoir of the Collapse of Yugoslavia*, in: *Foreign Affairs*, 74(1995) No.2, p.16; Idem., *Origins*, op.cit., p.172.

91. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., p.184 (Part 1, Introduction); Dutch Lower House, Proceedings 1991-1992, p.6161.

recognize Croatia and Slovenia either.[92] Therefore, the EC and the USA decided to bestow recognition upon Bosnia almost simultaneously on 6 and 7 April.

However, it was an illusion to think that this could still stop the violence. Already by then the federal army, Serb paramilitary and Bosnian-Serb militias had begun their ethnic cleansing, especially in the Northwest and Northeast of Bosnia. In the third week of May, even before a mortar attack on people waiting in line for bread distribution killed 18 people and wounded 160 on 27 May, the US government, pressed by information about atrocities and the American public's reaction, began to urge for more international involvement with the situation in Bosnia. During an international conference in Lisbon on aiding the countries of the former Soviet-Union, Baker appealed upon the rest of the world to stop the bloodshed. The American minister and his diplomats gave the impression that the US government was willing to give support, both in logistics and from the air, for humanitarian convoys, provided that other countries were willing to carry the heaviest burden of such an operation. Baker also championed the ending of the siege of the airport of Sarajevo.[93]

Three days after the mortar attack the Security Council adopted resolution 757, which punished the Federal Republic of Yugoslavia with unprecedented sanctions. All commerce with Serbia and Montenegro was prohibited, as were almost all financial transactions, all scholarly, cultural and sports contacts and the level of diplomatic representation was to be seriously downscaled. Only delivery of food and medicines were still allowed.

Referring to chapter 7 of the UN Charter, the resolution made use of military means possible to enforce a peaceful solution for the crisis in Yugoslavia. The resolution also demanded that

> 'all parties and others concerned create immediately the necessary conditions for unimpeded delivery of humanitarian supplies to Sarajevo and other destinations in Bosnia and Herzegovina, including the establishment of a security zone encompassing Sarajevo and its airport[…]'.

According to Van den Broek this almost complete boycott against Serbia was only a first step. If Serbia would continue its starving of the Muslims, military protection of the humanitarian convoys could be a next step.[94] Meanwhile the American government did not think much of the EC's thirst for action. On 1 June an anonymous

92. D.C. GOMPERT, *The United States and Yugoslavia's Wars*, in: R.H. ULLMAN (ed.), *The World and Yugoslavia's Wars*, Council on Foreign Relations, New York, 1996, pp.129-130; G.-M. CHENU, *La France et le drame yougoslave: six ans après*, in: *Politique étrangère*, vol.62, 2(1997), p.370, n.6; J.C.H. BLOM and P. ROMIJN (eds.), op.cit., p.524 (Part 1, Chapter 5, Section 3).

93. D. OBERDORFER, *Baker Urges U.N. To Sanction Serbs. Armed U.S. Role Not Ruled Out*, in: *The Washington Post*, 25 May 1992; O. GARSCHAGEN, *Baker wil van EG and VN zware sancties tegen Servië*, in: *de Volkskrant*, 25 May 1992; *VN eisen van EG harder optreden tegen Servië* (UN demands that EC take tougher line on Serbia), in: *Trouw*, 25 May 1992.

94. Dutch Radio 1, NCRV, *Hier and Nu*, 31 May 1992, 1.10 pm.; *Van den Broek sluit militaire actie tegen Servië niet uit* (Van den Broek does not rule out military action against Serbia), in: *Trouw*, 1 June 1992.

American official stated that the Europeans 'could not even organize a convoy of three cars if their lives depended upon it'.[95] However, the Dutch quality newspaper *NRC Handelsblad* put up the question whether there was a kind of secret Dutch-American agenda. According to this newspaper the Dutch government 'as a notorious international moralist' would certainly appreciate the tougher stand Washington was taking with the Serbs.[96] It was therefore no surprise that in early June Van den Broek, in opposition to his European colleagues, supported an American proposal to use NATO-means to open up the airport of Sarajevo for food-flights and to accompany food-convoys to their destination.[97] No wonder also that in the middle of June the American government asked the authorities in The Hague to provide trucks and drivers for food transports.[98] Dutch representatives in international organizations almost immediately announced their government's willingness to respond favourably to this request.[99]

On 25 and 26 June the American government in consultation with the European Council in Lisbon threatened with the use of force if the Bosnian-Serb troops would not release Sarajevo's airport.[100] According to the US plans the European governments would provide for transport by air to Sarajevo and for convoys to other destinations in Bosnia. The American Fleet in the Mediterranean would coordinate the operation, whereas European military would have to execute the operation on the ground.[101] According to several press reports American troops in Germany were already in a state of heightened activity in connection with the proposed airlift.[102] The 82nd airborne division was standing by for action on and around Sarajevo's airport and the American 6th Fleet was heading for the Adriatic.[103] It was reported that American forces had already picked targets for attack.[104]

Lubbers was enthusiastic about this American readiness for action. The tragic situation in Bosnia reminded him of the traumatic experiences during the hunger

95. W. JOUSTRA, *Rol van vredestichter gaat United Nations nog erg moeilijk af* (Role of peacemaker still very hard for United Nations to fill), in: *de Volkskrant*, 2 June 1992.
96. J.H. SAMPIEMON, *Wat resteert, is een wrede status quo* (What remains is a cruel status quo), in: *NRC Handelsblad*, 14 May 1992.
97. O. GARSCHAGEN, *VS zien rol NAVO bij afdwingen VN-sancties* (US see a role for NATO in enforcing UN sanctions), in: *de Volkskrant*, 5 June 1992.
98. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., pp.589-590 (Part 1, Chapter 6, Section 2).
99. Ibid., p. 590 (Part 1, Chapter 6, Section 2).
100. *VS werken aan luchtbrug Sarajevo* (US working on airlift Sarajevo), in: *NRC Handelsblad*, 26 June 1992.
101. See also B. SIMMS, *Unfinest Hour. Britain and the Destruction of Bosnia*, Penguin, London 2001, p.55; Ed. VULLIAMY, *Seasons in Hell. Understanding Bosnia's War*, Simon & Schuster, New York, 1994, p.121.
102. *VS werken aan luchtbrug Sarajevo*, in: *NRC Handelsblad*, 26 June 1992; M. HUYGEN, *Bosnië plaatst VS voor dilemma* (Bosnia places US in a dilemma), in: *NRC Handelsblad*, 27 June 1992.
103. H. AMELINK, *Westen gaat met tegenzin af op het bijna onvermijdelijke* (West reluctantly heads for the almost inevitable), in: *NRC Handelsblad*, 29 June 1992; Th. ENGELEN, *Leider Serviërs tegen VS: interventie wordt "een soort Vietnam"* (Serb leader to US: intervention will be "a sort of Vietnam"), in: *NRC Handelsblad*, 2 July 1992; Fl. HARTMANN, op.cit., p.292.
104. Ed VULLIAMY, *The Secret War*, in: *The Guardian*, 20 May 1996.

winter in the last year of the German occupation of the Netherlands during the Second World War. Together with Van den Broek he pressed his EC colleagues in Lisbon to provide military protection for the convoys. To him 'another bleach declaration' would not be acceptable.[105] After the summit had ended he told journalists that Italy, Germany and the UK had resisted military action, though.[106] However, the most effective sabotage would come from France. With a grand gesture Mitterrand flew to Sarajevo. It seemed to be an act of audacity and wariness. In reality the visit by the French head of state had been prepared in the days before and it offered the Serbs a welcome possibility to retreat with honour from the airport and thereby preventing the execution of the American plans.[107]

The double role of critic and beggar

After the airport had been released, trucks could distribute food throughout Bosnia. This made materialization of the Dutch offer of trucks and drivers urgent. However, impressed by the degree of violence in Bosnia the Dutch government did not want to dispatch their drivers without military protection.[108] The government in The Hague had no combat units at their disposal, though, that could be sent on a peacekeeping mission, as such units were partly composed of draftees, who could only be dispatched on a voluntary basis. They could withdraw their consent at a very late stage before their dispatch. As combat units should operate as well-drilled and tightly structured units, such volunteering was seen as an insurmountable obstacle.

Meanwhile the shooting and bombing of Sarajevo, but especially the images of large waves of refugees, caused by ethnic cleansing, had shocked Dutch public opinion. Many city and town councils in The Netherlands, and private persons as well offered housing facilities for the refugees. Then came the pictures of inmates of a camp in Trnopolje behind barbed wire reminiscent of the Second World War. Dutch parliamentarians convened several times during summer recess amidst this emotional setting to desire steps from the government to lessen the humanitarian crisis, steps the Dutch government was already willing to take itself. Dutch parliament therefore addressed ever more the international community over the heads of its own government, which did nothing to moderate this outcry. Van den Broek stated that, given the circumstances in Bosnia, it was in any case better to do something than to do nothing. Therefore he advised the members of parliament not

105. Dutch Radio 1, NOS, Met het oog op morgen, 27 June 1992, 11.05 pm.
106. Dutch Radio 1, NOS, Met het oog op morgen, 3 July 1992, 11.05 pm; O. GARSCHAGEN, *EG en US willen luchtbrug op Sarajevo openen* (EC and US want to open airlift to Sarajevo), in: *de Volkskrant*, 27 June 1992.
107. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., p.593 (Part 1, Chapter 6, Section 3); D. EISERMANN, op.cit., p.122; Ph. FREDERIKS, *President zonder Grenzen* (President without borders), in: *de Volkskrant*, 30 June 1992; P. FAVIER, M. MARTIN-ROLAND, op.cit., pp.298-299.
108. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., pp.595-596 (Part 1, Chapter 6, Section 4).

to elaborate on possible risks of a dispatch of troops.[109] And Lubbers said: 'In case of doubt we have to do something'.[110]

After the broadcasting of the pictures of Trnopolje the UK dispatched 1,800 soldiers under very strict conditions and the French government sent an additional 1,100 troops, but the American government kept refusing to contribute ground troops and decision-making in NATO about Yugoslavia seemed nearly impossible. Almost all Dutch parliamentarians felt dissatisfaction about this virtual impotence. At the same time it seemed that there was a feeling of relief in The Hague that after the strong differences of opinion in the 1980's over placement of cruise missiles and the initial reluctance of the Dutch Labour Party against Dutch participation in the first Gulf war this time consensus was prevalent. The urge to create a good image for the Netherlands, especially felt at the ministry of Foreign affairs in The Hague, the need for the armed forces to show their value in an effort to counter budget cuts and traditional Dutch idealism in international politics all worked in the same direction.

Besides, Dutch politicians and some diplomats took foreign opinions too little into account. The predominant idea was that it would not hurt if the Netherlands marched ahead of the others: 'In the end the rest will follow'.[111] Often that what is desirable plays a larger role in Dutch foreign policy than what is feasible. While other countries placed themselves on the standpoint of Verantwortungsethik (ethics of responsibility) in a Weberian sense,[112] Dutch politicians operated according to the principle of Gesinnungsethik (ethics of intentions). Furthermore Dutch politics, in which there was hardly a sense of raison d'Etat, was comparatively easily accessible for public opinion and pressure groups.[113] As the sense of national interest was also weakly developed, emotions could raise high in the debate on Bosnia.[114] As far as there is a sense of national interest in the Netherlands it often coincides with the constitutional duty to further the rule of international law. Therefore there were few institutional impediments for the humanitarian thirst for action. Contrary to countries like the US, UK and France, the Netherlands had hardly experienced military action since the transfer of sovereignty to Indonesia in 1949, resulting in a lack of understanding of what it meant to place soldiers in the middle of a conflict. Finally, there was a strong tendency, e.g. with Lubbers, to compare the situation in Bosnia with that of the Second World War.[115]Suggestions

109. Dutch Lower House, 1991-1992, 22 181, no.22, p.12.
110. Dutch Lower House, 1991-1992, Proceedings, p.6151.
111. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., p.722 (Part 1, Chapter 6, Section 18).
112. M. WEBER, *Politik als Beruf*, Dunker & Humblot, Berlin, 1964[4].
113. J.W. DUYVENDAK, *De souplesse van stroperigheid*, F. HENDRIKS, Th. TOONEN (ed.), *Schikken en plooien. De stroperige staat bij nader inzien*, Van Gorcum, Assen, 1998, p.67. See further ibid., pp.68-72
114. R. DE WIJK, *Nationale belangen en prioriteiten in het buitenlands en veiligheidsbeleid*, INSTITUUT DEFENSIE LEERGANGEN, *Criteria voor Interventie. Discussiebijeenkomst, 1 juli 1994* (not published), pp.43-44. See also J.L. HELDRING, *Nederland marginaliseert zichzelf* (The Netherlands is marginalising itself), in: *NRC Handelsblad*, 7 February 1992.
115. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., pp.725-726 (Part 1, Chapter 6, Section 18).

have been made that the growing awareness that Dutchmen had done relatively little for the Dutch Jews during the German occupation contributed to the call to show this time that Dutchmen could assert themselves.[116]

Meanwhile it made a strange impression that Dutch politicians, while criticizing other nations for doing too little, had to beg – hat in hand – in London and Paris to provide military protection for their drivers. Several Dutch analysts and commentators warned for the risks of such criticism as the Netherlands could not contribute combat troops themselves.[117] Against that background the Dutch army commander general Rien Wilmink gave two interviews in August 1992, shortly before his retirement, in which he stated that the only combat unit the Netherlands could dispatch was the airmobile brigade.[118] This would be the first professional and therefore voluntary combat unit. However, it was still being trained and the first battalion would not be ready before the beginning of 1994. Intentionally or not, Wilmink sketched the course to follow for politicians, press and experts. The airmobile brigade was more or less the bait with which Dutch Defence minister Relus ter Beek had seduced the army to accept budget cuts on all other fronts. It was viewed as the hobbyhorse of the army and a very expensive hobbyhorse at that. The number of voices that were raised to get the taxpayers their money worth by dispatching the airmobile brigade to Bosnia increased since the summer of 1992.[119] Such a dispatch would also stop the Dutch from not having a word to say for themselves.

116. A. KOK, *Helden op het Binnenhof* (Heroes in the Binnenhof), in: *HP/De Tijd*, 21 August 1992.
117. *Krijgshaftige dadendrang* (Bellicose thirst for action), in: *Nieuwsblad van het Noorden*, 21 August 1992; J. JANSEN, *Vragen van leven en dood* (Questions of life and death), in: *Elsevier*, 22 August 1992.
118. G. van de KREEKE, *Zandhaas heeft weer toekomst* (Foot-slogging has future again), in: *De Telegraaf*, 22 August 1992; R. in 't HOUT, *Generaal Wilmink onthult: "Nederland niet in staat snel troepen te leveren"* (Generaal Wilmink reveals: "Netherlands incapable of contributing troops at short notice"); and idem., *Zonder dienstplicht zakt leger volledig in elkaar* (Without compulsory military service the army will collapse entirely), in: *Het Binnenhof*, 22 August 1992.
119. W. JOUSTRA, *Kamer twijfelt aan tijdig gereedkomen brigade* (Parliament doubts timely readiness of brigade), in: *de Volkskrant*, 6 February 1992; *Ter Beek mag van Kamer doorgaan met luchtbrigade* (Parliament gives Ter Beek green light for Airmobile Brigade), in: *de Volkskrant*, 7 February 1992; W. NIEUWENHUIS, *Kamer heeft twijfels over luchtbrigade: stapsgewijze goedkeuring* (Parliament has doubts about Airmobile Brigade: step-by-step approval), in: *NRC Handelsblad*, 6 February 1992; *Kamer voortaan sneller ingelicht over luchtbrigade* (Parliament to be informed sooner about Airmobile Brigade from now on), in: *NRC Handelsblad*, 7 February 1992; M. van den DOEL, *De luchtmobiele brigade dreigt nu al vleugellam te raken* (The airborne brigade is already in danger of losing its wings now), in: *NRC Handelsblad*, 12 March 1992. See also Dutch Lower House, 1991-1996, 22 327, nos.1-39; MdZ, *CDA'er ziet Satan in Bosnië* (CDA member sees Satan in Bosnia), in: *de Volkskrant*, 22 September 1992; K. KOCH, *Goed gebruld leeuw* (Lion with a throaty growl), in: *de Volkskrant*, 25 September 1992.

The Netherlands eccentric in international politics

Meanwhile the Dutch government contributed as much as it could. After it had contributed a signals battalion to UNPROFOR in the spring of 1992, two transport units followed in the autumn of that year, and in the spring of 1993 the Netherlands would participate with F-16-planes in the enforcement of the no-fly zone over Bosnia. However, at the end of 1992 and the beginning of 1993 the chief defence staff general Arie van der Vlis and the new army commander general Hans Couzy warned repeatedly of optimism about the capacity of the international community to force a solution on Bosnia with military means. Van der Vlis turned himself vehemently against the concept of safe havens or safe areas, which had little support internationally, but could count on much sympathy among Dutch politicians.[120]

This did not withhold Lubbers and Van den Broek from putting Yugoslavia on the agenda of the European Council in Edinburgh on 11 and 12 December. There was an enormous annoyance among Dutch politicians over the reticence the British EC-presidency had shown with regard to this issue in the preceding months. This time suggestions were reaching Van den Broek not only from Dutch parliament, but also from within his own ministry and from Lubbers to influence public opinion abroad in order to overcome the reservations made by other Western governments.[121] The day before the meeting in Edinburgh, Lubbers said in Dutch parliament that time had come for more action by the international community and

120. Dutch TV, Nederland 3, NOS, Het Capitool, 22 November 1992, 12 noon: *Stafchef waarschuwt voor ingrijpen Balkan* (Chief of Defence Staff warns against intervention in Balkans), in: *Trouw*, 23 November 1992; *Generaal huiverig voor veiligheidszones Bosnië* (General unhappy about idea of Safe Areas in Bosnia), in: *de Volkskrant*, 23 November 1992; *Van der Vlis: Pas op met veiligheidszones* (General Van der Vlis says, "Be aware of Safe Areas"), in: *Defensiekrant*, 26 November 1992; L. ORNSTEIN, M. van WEEZEL, *Het warme bad en de koude douche van Relus ter Beek* (A hot bath and a cold shower for Defence Minister Relus ter Beek), in: *Vrij Nederland*, 12 December 1992, p.11; Dutch TV, Nederland 3, NOS, Journaal (News), 29 December 1992, 8.00 pm; G. den ELT, *Onrust in VN-bataljon* (Restlessness in UN-Battalion), in: *Algemeen Dagblad*, 30 December 1992; *CDA en PvdA hekelen uitspraken generaal Couzy* (CDA and PvdA denounce Couzy's remarks), by: Algemeen Nederlands Persbureau (ANP), 25 March 1993, 5.50 pm; *Generaal Couzy heeft twijfels over ingrijpen in Bosnië* (General Couzy has doubts about intervening in Bosnia), by: ANP, 25 March 1993, 1.05 pm; *Waarschuwing Couzy valt fout in Kamer, Bevelhebber bezorgd om veiligheid Bosnië* (Couzy's warning irks Parliament, Commander concerned about safety in Bosnia), in: *de Telegraaf*, 26 March 1993; *Couzy*, in: *de Telegraaf*, 27 March 1993; *Generaal vreest zinloze interventie* (General afraid of meaningless intervention), in: *Trouw*, 25 March 1993; *Waarschuwing Couzy schiet Kamer in het verkeerde keelgat* (Couzy's warning annoys Parliament), in: *Trouw*, 26 March 1993; Dutch Radio 1, KRO, Echo, 14 January 1993, 1.10 pm; *PvdA en VVD willen dat bevelhebber landmacht zwijgt* (PvdA and VVD want to silence Commander), by: ANP, 14 January 1993, 7.14 pm.; P. PETIT, J. WARNERS, *Legertop vreest hoog dodental* and *Ik een politiek onbenul, dan lach ik in mijn vuistje* (Army brass fears high number of casualties, and, I a nonentity? That makes me laugh to myself), in: *Algemeen Dagblad*, 25 March 1993; J.C.H. BLOM and P. ROMIJN (eds.), op.cit., pp.769, 883-884 (Part 1, Chapter 8, Section 2; Chapter 10, Section 4).

121. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., pp.781, 785-787 (Part 1, Chapter 8, Section 3).

that there should be no more delays caused by the question which international organization had to take the lead. 'Honestly and coarsely speaking' he could 'not give a damn'.[122] However, Lubbers and Van den Broek did not get their views across to their colleagues in Edinburgh. The British government, supported by the Belgian one, was still dead-set against a real military intervention. And France was against any action by NATO.

Afterwards Lubbers said he had felt like talking to a wall in Edinburgh.[123] In Dutch parliament he mentioned that once again he had realized 'that the Netherlands with its degree of involvement held a very special position'.[124] He told the press that the country behaved 'eccentric in the field of foreign politics'.[125] However, the extraordinary position of the Dutch ministers, which according to one of the parliamentarians began to look like 'political masochism',[126] was in for another round of applause in the Netherlands. Vice-prime minister Wim Kok said that nobody could prohibit the Netherlands from protesting over and over again against the way things were going.[127]

At the end of 1992 Van den Broek became EC commissioner and shortly afterwards Peter Kooijmans, a professor in international law who had won his spurs in the field of human rights, succeeded him in office. On 28 February 1993 he publicly stated his opinion that not only a Tribunal for war crimes and serious human rights violations committed in (former) Yugoslavia should be established in The Hague, but also that the Dutch government should contribute with troops to an international force for the implementation of a peace plan about which the mediators Cyrus Vance and Lord David Owen had been deliberating for two months already.[128]

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122. Dutch TV, Nederland 3, Nova, 10/12/92, 10.30 pm. Cf. M. DELAERE, *Eensgezind ten strijde* (United into battle), in: *Het Binnenhof*, 19 December 1992; P. BAROLLIER, *Le Premier ministre néerlandais pour une intervention militaire en Bosnie* (Dutch Prime minister supports intervention in Bosnia), by: *Agence France Presse*, 10 December 1992; *Nach dem Scheitern der Friedensbemühungen NATO erörtert Militärintervention in Jugoslawien* (NATO considers military intervention in Yugoslavia after peace efforts fail*)*, in: *Süddeutsche Zeitung*, 11 December 1992.
123. Dutch TV, RTL4, Avondnieuws (Evening News), 11 December 1992, 7.30 pm.
124. Dutch Lower House, 1992-1993, Proceedings (16 December 1992), quoted in: B. de RUITER, *De Atlantische crisis en het "Europese falen" in Bosnië*, in: *Internationale Spectator*, vol.50 no.7/8(July/August 1996), p.379.
125. M. van WEEZEL, L. ORNSTEIN, *Lubbers zit er niet om lellen uit te delen* (It is not Lubbers' task to slap everybody's face), in: *Vrij Nederland*, 22 January 1993.
126. T. de KOK, *Haagse politici valt over Bosnië geen passiviteit te verwijten* (Dutch politicians cannot be accused of passivity about Bosnia), in: *de Volkskrant*, 25 March 1993.
127. Dutch Radio 1, KRO, Echo, 12 January 93, 7.07 am.
128. *Tribunaal kan in Den Haag. Kooijmans biedt aan oorlogsmisdaden Bosnië hier te vervolgen* (Tribunal may be hosted in The Hague: Kooijmans offers to try Bosnian war crimes here), in: *Trouw*, 1 March 1993; *VN-tribunaal over oorlog Joegoslavië kan in Den Haag* (UN Yugoslavia war tribunal can be hosted in The Hague), in: *de Volkskrant*, 1 March 1993; *Den Haag mogelijk standplaats oorlogstribunaal Joegoslavië* (The Hague is possible site for Yugoslavia war tribunal), by: ANP, 28 February 1993, 6.07 pm.

In early March both officials of the ministry for Foreign affairs and Dutch parliamentarians were industriously looking for ways to dispatch such troops despite of the problems raised by the draftees. Kooijmans made himself the mouthpiece of both movements.[129] Ter Beek, feeling pressed, instructed chief defence staff Van der Vlis to do everything possible to get the airmobile brigade ready for participation in a peace implementation force.[130] Although the Dutch ministry of Defence did not yet mention the brigade in the inventory it sent to NATO, Dutch diplomats began to mention that possibility in their contacts with foreign colleagues.[131] However, the Bosnian Serbs rejected the Vance/Owen-plan.

Safe areas

Meanwhile at a moment when it was all but overrun by the Bosnian-Serb army, the Muslim enclave Srebrenica was saved by a resolution of the Security Council on 17 April, which declared the town and its immediate surroundings to be a 'safe area'.[132] About 150 Canadian UN-blue helmets were stationed there. In the following weeks Kooijmans showed himself to be a champion of the creation of safe areas or, preferably, of safe havens, which would have a well-known status in international law.[133] During the night of 6 to 7 May his wish was at least partially fulfilled when the Security Council added the safe areas Sarajevo, Zepa, Gorazde, Tuzla and Bihac to Srebrenica.[134]

On 22 May the governments of the US, Russia, the UK, France and Spain agreed on a so-called *Joint Action Programme*.[135] Above all it was meant to help themselves out of an embarrassing situation, more a 'do-little'-plan[136] to bring the US, Russia and the European countries on a common course than a real solution for Bosnia. The only point of importance for Bosnia was the final acceptance of the safe areas and the readiness of the US government to provide air support for them. More interesting to the signatories was that on the one hand the programme did not oblige the US to contribute ground troops and on the other hand it saved British and French troops from large scale air attacks, which could lead to Serb retaliations against them.

129. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., pp.882-884 (Part 1, Chapter 10, Section 4).
130. Ibid., pp.885-886 (Part 1, Chapter 10, Section 4).
131. Ibid., p.886 (Part 1, Chapter 10, Section 4).
132. Security Council Resolution 819.
133. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., pp.946-947 (Part 1, Chapter 10, Section 10).
134. Security Council Resolution 824.
135. For the text see B.G. RAMCHARAN (ed.), *The International Conference on the Former Yugoslavia. Official Papers*, Kluwer, The Hague/London/Boston 1997, pp.1337-39.
136. Edgar O'Ballance, quoted in: R. GRÉMAUX, A. de VRIES, *Van constitutionele crisis tot veiligheidsprobleem. De internationale gemeenschap en de Bosnische oorlog*, in: *Internationale Spectator*, vol.50, 1(January 1996), p.40.

After the programme had been agreed upon there were difficult questions to be answered. How many troops were needed to make a 'safe area' really safe? And what would be protected in a 'safe area'? UN secretary-general Boutros Boutros-Ghali estimated that 34,000 UN-peacekeepers would be needed for the protection of the safe areas. None of the signatories of the Joint Action Programme was willing to contribute troops, however. Therefore Boutros-Ghali decreased the UN's ambitions to the so-called light option. That option required only 7,600 troops, which would deter possible Bosnian-Serb aggression by their presence rather than by strength.[137] It proved difficult to get even these 7,600 troops together.

Resolution 836, which established the status of the safe areas, stated only that these areas '*should* be safe from attack'. NATO airplanes could provide additional protection.

Dutch switches

At the end of April, and the beginning of May 1993 the Dutch cabinet as a whole made clear that it intended to prepare the airmobile brigade for deployment in Bosnia as soon as possible.[138] By mid-May the Dutch parliament in fact seconded that position in a motion.[139]

On 16 June the Dutch government informed the UN and NATO that it was willing to contribute a logistical unit of 400 soldiers for the safe areas. It also announced to count on a possible deployment of a battalion of the airmobile brigade for a peace-plan from early 1994. The government in The Hague was hoping that this offer would convince other governments to make similar contributions.[140] Therefore Lubbers and Kooijmans mentioned this offer at the European Council in Copenhagen on 21 and 22 June, as well. However, the Dutch hope that this offer would work as a catalyst was not fulfilled.[141] Only the French government seemed to follow up with an offer of 1,450 men, but later it appeared that Paris would simultaneously recall 1,308 troops from Croatia, resulting in an addition of only 142 men. The Dutch offer had not only been intended as an example. Both Dutch politicians and officials at the Dutch ministry of Foreign affairs believed that it was time to deliver after so much moralizing.[142]

137. United Nations, Security Council, 25939; J.C.H. BLOM and P. ROMIJN (eds.), op.cit., p.985 (Part 1, Chapter 11, Section 12).
138. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., pp.957-958 (Chapter 11, Section 2); *Ter Beek: pas ingrijpen als effecten duidelijk zijn* (Ter Beek: Only intervene once the effects are clear), by: ANP, 29 April 1993, 6.48 pm.; *Kok wil militaire ingreep in Bosnië* (Kok wants military intervention in Bosnia), in: *De Telegraaf*, 3 May 1993. Cf. Kok's statements on Dutch Radio 1, *AVRO*, radio news, 3 May 1993, 12.05 pm.
139. Dutch Lower House, 1992-1993, Proceedings, p.5052; 22 975 no.22.
140. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., p.991 (Part 1, Chapter 11, Section 13).
141. Dutch Lower House, 1995-1996, 22 181, no.149, p.9.
142. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., pp.991-992 (Part 1, Chapter 11, Section 13).

Furthermore, the Dutch government knew already during the Copenhagen summit that the Dutch army would not be able to materialize the offer of a 400 men strong logistical unit.[143] The offer was mainly made as a political signal.[144] In August it was therefore decided to exchange the offer of a logistical unit, which had already been promised unofficially to the UN, by an airmobile battalion.[145]

This raised the question for what purpose the battalion was intended: was it to be deployed in the framework of the peace-plan, as had been said earlier, or rather within the safe areas, for which end the logistical unit had been promised? For several reasons it should be assumed that the new offer was rather meant for the safe areas. An actual contribution to the UN can only be made on the basis of requirements of the UN and such requirements in their turn only find a basis in UN resolutions. Well then, there was only a resolution on the safe areas (836), none on the implementation of a peace-plan.

Furthermore the Dutch government raised serious objections against the new peace-plan that was being discussed. It carried the names of Lord Owen and the successor of Vance, Thorvald Stoltenberg, but in reality it was a plan made by Milosevic and Tudjman, which came down to an ethnical division of Bosnia in three separate parts. The Dutch government was very much opposed to what one of their diplomats called this 'leverage die-out'.[146] Kooijmans took the position that, if the final version of the plan would still be unfair in the eyes of the Dutch government, it would not provide troops for its implementation.[147] Neither the US government nor the Belgian EC-presidency was able to change his mind.[148]There was little else Owen and Stoltenberg could do than to visit Kooijmans personally in order to moderate his resistance.[149]

In these same days Kooijmans' colleague, minister of Defence Ter Beek, drafted a letter to Boutros-Ghali, in which he offered an airmobile battalion instead of the logistical unit for the peace-plan.[150] It was rather strange that one minister was heavily opposing the peace-plan, while another was offering troops for it. Therefore the ministry of Foreign affairs changed the purpose of the troops in the draft; they would be contributed for deployment in the safe areas, which was also logical as only to that end troops were asked for.[151]

On 7 September Ter Beek made this offer to Boutros-Ghali in person at the UN headquarters.[152] However, in the following weeks the ministry of Foreign affairs

143. Ibid., p.994 (Part 1, Chapter 11, Section 14).
144. TCBU, *Vertrekpunt*, III, hearing of Lubbers, 25/05/00, p.133; J.C.H. BLOM and P. ROMIJN (eds.), op.cit., p.994 (Part 1, Chapter 11, Section 14).
145. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., pp.1050-1054 (Part 1, Chapter 13, Section 1).
146. Ibid., op.cit.,, p. 1028 (Part 1, Chapter 12, Section 5).
147. N. BOTH, op.cit., p.163; J.C.H. BLOM and P. ROMIJN (eds.), op.cit., p.1029 (Part 1, Chapter 12, Section 5).
148. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., pp.1028-1029 (Part 1, Chapter 12, Section 5).
149. Ibid., pp.1029-1030 (Part 1, Chapter 12, Section 5).
150. Ibid., pp.1055-1056 (Part 1, Chapter 13, Section 1).
151. Ibid., pp.1056-1058 (Part 1, Chapter 13, Section 1).
152. Ibid., p.1059 (Part 1, Chapter 13, Section 1).

caused confusion by stating that the contribution had been made in favour of a peace-plan.[153] The peace-plan actually disappeared behind the horizon from late September, because the Bosnian government rejected it.

The area of deployment

Initially it was unknown where the Dutch battalion would be deployed. There were rumours circulating about different locations, but most often mention was made of Central-Bosnia, where convoys had to be secured, and Srebrenica, either in combination with another enclave or without.[154] After a Dutch military mission to Bosnia at the end of September had got no clear information about the area of deployment, chief defence staff Van der Vlis made known his objections against Srebrenica to Ter Beek on 8 October. Srebrenica would cause tremendous logistical problems and the troops in Srebrenica would be fully dependent on the goodwill of the Bosnian-Serb military, which dominated the surrounding terrain.[155]

After Boutros-Ghali had formally accepted the Dutch offer, Ter Beek himself visited Bosnia from 9 till 11 November. However, he became no wiser as to the area of deployment. Nevertheless, upon his return to the Netherlands he decided to bring up the decision about the dispatch of the battalion in the ministerial council. He did not let himself be withheld by objections from generals Van der Vlis and Couzy. There was only one objection that would have convinced Ter Beek and that concerned the safety of the Dutch peacekeepers. However, on this issue the two generals reassured the minister: they thought the Bosnian Serbs would be sensible enough to leave the UN blue helmets in peace.[156]

On 12 November the ministerial council decided in principle in favour of the dispatch. It would debate the decision again once the location would be known.[157] Four days later Dutch parliament agreed unanimously, albeit that the Labour spokesman made a reservation as to the location.[158]

At the end of November a Netherlands military mission flew to Zagreb to learn more about this. It soon turned out that the Dutch battalion would be deployed in Srebrenica (and initially also in Zepa). The mission was under the impression that this location, which had been refused by e.g. the Scandinavian governments,[159] had

153. Ibid., pp.1059-1060 (Part 1, Chapter 13, Section 1).
154. Ibid., pp. 1066-1070 (Part 1, Chapter 13, Section 3).
155. Ibid., p.1068 (Part 1, Chapter 13, Section 3).
156. Ibid., pp.1054, 1075 (Part 1, Chapter 13, Sections 1 and 4).
157. Ibid., pp.1076-1077 (Part 1, Chapter 13, Section 4).
158. Dutch Lower House, 1993-1994, 22 181, no.67.
159. P. ERIKSSON, *Intelligence in Peacekeeping Operations*, in: *International Journal of Intelligence and counterintelligence*, vol.10, 1(Spring 1997), p.17, n.14; J.C.H. BLOM and P. ROMIJN (eds.), op.cit., pp.1105-1106 (Part 1, Chapter 15, Section 1). See also F. BRIQUEMONT, *Do something, general. Kroniek van Bosnië-Herzegovina*, Icarus, Antwerpen, 1998, pp.213-214

been set apart for the Dutch by the UN from the very beginning. Later UNPROFOR's commander in Bosnia, the Belgian general Francois Briquemont, confirmed that the 'unwanted' among the safe areas had since long been set aside for the Dutch.[160] This could be done, since the Dutch government, contrary to other governments, had set no conditions at all as to the area of deployment. Later Briquemont would say that it was a pity that the Dutch government did not refuse the location Srebrenica. While on the one hand it had been his duty to 'sell' Srebrenica to the Dutch, he had retained a silent hope that the Dutch would refuse. In that case the Security Council would have been forced to review their policy with regard to the safe areas, which Briquemont thought to be disastrous, and to come up with a new mandate.[161] Now that the Dutch military and politicians thought it impossible to go back on their offer, this policy could be continued for another year and a half.

Once the location became known, the Dutch government and Dutch parliament both forgot that only a few weeks before they had wanted to reconsider their dispatch decision in the light of the information on the area of deployment. The ministerial council treated the information as a formality.[162] Dutch parliament debated the location for the first time really on 1 February 1994, when the advance part of the battalion was already on the spot.[163] The fact that it lasted till mid-January before the Bosnian Serbs had admitted a Dutch reconnaissance mission to Srebrenica had not led to a political debate in The Hague.

Conclusion

In March the main force of the first battalion of the airmobile brigade, Dutchbat I, deployed in Srebrenica. Twice there would be a relief, by Dutchbat II and Dutchbat III, the latter of which would witness the fatal Bosnian-Serb attack on the enclave in July 1995. Nobody could have predicted that attack in 1993. On the other hand the UN called the Serbs' bluff in 1993 by counting on deterrence by presence. The Dutch government mortgaged Dutchbat's future heavily by accepting Srebrenica, the enclave where after the relief of the Canadian military no other government was willing to send its troops. The Dutch dispatch decision was the outcome of a process that had begun almost thirty months earlier at the beginning of the Dutch EC-presidency. The coincidence of that presidency with the outbreak of the Yugoslav crisis had raised a level of involvement for the Dutch government from

160. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., p.1106 (Part 1, Chapter 15, Section 1).
161. F. BRIQUEMONT, op.cit., p.225. See also W. van Meteren, *Oud-VN-Generaal: drama Srebrenica was onnodig* (Ex-UN General says Srebrenica drama was unnecessary), by: ANP, 9 January 1997, 9.37 pm; J.C.H. BLOM and P. ROMIJN (eds.), op.cit., p.1110 (Part 1, Chapter 15, Section 1).
162. J.C.H. BLOM and P. ROMIJN (eds.), op.cit., pp.1077, 1113 (Part 1, Chapter 13, Section 4; Chapter 15, Section 1).
163. Dutch Lower House, 1993-1994, 22 181 No.74.

which it subsequently could not distance itself. After the war in Bosnia-Herzegovina had begun, the Dutch government was ahead of all others during international consultations on (former) Yugoslavia, acting according to a *Gesinnungsethik*, whereas other governments were more alive to the feasibility of different scenario's and possible (negative) consequences. The Dutch government thought it was better to do something than to do nothing. Their dissenting opinion forced them, as soon as the first opportunity presented itself, to contribute a combat unit for deployment in the safe areas, which they had championed themselves so much. In the end, this led to the ironic, but above all tragic situation in which the Netherlands, which had been advocating a more active role of the UN troops in Bosnia, had to experience how their military in Srebrenica got the unintended role of bystanders, a position the Dutch government itself had tried to avoid at all costs.

Italy and the Dissolution of Yugoslavia, up to the European Recognition of Croatia and Slovenia (1989-1992)

Georg Meyr

This paper is based on the "*Leitmotiv*", that Italy, or more exactly the government in Rome, was a strong supporter of the integrity of the Federal Socialist Republic of Yugoslavia even when, in the early Nineties, it became clear that the unity of the Yugoslav Republics was no longer legitimated by economic and political ties. The grounds of this policy will be analysed in the following pages. It must be emphasized that an interview given to the author by the Italian Foreign secretary who managed the Yugoslav crisis, Gianni De Michelis, in S. Margherita Ligure (Genova) on June 7th 2003, occupies a central position in the sources of this article. This talk was particularly relevant, as the Italian government's records for that period are obviously not yet available.

The breaking up of the Federal Socialist Republic of Yugoslavia represented a major challenge to Italian foreign policy. The government in Rome – and Italian public opinion – could not ignore the dramatic developments in the Balkans, which jeopardized relations between Italy and Yugoslavia.

> "Italy is deeply involved in the Balkans, whether it likes it or not […], for indirect interests that are more negative than positive, i.e. rather to avoid trouble than to gain something".[1]

A more constructive approach could suggest that Italy is compelled by geographical and historical factors to pay attention to this scenario. We don't need to quote important geo-political theories, in order to understand that Italian "continental imperialism" may be directed only towards South-Eastern Europe, a weaker area compared to the North-East (Austria and Germany), the North (Switzerland), the West (France).

The North-Eastern Italian border is a closed or open door towards the Balkans, and Italy, since it exists, has tried to enter.

Before World War I, Rome considered this area either as a means to obtain something from the Habsburg Empire, or simply to contain it. Two examples of this political trend were the first renewal of the Triple Alliance, in 1887, which bound Vienna to consult with and compensate Rome in the case of any enlargement of the Empire in the Balkans; the Italian-Russian treaty of Racconigi, in 1909, which joined these two Powers in a coalition against any further move of Austria in that scenario, after the annexation of Bosnia-Herzegovina.

Victory in World War I allowed Italy to look at the Balkans from a stronger position. "The Balkans are our colonies, but this should never be said", was the idea of Earl Carlo Sforza, the Italian Foreign secretary before the fascists came to

1. PINOCCHIO, *Divide et integra: una strategia italiana per i Balcani*, in: *Limes*, 3(1998), p.251.

power.[2] According to the treaties of 1926 and 1927, Italy got a protectorate on Albania, which would be annexed in April 1939. As regards the Kingdom of Serbs, Croats and Slovenes – the Kingdom of Yugoslavia, after 1929 - which emerged from the ruins of the Habsburg Empire, Italy was able to establish under the treaty of Rapallo (November 12, 1920) a more favourable border than that envisaged by US president Woodrow Wilson, at the Peace Conference in Paris. Furthermore, the new Italian prime minister, Benito Mussolini, succeeded in annexing the city of Fiume (Pact of Rome, January 1924), which after the War became a trusteeship of the League of the Nations.

In very general terms, Italy played a role of destabilisation for Yugoslavia during the Thirties, sponsoring the Croat political movement of the so called "Cetnici", fascist and strongly opposed to the Serb monarchy, the Karageorgevics.

World War II represented the most dramatic episode in the relations between Italy and Yugoslavia. The occupation by the Italian troops was in some parts really harsh, generating in the Yugoslav people the inappropriate and dangerous prejudice that "Italian" simply means "fascist". This misunderstanding provided the rationale behind the ethnic cleansing of Italians, carried out by Tito's partisans, in Yugoslavia as well as in Italy, during the last weeks of the war. The legacy of this hateful period has still not quite been overcome. The admission of Slovenia to the European Union may be useful in this perspective.

Up to October 5, 1954, when the memorandum of London definitively restored to Italy the city of Trieste – and transferred the complete peninsula of Istria to Yugoslavia - the relationship between Belgrade and Rome was very negative. Only in 1975, when the Italian-Yugoslav treaty of Osimo was signed, the tensions were definitely settled.

After the death of president Josip Tito, in 1980, the Federal Republic, founded on the (last) constitution of 1974, and which was characterized by decentralization – in comparative and absolute terms – was to survive for not more than a decade. Starting from the richest republics – Slovenia and Croatia – the strong wind of self-determination was threatening the monopoly of the league of the communists and the unity of the federation itself.

In the summer of 1989, the Italian government was engaged in a reassessment of its own role towards Eastern Europe, during the transition to post-communism. Minister De Michelis was convinced that Western Europe should export integration to the East, whereas Eastern Europe could export disintegration to the West.[3] As regards Yugoslavia, this meant that Rome was a strong supporter of the status quo, namely of the authority of the federal government, in Belgrade. The official ground of this Italian policy was adherence to the principles of Helsinki, which did not admit unilateral modification of borders, without the positive consensus of all the parts involved. It was evident that Serbia was not favourable to the birth of many

2. Quoted by L. INCISA DI CAMERANA, *L'Italia, i Balcani e il Danubio,* in: *Relazioni internazionali*, LVIII, 30(nov.1994), p.7.
3. He reaffirmed this idea during the above mentioned interview in S. Margherita Ligure.

sovereign countries as a substitute for the federation. But it should be emphasized that the problem, in Belgrade's perspective, was not the progressive overthrow of the communist monopoly in Croatia and Slovenia: the People's Army – more than the federal government – could not tolerate the secession of these republics, though the constitution of 1974 gave them this right. Ideology was far less important than the desire to preserve the integrity of Yugoslavia.

Italy was not the only country to support this integrity: France and the European commission shared a similar view. The first based its own position

> "on a reluctance to allow Yugoslavia to break up into nation-states; the Balkans are a historic point of tension in Europe, having seen two wars in 1912-13. Renewed intra-state conflict, the argument went, would inevitably ignite regional war and pull the EC in".[4]

Brussels was only trying, when the CFSP had to be designed as a "pillar" of the UE treaty, to affirm that stability was a shared value of post-Cold War Europe. On the other hand Germany, on the eve of reunification – and by implication of a renewed political role in Europe - was backing the secession of Slovenia and Croatia, relevant fields of action for German "economic imperialism". After the failure of "military imperialism", practised during World War II, reconstructed Germany was beginning to exercise a more efficient, durable and tolerable form of power over the Old Continent.

During 1990, and up to the summer of 1991, when Croatia and Slovenia declared their independence from Yugoslavia, the Italian Foreign office exercised pressure on the leaders of these two "rebel" republics, to stay inside the federation, though in a context of very strong autonomy. De Michelis specifically remembers such an action in two circumstances: on the opening of the new Italian consulate in Liublijana; and during a visit to Milan Kucan, who told the Italian Foreign secretary that though he was aware of the consequences of the coming declaration of Slovenian independence, he could not do anything to avoid it – he was expressing a sort of fatalism.[5]

The most practicable way to manage the Yugoslav crisis might have taken the form of a switch from the federation to a confederation. A confederation could have maintained the unique sovereignty of a very decentralized state, assuring broader autonomies to the republics. It is possible to quote the Swiss Confederation, where the single cantons have a high degree of autonomy in comparison with the states of the US American federation. This was the idea, clearly a compromise, sponsored by Alija Izetbegovic, in Bosnia-Herzegovina, and Kiro Gligorov, in Macedonia. The Rome government supported it, against the diverging aims (in favour of the secession of Slovenia and Croatia) pursued by some political, economic, cultural and academic groups, in North-Eastern Italy, close to the Slovenian border, namely in Friuli-Venezia Giulia.[6] Perhaps, these groups thought of gaining some advantage in their dealings

4. B. COHEN, *Why Europe Failed to Halt The Genocide*, Special Report, April/May 1993, p.39. See, www.wrmea.com.
5. Interview …, op.cit.
6. Interview …, op.cit. The former secretary did not want to reveal more about the identity of these groups.

across the borders, by having as a partner a smaller country than Yugoslavia. Specifically, the regional administration of Friuli-Venezia Giulia did not agree with the policy of the Italian government. Trieste, on the whole, was a prudent sponsor of the secession.[7] During the meeting of the regional council on June 28th, 1991 (the crucial period of the secession), the chairman of the regional government, Adriano Biasutti, denied the existence of a wide disagreement between Rome and Trieste, denouncing at the same time "the intolerable aggression" perpetrated by Belgrade against Croatia and Slovenia.[8] On September 10th, Biasutti asserted that Yugoslavia no longer existed and drew the international community's attention to the realistic recognition of Croatia and Slovenia, explicitly quoting the similar German policy.[9]

The Vatican too was in favour of the secession, primarily of Catholic Croatia, though Gianni De Michelis does not consider as decisive the role played by the Holy See, in the circumstance.[10] However, the Wilsonian principle of self-determination was reiterated several times by catholic officials, during the Yugoslav crisis.[11] And the final push to the Italian recognition of the new sovereign republics, on January 15th, 1992, may even have been given by Vatican pressures.[12]

Without wishing to adopt a Marxist perspective, it can be asserted that the definitive fall of the Federal Republic did have an economic origin. In early 1991, the financial situation of Belgrade was the worst it had ever been, and only massive foreign intervention could avoid a collapse. Italy and France strongly supported the Delors-Markovic economic plan in Brussels, where it was not approved, due to British opposition. In May, 1991, EC president Jacques Delors offered Belgrade economic incentives to avoid the outbreak of ethnic conflicts in the Federal Republic, however "this was too little, too late".[13] "Western reluctance to help Yugoslavia financially after 1989" was a clear "result of the decline of strategic interest for this country after the end of the Cold War".[14] Europe and the USA shared this decline of interest, though the US government declared its four goals for Yugoslavia, on October 19th, 1990: unity, democratic transition, human rights, free market.[15]

7. As regards relations between Trieste and Lubiana, see: Regione Autonoma Friuli-Venezia Giulia – Consiglio Regionale, *Il dibattito in Assemblea sulle relazioni tra il Friuli-Venezia Giulia e la Slovenia nella prospettiva dell'associazione della Repubblica Slovena all'Unione Europea*, Trieste, March 7th and 21th, 1995.
8. Regione Friuli-Venezia Giulia, *Atti Consiliari, VI Legislatura*, Record of the meeting on June 28th, 1991.
9. Regione Friuli-Venezia Giulia, *Atti Consiliari, VI Legislatura*, Record of the meeting on September 10th, 1991.
10. Interview …
11. G. RULLI, *Appelli religiosi per la pace in Iugoslavia*, in: *La civiltà cattolica*, October 19th, 1991, pp.190-199.
12. G. CUCCHI, G. GASPERINI, *L'influenza vaticana sull'azione internazionale dell'Italia*, in: *Limes*, 3(1993), p.66.
13. B. Cohen, op.cit.
14. M. DASSÙ, *The Role of Italy in the International Response to the War in Former Yugoslavia*, in: R. RAGIONIERI (ed), *Conflicts in Europe – 2. Case Studies*, Quaderni Forum, Firenze, 1994, p.52.
15. D. CACCAMO, *La politica balcanica degli USA. 1990-1994*, in: *Rivista di studi politici internazionali*, LXI, 2(1994), p.185.

It is difficult to agree with the optimistic opinion that the very quick war in Slovenia was a success of the European Community.[16] Speaking off the record, on July 1st, 1991, Slobodan Milosevic told Gianni De Michelis that Serbia had no real claim on Slovenia, where Serbs did not constitute a minority; as regards Croatia, the significant presence of organized Serb groups could not be ignored.[17] Slovenia had the chance to abandon the federation after a symbolic war – Croatia was beginning years of ethnic war. Even after the declaration of independence of these republics, the Farnesina was not in favour of international recognition of the situation. The disintegration of Yugoslavia was only a dangerous shortcut to escape significant and far-seeing reforms of the political-economic Yugoslav system.[18]

At The Hague Conference, on October 18th, 1991, Italy played a pivotal role in a draft plan, concerning the constitution of a new Yugoslav confederation, characterized by very weak ties between the republics. Serbia and Montenegro refused it,[19] opening the door to European recognition of the secessions. Only the Netherlands gave Italy support against this recognition.[20] The Hague, in the chair of the EC, did not want to abandon the country which played such a relevant role in the origin, as well as in the final negotiations, of the UE treaty. It was not enough and in mid January, 1992, Germany together with most EC partners won their fight to divide Yugoslavia: the Twelwe recognized Slovenia and Croatia. By contrast, Rome lost the illusion – while the treaty of Maastricht was being drawn up – that Europe could have a common foreign policy, possibly different from the German *Realpolitik*.[21]

The above paragraphs attempt a brief reconstruction of the Italian management of the Yugoslav crisis, largely based on the personal view of the fo rmer Foreign secretary De Michelis. An obvious conclusion is that Rome pursued a reasonable policy of stability in the Balkan area, which it was in no way able to impose. By contrast, it is possible to argue that the integrity of the federation was valued by Italy even when it was nothing more than a dream, on the rational grounds that Italy had the best relationship with Serbia, the central power.[22] During the crucial months of the secession, rumours circulating in Italy ascribed a not insignificant role to Fiat, in favour of the stability of Yugoslavia, where the huge industrial group had assets. The former Italian foreign secretary categorically excludes any attempt of Fiat to modify the trend of the political events.[23]

16. G. DOGNINI, *Il ruolo della Comunità Europea nella crisi dell'ex-Jugoslavia*, in: *Futuribili*, 2(1994), p.164.
17. Interview …, op.cit.
18. Minister De Michelis affirmed this idea during a conference in Gorizia. Course of degree in International and Diplomatic Sciences, October 25th 1991.
19. G. MEYR, *Origini e prospettive della crisi iugoslava*, in: *Aggiornamenti sociali*, XLII, 12(1991), p.793.
20. Interview …, op.cit.
21. A. AGNELLI, *Jugoslavia, che cosa può fare l'Italia (round table)*, in: *Limes*, 2(1995), p.259.
22. G. MEYR, *Il ruolo dell'Italia, fra storia e geografia*, in: *Futuribili*, 2-3(1996), p.319.
23. Interview …, op.cit.

It is necessary to consider the actual Italian national interest in a united Yugoslavia, besides the quoted adherence to the principles of Helsinki. We may try to define some major problems implicated by the disintegration of Yugoslavia:

- the status of the Italian minority in Yugoslavia;
- the Italian interest in the Balkan-Danubian scenario (the so-called "Quadrangolare" policy);
- the need to avoid a flow of refugees towards Italy, coming from conflict areas;
- the safety of the Italian North-East.

The status of the Italian minority in Yugoslavia

This was a most important problem for Italy, involving the welfare and safety of 24.367 self-declaring Italians in Croatia and 3.064 in Slovenia.[24] The presence of the minority was (and is) the heritage of the defeat of Italy in World War II: a few Italian people did not want to flee from their native country and drop their assets, even when it became clear that Istria could no longer remain under Italian sovereignty - ultimately, after the London memorandum of October 5, 1954.

During the Fifties and the Sixties the communist Yugoslav government exercised strong pressure on the Italian minority, aimed at a "Yugoslavization" of the Italian people.[25] After the treaty of Osimo, the Italian national group reached a status of general safeguard, which may be defined as very paternalistic. The Yugoslavs gave the "Unione Italiana" (the association of the Italian communities) all they thought was necessary to the Italians. Just an example: the buildings of the Unione Italiana were not its property – Yugoslav law did not permit it – however the Unione got them as a "perpetual usufruct" – a very esoteric feature of private law, in Western juridical terms.

The secessions of Croatia and Slovenia, which became separate countries, divided the minority into two different parts: as a socio-political counterpart, the governments in Liublijana and Zagreb recognized, as self-declaring Italians only the respective citizens. This was not the biggest problem, though the situation was complicated by the emerging phenomenon of Istrian regionalism, guided by DDI (Dieta Democratica Istriana), the regional party in which the Unione might play a political role.[26] Basically, the status of two Italian minorities had to be reconsidered between Rome and Liublijana, Rome and Zagreb. Of course, the Italian national community in former Yugoslavia did not like to become a sort of "hostage" in the

24. According to the last census in the Federal Republic of Yugoslavia, during 1991. Unione Italiana, *Relazione del Presidente della Giunta Esecutiva, Maurizio Tremul, al Parlamento Europeo – Intergruppo sulle lingue e le culture delle minoranze*, September 15th, 1993.
25. G. MEYR, *La minoranza italiana in Istria fra regionalismo e pressioni nazionalistiche*, in: *Aggiornamenti sociali*, XLVI, 7/8(1995), p.528.
26. Ibid., pp.529-533.

hands of the new Republics. The status of these minorities could really be endangered if Rome tried to discuss a re-negotiation of Osimo, in favour of Italy, or simply to support the claims of the Italian refugees, concerning their properties lost after World War II.

The Italian interest in the Balkan-Danubian scenario (the so-called "Quadrangolare" policy)

"Yugoslavia was considered a springboard for the launch of an Italian role in the Danubian-Balkan area. […] Italy saw the changes of 1989 as a chance to impose itself as "bridge" or link between central Europe and the Balkans, through the creation of the so-called 'Quadrangolare' (a forum for regional cooperation between Austria, Hungary, Italy and Yugoslavia, with the later addition of Poland and Czechoslovakia, which assumed the name of 'Central-European Initiative').[27]

The Italian interest in this area was well founded,[28] though we can find reliable critics of this "old-fashioned" policy.[29]

Troubles in the Balkans could compel Rome to re-consider – or simply re-start – all the patient Italian diplomatic action, intended to establish cooperation there. Before the Yugoslav crisis, Italy had begun a "double level" policy in the area: "Quadrangolare" was an association of governments, "Alpe Adria" an association of border regions. The aim of these different levels was the same, that is to place Italy in a role of mediation between the West and Eastern Europe. A similar purpose was the ground of "neo-atlantism", when Italy, after the Suez crisis in 1956, had tried to become the intermediary between NATO and Mediterranean countries, taking the place of humiliated Britain and France.

The need to avoid a flow of refugees towards Italy, coming from conflict areas

> "Italy had a good reason to fear, after the preceding dramatic exodus from Albania in August 1991, that a war between the republics might cause a new wave of refugees towards its coasts".[30]

Just a few months after the declaration of independence of Slovenia and Croatia, Italy experienced the emergence of Albanian refugees, victims of the

27. M. DASSÙ, op.cit., p.53.
28. A. VITALE, *L'Italia e i Balcani*, in: *Ideazione*, IX, 6(2002), p.241. See also E. DI NOLFO, *Il quadrangolo mitteleuropeo*, in: *Relazioni internazionali*, marzo(1990), pp.94-99.
29. For example, L.V. FERRARIS, *Dal Tevere al Danubio: l'Italia scopre la geopolitica da tavolino*, in: *Limes*, n.1-2(1993), pp.213-225.
30. M. DASSÙ, op.cit., p. 53.

turbulent transition of Albania to post-communism (or something similar). The relationship between Italy and Albania, based on the historical Italian domination, compelled Rome to take on a special responsibility in this circumstance.[31] As regards Yugoslavia, Italy did not have the same responsibility, but geographical contiguity could justify the fear of a massive flow of homeless people, in case of civil war. We now know that most of the refugees of the coming conflicts in Croatia and Bosnia remained in the Balkans; nevertheless, the Italian fear was not unreasonable.

The safety of the Italian North-East

This was not a "direct" problem, in the sense that the disintegration of Yugoslavia could really threaten the integrity of the Italian territory. A few days after the Slovenian declaration of independence, the Italian army deployed troops – mainly anti-tank guided weapons – along the Yugoslav border, though this decision was "gunboat diplomacy" in the eyes of the Italians, rather than a necessary military step. Young soldiers of the People's Yugoslav Army, who patrolled the border, were told by their officers that they had to defend the country against Italian revisionism (which is not far from fascism …). Some of them, coming of course from the Southern federal republics, were shot dead during sudden attacks by Slovene militiamen.

In no way could Yugoslavia involve Italy in its final war. Rome worried about the vacuum of stability in the whole of the Balkans, just in the days when the fall of the Warsaw Pact legitimated a weakening of the Italian North-Eastern defensive apparatus. The spectre of perennial turbulence in the Balkans replaced the nightmare of armoured Soviet hordes.

Furthermore, the threat represented by collapsing Yugoslavia to Italian stability was a political one. In the early nineties, Italy was characterized by the growth of the political phenomenon called "leghismo". In the North-East - a rich area, as well as geographically far from Rome – this phenomenon was promoting dreams of strong autonomy or, ultimately, independence from Italy. Nor should it be forgotten that in Alto Adige, since World War I, there has been an important German minority, whose members are not unanimously happy to be Italians. If Slovenia and Croatia succeeded in their secession, it could have been a positive example for these anti-Italian movements, and the Italian government preferred to avoid the experience.

The recognition of Croatia and Slovenia by the European Community was a failure of Italian foreign policy, though it should not be forgotten that Italy was not the sole actor of the international community interested in Yugoslavia, nor the most relevant. In late June 1992, the Foreign secretary De Michelis left the Farnesina. A

31. G. MEYR, *Il ruolo dell'Italia* …, op.cit., pp.316-317.

very strange period of the Italian political life was to begin: "Tangentopoli", or the attempt to eliminate corruption from politics, together with the parties which practised corruption. It is not the right place here to express drastic opinions about this political-judiciary phenomenon; however, the end of the Democrazia Cristiana and the Partito Socialista Italiano generated a vacuum of continuity in domestic and foreign Italian politics. According to the harsh criticism of De Michelis, Italy was no longer able to express its own political interest.[32] As regards the Democrazia Cristiana, it should be added that it was even a victim of the failure of communism: the main historical Italian pillar against the Soviet threat no longer had a reason to exist, after the dissolution of the "evil empire".

32. Interview …, op.cit.

Governance in Europe

The concept of governance has increasingly attracted practitioners and scholars of politics and public administration. "Governance" comprises reflections on new forms of public control and regulation, which strive to come to terms with the complex challenges of modern societies.

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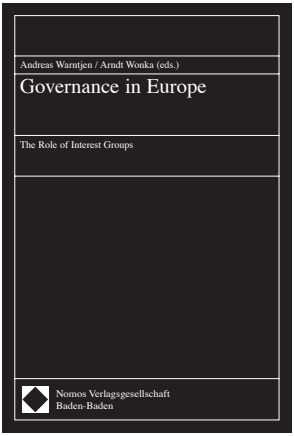

Governance in Europe

The Role of Interest Groups

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"Bloody as Hell".[1] Bush, Clinton and the Abdication of American Leadership in the former Yugoslavia, 1990-1995

Klaus Larres

Between 1991 and 1995 approximately 200.000 people were killed in the wars in Slovenia, Croatia and Bosnia, 50.000 women were brutally raped and over two million people lost their homes. Several million people suffered severe physical and indeed psychological injuries in concentration camps, rape rooms and torture cells. An unidentifiably large number of the most brutal and abhorrent atrocities and war crimes were committed. The West, however, remained passive. The western world's two most influential powers - the United States of America and the European Union – did their best to ignore the crisis. When this position became untenable, they lamented loudly about the unfolding events in the former Yugoslavia but still refused to take any decisive military action.[2] Both the US and the EC/EU, in cooperation with the UN, embarked on a number of hectic diplomatic initiatives but chose to shrink back from making use of military force to stop the slaughter. For the first few years of the conflict neither the use of massive air power nor the employment of ground forces was seriously contemplated. Only when the fighting in Bosnia intensified in 1994 and 1995 did Washington begin to move slowly towards considering a bombing campaign to halt the war. This eventually led to the conclusion of the Dayton Peace Accords in November/December 1995.

There is good reason to believe that with a determined effort at preventive diplomacy in the late 1980s and, above all, in 1990-91 the West and in particular the United States could have succeeded in preventing the outbreak of the ten-day war in Slovenia and the much more bloody war in Croatia in the summer of 1991 as well as the terrible war in Bosnia which erupted in April 1992.[3] This, however, was

1. During a visit to Yugoslavia Balkan expert Lawrence Eagleburger, US Deputy secretary of State and a former ambassador to Belgrade, concluded: 'It is going to be bloody as hell'. Quoted in S. POWELL, *A Problem from Hell'. America and the Age of Genocide*, Perennial, New York, 2003, p.253.
2. For good overviews, see M. GLENNY, *The Fall of Yugoslavia: The Third Balkan War*, 3rd ed., Penguin, London, 1996; L. SILBER and A. LITTLE, *Yugoslavia: Death of a Nation*, Penguin, New York,1996; S.L. WOODWARD, *Balkan Tragedy: Chaos and Dissolution after the Cold War*, Brookings, Washington DC, 1995; N. MALCOLM, *Bosnia: A Short History*, Papermac, London, 1996. For the policy of the West, see in particular Th. PAULSEN, *Die Jugoslawienpolitik der USA, 1989-1994*, Nomos, Baden-Baden, 1995 and J. GOW, *Triumph of the Lack of Will: International Diplomacy and the Yugoslav War*, Hurst, London, 1997.
3. Robert L. Hutchings, an NSC official in the Bush administration, sees three junctures where a more forceful western policy would have made a difference: in 1989-91 by supporting Markovic much more strongly, from late 1990 to mid-1991, when the West should have worked on ways to dissolve Yugoslavia peacefully, and in the autumn of 1991 when Serb shelling of Croatian towns like Vukovar and Dubrovnik should have led to western military answers to fight Serb aggression. See R.L. HUTCHINGS, *American Diplomacy and the End of the Cold War: An Insider's Account of U.S. Policy in Europe, 1989-1992*, Johns Hopkins UP, Baltimore, 1997, pp.318-320.

not the conclusion of the George W.H. Bush administration which did not wish to get involved. The subsequent Clinton administration also felt no inclination to embark on a more active policy towards the former Yugoslavia. This article attempts to reconstruct the major elements in the decision-making process in Washington during the presidencies of George W.H. Bush and Bill Clinton. The article will assess whether or not prior to September 1995 both administrations' decision not to get militarily involved constituted in fact a reasonable position to take. Is it indeed 'unfair', as has been suggested by some, to point an accusing finger at policy makers in Washington and proclaim that in the first half of the 1990s the United States as the world's only superpower 'bears the main responsibility' for the West's failure to prevent the outbreak and the continuation of the wars in the former Yugoslavia?[4] This article is mostly concerned with decision-making in Washington and the strategies and policies pursued by the USA rather than with the activities of America's European allies, Russia and international institutions like the UN and NATO.

The USA and the Dissolution of Yugoslavia

The dissolution of the Yugoslavian federal state and the eruption of violence and war occurred at a time when the world was preoccupied with the grand spectacle of the fall of the Berlin Wall, the initially quite controversial process of German unification and the ever accelerating dissolution of the Soviet empire. The Bush administration feared that the dissolving Soviet Union would attempt to use military force to reverse the 'velvet revolutions' in Eastern Europe and use military force to prevent the Baltic countries from leaving the USSR.[5] In view of the danger that the Soviet orbit would implode and lead to widespread anarchy and misery, the Bush administration made great efforts to help stabilise the Soviet Union and keep Gorbachev in power.[6] Soon the Bush administration was preoccupied by the American build-up of a huge desert army to confront the Iraqi dictator Saddam Hussein who, in early August 1990, had invaded the oil rich Kuwait and was also threatening Saudi Arabia. From mid January to early March 1991 policy makers in Washington largely focused on the Gulf war. Even after the successful liberation of Kuwait, the Kurdish uprising against Saddam Hussein, the establishment of no-fly zones in northern and southern Iraq and the slow moving Israeli-Palestinian peace process allowed the administration hardly any respite. The Middle East remained

4. D. GOMPERT, *How to Defeat Serbia*, in: *Foreign Affairs*, 73/4 (July/August, 1994), p.30.
5. The latter was briefly done in January 1991 and in Lithuania in the summer of 1991. See R.M. GATES, *From the Shadows: The Ultimate Insider's Story of Five Presidents and How They Won the Cold War*, Simon and Schuster, New York, 1996, pp.528-529.
6. For a good general account on the end of the cold war, see M.R. BESCHLOSS and S. TALBOTT, *At the Highest Levels: the inside story of the end of the cold war*, Little, Brown, Boston, 1993.

as volatile as ever as did other areas of the world; a horrible civil war, for instance, had broken out in Somalia in January 1991.

In the literature Bush is frequently credited with a great deal of talent and skill with regard to certain successfully managed crisis situations like the process of German unification and the establishment of constructive relations with a weakened Moscow after the collapse of the Soviet Union. Still, many authors are convinced that despite all this competent crisis management, the administration made no attempt to develop a coherent strategic vision for the post-Cold War era. Bush's grandly announced 'New World Order' is frequently ridiculed as mere rhetoric. Yet, there was very little drift or 'strategic indirection' to be found in Bush's foreign policy. The president as well as his most important advisors like National Security adviser Brent Scowcroft, secretary of State James Baker, Defence secretary Dick Cheney and Colin Powell, the chairman of the Joint Chiefs of Staff, were not inclined to view the unfolding events passively. Instead, they had a clear preconception about the occasions when they wanted to get involved to guide developments.[7]

This also applied to the crisis in Yugoslavia, both before and after the unilateral declaration of independence by Slovenia and Croatia, Yugoslavia's two wealthiest republics, on 25 June 1991. Neither political drift nor inattention to the Balkans by default dominated the Bush administration's policy towards the region. There was no failure of intelligence either; the CIA followed events in Yugoslavia attentively.[8] Rather Bush and his advisors had taken a carefully considered decision. Washington would not get militarily involved in Yugoslavia and was prepared to extend only limited diplomatic support for overcoming the looming crisis in order to attempt, at least initially, to preserve Yugoslav unity. Although Bush relished America's role as the only remaining superpower and wished to maintain his country's position as global hegemon, he was not prepared to accept that Washington's enhanced post-Cold War power and status needed to go hand in hand with accepting global responsibilities.

During the Cold War Yugoslavia under its long-standing leader Tito enjoyed a favourable geopolitical position between East and West and gradually emerged as the leader of the non-aligned world. Not least, Tito displayed great skill and determination in dominating domestic Yugoslav politics by keeping multinational

7. This is the conclusion of S. HURST, *The Foreign Policy of the Bush Administration: In Search of a New World Order*, Cassell, London, 1999 and most other accounts of the Bush presidency. See in particular the discussions in R.J. BARILLEAUX and M.E. STUCKEY (eds.), *Leadership and the Bush Presidency: prudence or drift in an era of change?*, Praeger, Westport, CT, 1992; see also D.M. HILL and Ph. WILLIAMS (eds.), *The Bush Presidency: triumphs and adversities*, Macmillan, London, 1994).
8. See the article by D. GOMPERT, at the time NSC director with responsibility for Europe within the Bush administration, *How to Defeat Serbia*, in: *Foreign Affairs*, 73/4(1994), p.32.

Yugoslavia's six republics under control and taming the forces of nationalism.[9] Although Yugoslavia remained a socialist country and Tito a genuine believer in the benefits of communism, Belgrade managed to maintain its distance from Moscow. Since the break with Joseph Stalin in 1948 and despite Nikita Khrushchev's journey of reconciliation to Belgrade in May 1955, Tito had successfully insisted on Yugoslavia's political independence, economic freedom and special path to communism.[10]

Tito was also careful to nourish good relations with the West and the western world was keen on giving him as much support as possible.[11] Not only did much useful information about the Soviet Union make its way to the West via Yugoslavia but the country's close economic relationship with West Germany and other western countries encouraged other communist states to realise that there was more than one way to run a socialist economy. Thus, during the Cold War the existence of Tito's Yugoslavia served 'as a useful reminder' to the downtrodden countries of Eastern Europe 'of the advantages of independence from Moscow and of the benefits of friendly relations with the West'.[12] Most significantly perhaps, Yugoslavia constituted an 'important obstacle to Soviet expansionism and hegemony in southern Europe'.[13] It was expected that as the only ever 'lapsed satellite', if need be, Yugoslavia would contribute to a 'defensive war against the Soviet Bloc'.[14] Although Yugoslavia was never tempted to join NATO, a considerable amount of American military aid found its way to Belgrade. US assessments reaching back to the 1950s continued to conclude that Moscow 'remains capable of launching an attack on Yugoslavia virtually without warning and the possibility of such an attack cannot be disregarded.'[15] Not least, the US also hoped that the country could be encouraged 'to play a moderating role within the Non-aligned Movement and to counter Cuban and Soviet influence in that organization'.[16]

9. Yugoslavia's six republics consisted of five nations (Croatia, Serbia, Slovenia, Macedonia, Montenegro) and one multi-national republic, Bosnia, where none of all three ethnic groups – Muslims, Serbians and Croats – had a clear dominance. See for example S. TOUVAL, *Mediation in the Yugoslav Wars: The Critical Years, 1990-1995*, Palgrave, Basingstoke, 2002, pp.11-12.
10. See R. WEST, *Tito and the Rise and Fall of Yugoslavia*, Sinclair-Stevenson, London, 1994.
11. See J. GOW, *Triumph of the Lack of Will …*, op.cit., pp.25-26; and in particular L.M. LEES, *Keeping Tito afloat: the United States, Yugoslavia, and the Cold War*, Pennsylvania State UP, University Park, PA, 1997.
12. Reagan Administration, National Security Decision Directive 133 'U.S. Policy Toward Yugoslavia', March 14, 1984 [http://www.fas.org/irp/offdocs/nsdd/nsdd-133.htm].
13. Ibid.
14. NATO Strategy Documents, quoted in J. BAEV, *US Intelligence Community Estimates on Yugoslavia (1948-1991)*, p.98.
15. National Intelligence Estimate, NIE-15, 11 December 1950: Truman Library, Truman Papers, PSF-Subject File [available at: http://www.mtholyoke.edu/acad/intrel/korea/nie15.htm]. Even the dispatch of American forces to support Yugoslavia against invading Soviet troops, considered to be a 'serious' probability in the months after the outbreak of the Korean war, was deemed necessary by the Army Intelligence Agency. See J. BAEV, op.cit., p.97.
16. Reagan Administration, National Security Decision Directive 133, op.cit.

All this abruptly ended with the end of the Cold War and the disappearance of the Soviet Union itself in December 1991. Already in early 1989, Warren Zimmermann, the new (and last) US ambassador to Yugoslavia, and Lawrence Eagleburger, deputy secretary of State-designate, concluded that with the impending end of the Cold War Yugoslavia's 'former geopolitical significance' had vanished; the country was 'no longer unique, since both Poland and Hungary now had more open political and economic systems'. The end of the Cold War also made it more difficult to overlook Yugoslavia's 'failure in the human rights area', in particular in Kosovo.[17]

In fact, Yugoslavia's perceived geopolitical importance to the US had been in decline for a considerable period of time. The decisive event had been Tito's death in 1980 and the subsequent rise of domestic instability in the country. In particular, Tito's successors were increasingly unable to deal with the country's economic difficulties. The demands of the IMF and the World Bank for severe austerity measures to transform Yugoslavia into a market economy with a balanced budget, to stabilise the country's financial situation and to pay back western creditors made matters worse. But this unwise austerity strategy which increased tension, animosity and financial competition among the six republics, found support in the United States. The Reagan administration's National Security Directive 133 of March 1984 expressed Washington's support for overcoming the country's 'severe financial situation' by expanding American economic relations with Yugoslavia and pushing the federal state towards 'an effective, market-oriented Yugoslav economic structure', thus drawing it ever closer into the western orbit.[18]

Yet, this backfired and the flawed and indeed haphazard economic reform attempts of successive Yugoslav leaders made matters worse. In an increasingly tough economic climate Serbs blamed the central Yugoslav government for allocating too many financial resources to the despised Albanians in the Serbian province of Kosovo. Slovenes and Croats blamed the Serbs for discriminating economically and financially against their republics.[19] The federal government in Belgrade saw its authority undermined at an ever more rapid pace; real power rested increasingly with the individual governments in the six republics. Tito's successors faced the almost impossible task of containing nationalist tensions within Yugoslavia. As Richard Ullman has written:

17. See W. ZIMMERMANN, *Origins of a Catastrophe*, Times Books, New York, 1996, p.7; also Idem., *The last ambassador: A memoir on the collapse of Yugoslavia*, in: *Foreign Affairs* 74/2(March 1995), p.2. For an interesting critique of Zimmermann's position, see S. LETICA, *The West Side Story of the Collapse of Yugoslavia and the Wars in Slovenia, Croatia, and Bosnia-Herzegovina*, in: Th. CUSHMAN and S.G. MESTROVIC (eds.), *This Time We Knew: Western Responses to Genocide in Bosnia*, New York UP, New York, 1996, pp.163-186.
18. Reagan Administration, National Security Decision Directive 133, op.cit.
19. L.H. BRUNE, *The United States and Post-Cold War Interventions: Bush and Clinton in Somalia, Haiti and Bosnia, 1992-1998*, Regina Books, Clarement CA., 1999, p.70.

> 'control gradually shifted into the hands of provincial demagogues who styled themselves as democrats and who quickly discovered that beating the drum of ethnic nationalism was the surest way of accumulating more personal power'.[20]

The most skilful of these new nationalist agitators were former communist leader Slobodan Milosevic in Serbia, the largest of the republics, and Franjo Tudjman in Croatia.[21]Since these two populists had come to prominence in their respective Yugoslav republics in the late 1980s, the break-up of Yugoslavia had become a real possibility. In 1988/89 Balkan experts in Washington and the EC capitals expressed ever increasing concern about the rising instability and volatility of the region. Yet, Yugoslav federal president Ante Marcovic's pleading with the IMF and the American government during a visit to Washington in October 1989 for an economic aid package in support of his economic 'shock therapy' and his political reform efforts at home led to no tangible results. Preoccupied with the events in Eastern and Central Europe the Bush administration failed on at least two counts: Washington neither gave sufficiently strong support, including economic aid, to Markovic to avoid the disintegration of Yugoslavia nor did the administration prepare for the dissolution of Yugoslavia.[22]

In September 1989 the Slovenian parliament voted in favour of sovereignty. In January 1990 Tito's communist party effectively dissolved after a tumultuous final party congress. Markovic's plans for organising federal elections were undermined when both Croatia and Slovenia proceeded to hold free and fair elections and voted for non-communist governments. In a referendum in December 1990 almost 95 percent of the Slovenes voted for independence. They were only prepared not to embark on the path to national independence if a much looser Yugoslav confederation could be agreed upon among the six republics and the federal government within six months. The new Croatian constitution of December 1990 expressed almost identical objectives. The Bush administration, however, needed another few months before recognising that Washington's insistence on the status quo of a united Yugoslavia was unrealistic. Milosevic, who had been re-elected as Serbian president, blocked the looser federal structure the other republics had agreed to by opposing the routine succession of a Croat to the rotating chair of the Yugoslav presidential council in March 1991. Serbia insisted on the status quo of the old federal Yugoslavia with its Serb dominated institutions.

Pressure from Congress under the leadership of senator Dole helped to move the US administration to a slightly more active policy. Dole, who had denounced the behaviour of the federal Yugoslav government since the late 1980s, visited

20. R.H. ULLMAN, *The Wars in Yugoslavia and the International System after the Cold War*, in: R.H. ULLMAN (ed.), *The World and Yugoslavia's Wars*, Council on Foreign Relations, New York, 1996, p.9.
21. See for example A. LEBOR, *Milosevic: A Biography*, Bloomsbury, London, 2002. For the complicated relationship between Milosevic and Tudjman, see also A. DJILAS, *A Profile of Slobodan Milosevic'*, in: *Foreign Affairs*, 72/3(summer 1993), pp.81-96.
22. For a convincing account, see R.L. HUTCHINGS, op.cit., pp.304-305. For the alleged misjudgement of Marcovic by US politicians, see S. LETICA, op.cit., pp.169-172.

Kosovo in August 1990 and was appalled by the human rights violations there.[23] Although the Bush administration had reversed the US Congress's decision to implement the Nickles amendment and suspend economic aid to federal Yugoslavian president in early May, it soon concluded that Markovic had lost almost all authority and no longer seemed to be in charge of the Yugoslav army. Eventually, in the early summer of 1991, the White House began advocating a 'confederation of quasi-sovereign states' to preserve at least an element of a united Yugoslav state and prevent a descent into anarchy and violence.[24] However, by this stage it was too late for such a structure. Milosevic was acting in an ever more irresponsible way and soon Tudjman embarked on several anti-Serb initiatives in Croatia. This encouraged the overwhelmingly Serbian population in the Croatian regions of Krajina and Slovonia (c. 12% of Croatia's population) to hold referenda too. The memory of the slaughter of Serbs by a fascist Croatia aligned with Hitler's Germany during World War II stoked genuine Serb anxieties. Thus, as generally predicted, both regions strongly objected to Croatian independence and expressed the firm intention to remain in Serbian dominated federal Yugoslavia.

The elections in Bosnia-Herzegovina, which followed in November 1990, resulted in no clear victory for any of Bosnia's three ethnic groups (Bosnian Muslims, Serbs, and Croatians). While the Croats wished to join Tudjman's envisaged Croatian nation state, the Serbs intended to remain within federal Yugoslavia or join a Greater Serbia, consisting of Serbia, Montenegro, Macedonia and most of Bosnia-Herzegovina, the creation of which was increasingly talked about by Milosevic and his supporters in Belgrade. The Bosnian Muslims, who initially had no great desire to set up an independent state, gloomily concluded that if Slovenia and Croatia left the Yugoslav federation they had no choice but to leave as well. They were well aware, however, that Milosevic's Serbia would attempt to prevent this under all circumstances. Still, the Bosnians were convinced that remaining in a rump-Yugoslavia whose institutions were dominated by Serbia was unwise. The fate of the long-suffering Albanians in the Serb dominated province of Kosovo seemed to demonstrate that there was no other option than to declare independence if Slovenia and Croatia did so first.[25]

In view of these developments the Bush administration in Washington viewed the situation in Yugoslavia with increasing pessimism. The thinking within the administration was dominated by a great deal of historically based determinism and the belief, as Eagleburger in particular expressed it most vividly, that there was very little anyone from outside Yugoslavia could do to stop the slide into chaos and anarchy.[26] The CIA's *National Intelligence Estimate* of September 1990, leaked to the New York Times in late November 1990, concluded that 'the Yugoslav experiment has failed' and predicted 'that the country will break up', a process which was 'likely to be accompanied by ethnic violence and unrest which could

23. S. POWELL, op.cit., pp. 253-254. See also S. LETICA, op.cit., p.184.
24. See D. GOMPERT, op.cit., p.34.
25. N. MALCOLM, op.cit., pp.124 ff.; W. ZIMMERMANN, *The last ambassador*, op.cit., pp.9-10.

lead to civil war'.[27] The CIA analysis painted the picture of an inevitable process; it was indicated that no outsider, including the US government, would be able to do anything about it.[28] Ambassador Zimmermann's reports to the State Department were also very gloomy. In view of the 'ethnic hatred' planted by Milosevic and others, he did not believe that any break-up of the country 'could happen peacefully'.[29]

Political Misjudgements before the Outbreak of War

There were at least three major issues which were decisive in the Bush administration's decision not to become involved in a major effort of 'preventive diplomacy' in Yugoslavia before the outbreak of war. They can be subsumed under the keywords 'American national interest', 'Europe's role', and 'Yugoslav unity'. Taken together they demonstrate that the Bush administration's interpretation of the Yugoslavian situation was based on three major misunderstandings.

1. American national interest. With the end of the Cold War the Bush administration believed that the Balkans were no longer part of America's sphere of interest. After the end of East-West tension and global rivalry Yugoslavia's strategic importance had ended. The country had 'outlived its importance'.[30] Nor was the Bush administration interested in risking the unprecedented quick triumph in the Gulf war and its greatly enhanced international prestige by dealing with the immensely complex problem in Yugoslavia where it was extremely difficult to differentiate between 'friends' and 'enemies'. The much praised Weinberger-Powell strategic doctrine proclaimed that the US should only get involved in a military conflict if it were able to use overwhelming force and had a clear exit strategy.[31] The complicated and seemingly intractable problem of competing ethnicities and nationalities in the Yugoslav federation and the danger of being sucked into an insoluble political and military quagmire with operations taking place in mountainous countryside rather than in the Middle Eastern desert, where it had been easy to bomb the Iraqi army into oblivion, contributed to a great reluctance in Washington to devote much effort to overcoming the crisis in the Balkans. Above all, as secretary of State Baker wrote in

26. On 29 Sept. 1992 Eagleburger expressed the following view: 'I have said this 38,000 times and I have to say this to the people of this country as well: This tragedy is not something that can be settled from outside and it's about damn well time that everybody understood that. Until the Bosnians, Serbs and Croats decide to stop killing each other, there is nothing the outside world can do about it.' Quoted in: *Center for Security Policy*, Washington, DC, Decision Brief, No.92-D 123, 'Method to the Madness', p.3 [http://www.centerforsecuritypolicy.org/index.jsp?section=papers&code=92-D_123].
27. D. BINDER, *Yugoslavia Seen Breaking Up Soon*, in: *New York Times*, 28 Nov. 1990, p.A7.
28. See also R.L. HUTCHINGS, op.cit., p.306.
29. W. ZIMMERMANN, op.cit., *Origins of a Catastrophe*, pp.83-84.
30. M. DANNER, *The US and the Yugoslav Catastrophe*, in: *New York Review of Books* (Nov. 20, 1997), p.7.
31. See S. POWELL, op.cit., pp.261-262.

his memoirs, Yugoslavia had neither the military power of Iraq, nor, most importantly, the ability to threaten the western world's oil supplies. In fact, the conflict in Yugoslavia was regarded as a 'regional dispute' and a civil war rather than a conflict of global importance and it would not be wise to allow the US to become 'a participant in the carnage'.[32]

Despite repeated efforts by mid-level officials to persuade their superiors to become proactive in the Yugoslavian crisis, at the highest level the US government refused to recognize the seriousness of the situation and the implications for America's national interest.[33] The Bush administration, as well as subsequently the Clinton White House, refused to see that even in the post-Cold War years it was still in America's national interest to be involved in maintaining stability in the Balkans. Only after years of bloodshed with the US and other western governments merely standing by and wringing their hands in despair, was it slowly recognised that the conflict in the former Yugoslavia was undermining the viability of international institutions like the UN and NATO as well as America's and indeed the entire western world's international standing.[34]

American pronouncements about the importance of stability in Europe, the centrality of NATO for the post-Cold War world as well as Bush's grand 'new world order' had proved to be empty rhetoric. The entire western world and its institutions, and in particular the US, as the only remaining superpower, looked weak, powerless and incompetent and utterly indifferent to large-scale human suffering.[35]

2. Europe's Role. Instead it was generally concluded in Washington, that the Balkans primarily ought to be a concern of the Europeans. After all, the end of the Cold War, German unification, and the efforts to develop a European foreign and security policy within the Maastricht framework had clearly given Europe a new confidence, if not cockiness. The Bush administration was therefore more than prepared to take Luxembourg Foreign minister Jacques Poos at his word when he confidently proclaimed: 'This is the hour of Europe, not the hour of the Americans'. The Italian Foreign minister even announced that 'Washington is being kept informed but is not being consulted'.[36] European willingness, and

32. J.A. BAKER III, *The Politics of Diplomacy: Revolution, War and Peace, 1989-1992*, G.P. Putnam's Sons, New York, 1995, pp.636-637, also p.651; T.G. CARPENTER, *Foreign Policy Masochism: The Campaign for US Intervention in Yugoslavia*, Cato Foreign Policy Briefing, No.19 (July 1, 1992), p.4 [available at: http://www.cato.org/pubs/fpbriefs/fpb-019es.html].
33. R.L. HUTCHINGS, op.cit., p.314.
34. For the less than impressive role of international organisations in the Yugoslav conflict see the illuminating study by C. GIERSCH, *Konfliktregulierung in Yugoslawien 1991-1995. Die Rolle der OSZE, EU, UNO and NATO*, Nomos, Baden-Baden, 1998.
35. A few years later, in 1994, the Clinton administration eventually came to realise this and this prompted a major shift in policy as will be outlined below. See B. WOODWARD, *The Choice*, Simon & Schuster, New York, 1996, pp.261-262.
36. Quoted in K. KIRSTE, *Der Jugoslawienkonflikt*, DFG-Projekt 'Zivilmächte', Fallstudie, University of Trier, January 1998, 11 [http://www.deutsche-aussenpolitik.de/resources/conferences/Jugo.pdf].

indeed desire, to assume the role of mediator in Yugoslavia also fitted in nicely with Bush's dislike of being regarded as the world's policeman in the aftermath of the Gulf war. 'Europe has the most at stake in the crisis', Bush official Ralph Johnson proclaimed and added quite disingenuously, 'European leverage is greater'.[37]

Moreover, the resources were not readily available either. America was in the middle of a serious economic recession which caused Bush much domestic concern. Although the Gulf war had largely been fought with American troops, most of the money to conduct the campaign had come from abroad, not least from Germany and other European countries. The American taxpayer would have been unimpressed with spending scarce resources on Yugoslavia, an unravelling far-away country that even the administration no longer considered as particularly important. Place names such as 'Sarajevo' also invoked images of the First World War and an America once again dragged into hopeless European conflicts. Instead, in Washington Yugoslavia was soon regarded as a 'test case' for Europe's ambition to set up a comprehensive European foreign and defence policy and for willingness of the EC/EU, for once, to use some of its resources and influence to the benefit of the international community. In his memoirs James Baker explained that it was 'time to make the Europeans step up to the place' and demonstrate 'that they could act as a unified power'. He wrote cynically that 'Yugoslavia was as good a first test as any'.[38]

3. Yugoslav Unity. The Bush administration was not inclined to support the striving for independence within the Yugoslavian federal state that might well encourage similar developments elsewhere. CIA director Robert Gates summarises Bush's position well in his memoirs:

> 'Nearly everyone in the administration believed that the break-up of former communist states risked violence and instability if not carried out in an orderly, peaceful way and through a political-legal process that would limit future blood feuds and passion for revenge or reconquest. This would be Bush's policy on both the Soviet Union and Yugoslavia'.[39]

According to a Croatian government official, National Security advisor Scowcroft told him in September 1990 that the US administration 'supported the unity of Yugoslavia at any cost, as well as that of the Soviet Union.'[40] Thus, despite America's own history of secession from the British Empire, for geopolitical reasons there was little sympathy within the Bush administration for the craving for independence among the Slovenian and Croatian people. President Bush and his Balkan experts initially wished to maintain Yugoslavia's unity and later, when this became utterly unrealistic, at least some sort of loose confederation as a unifying link among the republics. Washington's catchword became 'unity in the context of democracy' and Baker explained that the United States based its policy for

37. Ibid.; see also D. GOMPERT, op.cit., p.35.
38. J.A. BAKER III, op.cit., p.637.
39. R.M. GATES, op.cit., *From the Shadows,* p.529.
40. See S. LETICA, op.cit., p.184.

Yugoslavia at that juncture on four main principles: democratisation, human rights, market reforms, and above all unity.[41]

Yet, these high-minded principles merely represented moral fig leaves for the administration's sober *Realpolitik* and 'uncertain resolve'.[42] The Bush administration was agreed that Yugoslavia should under no circumstances be allowed to serve as a model for the striving for independence among the nationalities in the Soviet Union and contribute to the disintegration of the USSR.[43] The American intelligence community's and indeed the Bush administration's worst-case scenario was the open outbreak of hostilities among the Yugoslav republics which might well lead to interference by both Soviet and western troops and might even cause a direct military conflict with the Soviet Union. Not surprisingly, the United States did not take any action when in due course all of Baker's fine principles such as human rights, democracy and Yugoslav unity, were fatally undermined together with the policy of federal Yugoslav Prime minister Ante Markovic, whose liberal reformist agenda supported these principles. Under no circumstances did the Bush White House wish to get involved militarily and see the United States become entangled in a Vietnam-like imbroglio and provoke the Soviet Union into feeling obliged to support its Serbian friends. 'We got no dog in this fight' secretary of State James Baker declared at one stage and for geopolitical and strategic reasons he meant what he said.[44]

The Bush Administration's Diplomatic Activities, 1991-92

In the summer of 1990 and again in January 1991 the State Department attempted to put pressure on America's European allies to push for some sort of concerted international effort within the CSCE or NATO framework to address the Yugoslav situation diplomatically. Yet, in view of the non-committal replies from France, Germany and Britain, referred to by a former US official as 'shockingly irresponsible',[45] Washington was content to let the issue rest. It was only on 21 June 1991 that the United States embarked on its first serious diplomatic initiative to prevent the outbreak of war. Despite personal misgivings and much doubt among his officials Secretary of State Baker paid a visit to Belgrade and conducted talks

41. S. HURST, op.cit., p.214; R.L. HUTCHINGS, op.cit., pp.307-308. For the 'unity and democracy' slogan which the administration appears to have taken seriously, see W. ZIMMERMANN, op.cit., *The last ambassador*, pp.3 and 6.
42. Quote: R.L. HUTCHINGS, op.cit., p.304.
43. See J. BAEV, op.cit., p.104. See Brent Scowcroft's report on a conversation with Gorbachev in 1991 during which the Soviet leader expressed serious concern about Yugoslavia's disintegration in view of the problems within the Soviet Union, in: G.BUSH and B.SCOWCROFT, *A World Transformed*, Vintage Books, New York, 1998, p.514. See also on the same episode M.R. BESCHLOSS and S. TALBOTT, op.cit., p.414, also p.443.
44. Quoted in R.L. HUTCHINGS, op.cit., p.312; M. DANNER, op.cit., p.58.
45. R.L. HUTCHINGS, op.cit., p.307.

with Yugoslav Prime minister Markovic and the leaders of all the six republics. Baker explained to the Slovenian and Croatian leaders that the US would not recognize them if they declared independence and that they could not expect to receive any economic aid from the US. Even at this late stage he believed that he had no better option than to push for a confederate solution and to admonish all Yugoslavian leaders to observe human rights.[46]

However, Baker's mission was unsuccessful. None of the parties to the Yugoslav conflict changed any of its positions. This was hardly surprising; by June 1991 the respective positions had become firmly entrenched. Baker's mission had come much too late. Moreover, many of the secretary's statements were rather ambiguous and open to interpretation by both sides. Bush's loyal emissary explained that the United States would 'not reward unilateral actions that preempt dialogue or the possibility of negotiated solutions, and we will strongly oppose intimidation or the use of force'. He added that Washington 'continues to recognize and support the territorial integrity of Yugoslavia, including the borders of its member republics. At the same time we can support greater autonomy and sovereignty for the republics'.[47]

The Serbs as well as the Slovenes and Croatians could interpret this as meaning that the US was in fact supporting their case. On the one hand, Milosevic and the Serbian dominated Yugoslav army concluded that the United States was in favour of maintaining Yugoslav unity, and would thus continue to accept Serbian predominance in the federation, and overlook the use of force to restore unity. The question has been much debated whether or not Baker inadvertently gave the 'green light' to Serbia's use of violence by indicating there would be no American military interference. As Robert Hutchings has argued, although Baker did not signal a green light, 'he did not flash a red light either'.[48] Slovenia and Croatia, on the other hand, also listened carefully to Baker's words and concluded that in the end the United States would not really oppose their sovereignty once they had declared their independence. This they did shortly after Baker's return to Washington. On 25 June 1991, Slovenia and Croatia seceded from Yugoslavia and declared their independence. Fighting broke out within days.

The Bush administration watched from the sidelines.[49] Neither NATO, which did not have any geographical authority over the Balkans, nor the CSCE seemed to be suitable to contain the fighting at an early stage. The use of both organisations was opposed by the Soviet Union in any case and any employment of NATO air strikes or forces would have drawn the United States into the conflict, and even given it a leading position. This was anathema to the Bush administration. The White House was thus very happy to go along with the European desire not to make use of NATO but to rely on bilateral cooperation between the EC and the

46. For a good account of his mission, see R.L. HUTCHINGS, op.cit., pp.309-312; J.A. BAKER III, op.cit., pp.634-635.
47. K. KIRSTE, op.cit., p.8.
48. R.L. HUTCHINGS, op.cit., p.311.
49. For a detailed account, including hectic EC attempts to negotiate, see ibid., pp.312-313.

US.[50] Washington left it to the EC to attempt to contain the violence in Croatia and prevent the spread of war into other republics by diplomatic means. The American dimension of the EC's hectic negotiating efforts largely consisted in the person of former secretary of State Cyrus Vance, who became the UN secretary general's special envoy to Yugoslavia. The US supported the UN Security Council's arms embargo on all parties in Yugoslavia in late September 1991 as well as the imposition of economic sanctions on Serbia. However, Bush was not prepared to let American soldiers participate in a UN peace-keeping force in Croatia to oversee a cease-fire there. Cyrus Vance and Lord Peter Carrington, the EU envoy, managed to negotiate the cease fire in November 1991; it left more than a quarter of Croatian territory in the hands of the Serbs. A former Bush official made it unambiguously clear that the administration rejected the notion that the US should act as a global policeman.

> 'Our military superiority and international leadership role does not obligate us to sacrifice our sons and daughters to combat brutality wherever it occurs… George Bush and his lieutenants studied the facts and concluded that leadership in this crisis would have had major drawbacks for the United States'.[51]

Throughout 1991-92 when first Croatia and then, in April 1992, Bosnia descended into war and terrible human sufferings, the Bush administration remained passive. The CIA's Directorate of Intelligence set up an Interagency Balkan Task Force, which met almost daily by means of teleconferencing, and the US was thus very well informed about the developments and the enormous human rights violations on the ground in Bosnia.[52] But the US hoped that European and UN efforts and their negotiators Lord David Owen, who succeeded Carrington, and Cyrus Vance would be able to halt the fighting. Within the West there were serious disagreements about the recognition of Slovenia and Croatia; only after the exertion of much German pressure were both countries formally recognised by the EC in mid-January 1991 (after Germany had previously recognised both countries in late December with the aim of internationalising the problem). The Bush administration was deeply annoyed and believed that this was counterproductive to restoring stability and aiding Vance's mediating efforts in Yugoslavia. Germany in particular thought, however, that the international recognition of the two republics might deter Serbia from going to war against them. The United States was not convinced but offered no alternative solution.[53]

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50. D. GOMPERT, op.cit., pp.35-36. For NATO's role in the conflict, see G. KOSLOWSKI, *Die NATO und der Krieg in Bosnien-Herzegowina: Deutschland, Frankreich und die USA im internationalen Krisenmanagement*, SH-Verlag, Vierow bei Greifswald, 1995.
51. D. GOMPERT, op.cit., p.41.
52. Thus Samantha Power's question 'What did the United States Know?' can be answered with the words 'almost everything'. See her *"A Problem from Hell"*, op.cit., p.264. See also R.L. HUTCHINGS [op.cit.], who writes that the task force 'soon fell into a routine' and eventually merely designed the kind of memos their political masters wanted to see (p.320).
53. For the transatlantic conflict over the recognition issues (and in particular for the German-American conflict in this context), see German diplomat M. LIBAL's forceful defence of the recognition of Slovenia and Croatia: *Limits of Persuasion. Germany and the Yugoslav Crisis, 1991-92*, Praeger Publishers, Westport, 1997.

When a referendum in Bosnia in late February 1991 demonstrated that two thirds of the Bosnian population favoured independence, the United States insisted on the recognition of Bosnia by the EC as a condition of Washington's simultaneous recognition of Croatian and Slovenian independence. This was agreed in March 1992 and recognition was extended to Bosnia in April 1992 by both the EC and the US. Shortly afterwards the Bosnian Serbs seceded from Bosnia and established their own state. War broke out within a matter of days. The Bosnian Serbs, led by Radovan Karadzic and strongly supported by Milosevic in Belgrade, and newly independent Croatia attempted to conquer and annex as much of Bosnian territory as possible.[54]

The West was totally unprepared. Although in view of what had happened in Croatia the Bosnian war came as no surprise, the western world assumed an ostrich-like attitude to the impending disaster which befell the newly recognized country. A UN peacekeeping force had not been assembled and sent to Bosnia before the outbreak of war and no western country called for the withdrawal of the Yugoslav People's Army from Bosnia.[55] The US, with the support of the EC, pushed for the expulsion of federal Yugoslavia from international institutions, refused landing rights to its national airline, closed Yugoslavian consulates in the US and strongly advocated economic sanctions, including an oil embargo, on Yugoslavia.[56] In June 1992 the Bush White House even displayed a certain tentative readiness to consider participating in a UN airlift to bring aid deliveries to the besieged Sarajevo if a prior cease-fire could be achieved.[57] But this was as far as it went. It also made no difference when in May and June the United States became aware of the atrocities and war crimes committed in Bosnia. Media reports made them eventually public knowledge in August 1992. Although secretary Baker spoke of a 'humanitarian nightmare in the heart of Europe' and admonished the international community that 'none of us should try to find reasons for not taking some sort of action' to overcome the conflict, he was not advocating the use of military force by the western community; nor was the Bush administration ready to embark on unilateral American action. Instead, Baker repeated: 'we are not, and we cannot be, the world's policeman'.[58]

54. For a biography of the Bosnian Serb leader and indicted war criminal, see P. KÖPF, *Karadzic: die Schande Europas*, Econ, Düsseldorf, 1995. See also R.L. HUTCHINGS, op.cit., pp.315-316.
55. D. GOMPERT, op.cit., p.37.
56. S. HURST, op.cit., pp.216-217
57. See T.G. CARPENTER, op.cit., p.4.
58. Quoted in S. HURST, op.cit., pp.217. On the role of the media in influencing western responses, see M. THOMPSON, *Forging War: the media in Serbia, Croatia, Bosnia and Hercegovina*, rev. and expanded ed., Luton UP, Luton, 1999). For the complex military dimension of the war, see Ch.R. SHRADER, *The Muslim-Croat civil war in Central Bosnia: a military history, 1992-1994*, Texas A&M University Press, College Station, 2003; and the memoirs by W.K. CLARK, *Waging Modern War: Bosnia, Kosovo, and the future of combat*, Public Affairs, Oxford, 2001; M. ROSE, *Fighting for Peace: Lessons from Bosnia*, Warner, London, 1999; and B. STEWART, *Broken Lives: a personal view of the Bosnian conflict*, HarperCollins, London, 1993.

According to Steven Hurst's detailed study of the Bush administration, the Bush White House focused on three objectives: to enable international relief organizations to deliver humanitarian aid to Bosnia, to continue the political and economic isolation of Serbia and to prevent the expansion of the conflict into other areas of the Balkans. One can add another major objective, the desperate attempt not to be dragged into the Yugoslavian quagmire by committing American air power or even troops. The more vicious the war became, the more adamant the Bush administration was not to get involved; Vietnam always loomed in the mind of American politicians.[59]

Yet, Serbia's ever more blatant 'ethnic cleansing' in Bosnia and the UN's increasingly desperate attempts to deliver aid to the Bosnian people made western public opinion take increasing notice of the humanitarian catastrophes in the former Yugoslavia.[60] Washington soon found itself exposed to great pressures to do something about Serbian and Croatian aggression. Eventually, on 26 June 1992, against the opposition of the Pentagon which was largely dismissive of the civilian belief that air power alone could be decisive, Bush and Baker decided to ask the UN Security Council for a resolution authorizing the use of air power for opening an aid corridor to Sarajevo. Such a resolution was eventually passed on 13 August 1992. Almost two months later a second resolution for the creation of a 'no-fly' zone over Bosnia was also passed. The United States seemed to be edging ever closer to the use of air strikes against the Serbs to protect the Bosnian people. The presidential election probably made the difference. Bush was clearly influenced by his Democratic challenger Bill Clinton who attempted to demolish Bush's image as a foreign policy expert by using the president's softness towards Milosevic to expose the flaws in the White House's foreign policy.[61]

However, the administration still insisted on a multilateral approach with the EC and pronounced that any violation of the no-fly zone over Bosnia would make it seek UN authorization for the use of air power against the violators. Thus, any use of force by the United States still involved a very cumbersome process. Moreover, there was not even any clear willingness to employ NATO and American air power to pressurise the Serbs into honouring the agreements reached at the London conference of August 1992. The results of the conference, if honoured by Serbia, which signed the agreement, would have contained the fighting, including the war

59. See C. POWELL (with J.E. PERSICO), *My American Journey*, Ballantine Books, New York, 1995, p.544. Colin Powell told a reporter that he 'had been engaged in limited military involvements before, in Vietnam for starters'. He continued: 'As soon as they tell me it's limited, it means they do not care whether you achieve a result or not. As soon as they tell me "surgical", I head for the bunker'. See also R.L. HUTCHINGS, op.cit., p.313.
60. See N.L. CIGAR, *Genocide in Bosnia: the policy of 'ethnic cleansing*, College Station, Texas, 1995; M.A. SELLS, *The Bridge Betrayed: Religion and Genocide in Bosnia*, University of California Press, Berkeley, 1996; R. SOBEL and E. SHIRAEV (eds.), *International Public Opinion and the Bosnia Crisis*, MD. Lexington Books, Lanham, 2003.
61. Th. HALVERSON, *American Perspectives*, in: A. DANCHEV and Th. HALVERSON (eds.), *International Perspectives on the Yugoslav Conflict*, Basingstoke, Macmillan, 1996, p.10.

crimes, and would have allowed humanitarian aid to reach Bosnia.[62] Nor did the US participate in the extension of the UN's peace-keeping activities into Bosnia in September 1992. The largest troop contingents for this initiative came from the UK and France. As this meant that only European troops and no American forces would be exposed to any Serbian revenge for allied air strikes, the UK and France were less than enthusiastic about endorsing the use of airpower which the United States gradually appeared to contemplate. [63] However, in late September 1992 it could be read in the *Washington Post* that European officials who had met with US Defence secretary Dick Cheney believed that Bush had 'decided to avoid any military action in Yugoslavia or Iraq before the U.S. elections on November 3'.[64]

Indeed in 1992 no air power was used to restrain Serbian aggression and war crimes in Bosnia. Although in late 1992 Bush offered to employ American air power if the Serbs harmed UN personnel, due to the UK's lack of interest this did not materialize. However, shortly before his presidential term ended in January 1993 president Bush decided to lift the arms embargo on all parties in the conflict. After all it had been clear for a long time that both the Croatian and the Bosnian armed forces were inferior to the much better equipped Serbian forces. Once again, both Britain and France blocked this envisaged reversal of policy.[65] Instead, it was hoped that the Vance/Owen peace plan, which had been proposed in January 1993 would resolve the situation. It envisaged the partition of Bosnia into three ethnically divided parts with ten sub-sections and a multinational capital Sarajevo. Yet, the plan was viewed sceptically in Washington though, as Vance and Owen pointed out, any alternative solution would require the deployment of US troops. The US argued that the plan left 70 per cent of the country's territory in Serbian and Croatian hands and would thus reward the aggressors; it was also feared that it would lead to further 'ethnic cleansing'. Bosnian president Alija Izetbegovic took the hint and also refused his agreement to the plan when he spoke at the UN in New

62. For an account of the conference, 'perhaps the last chance to restore Western resolve before Bosnia-Herzegovina was destroyed', see R.L. HUTCHINGS, op.cit., pp.316-318 (quote: 316); J. GOW, *Triumph of the Lack of Will* …, op.cit., pp.224-231; also J. MAJOR, *The Autobiography*, Harper Collins, London, 1999.

63. United Germany – despite the country's early recognition of the new Yugoslav republics - did not participate in these considerations as at that time it was still believed that the German constitution forbid the country to become militarily involved in NATO out-of-area activities. Only in 1994 did Germany's highest court clarify that this was indeed not the case and that the German Basic Law did not prohibit UN sanctioned German military activities beyond the NATO area. However, the Kohl government was also convinced that it was inadvisable to send German troops into countries which had been occupied by the Nazis during World War II.

64. See J. HOAGLAND's editorial, *Washington Post*, 29 Sept. 1992, cited in Center for Security Policy, Washington, DC, Decision Brief, No.92-D 123 'Method to the Madness', p.1 [http://www.centerforsecuritypolicy.org/index.jsp?section=papers&code=92-D_123]. For the complex moral, political and military problems of humanitarian intervention, which cannot be addressed here, see St. HOFFMAN (ed.), *The Ethics and Politics of Humanitarian Intervention*, Notre Dame UP, Notre Dame, Ind., 1996.

65. For a good but highly critical account of British policy towards the former Yugoslavia, see B. SIMMS, *Unfinest Hour: Britain and the Destruction of Bosnia*, Allen Lane, London, 2001.

York on 6 February 1993. Negotiations of the Vance/Owen plan soon stalled in Geneva and after 8 February also at the UN in New York.[66]

In his memoirs US ambassador Zimmermann reaches the conclusion that the failure to use air power in 1992 was America's 'greatest mistake of the entire Yugoslav crisis', 'it wasted the opportunity to prevent over a hundred thousand deaths'.[67] In his study of the Bush administration Steven Hurst profoundly disagrees with this statement. Although he is correct in writing 'that others were equally, if not more, culpable for the disaster that struck Bosnia',[68] this does not let the Bush administration off the hook for sharing a very large responsibility for doing hardly anything to avoid or at least curtail the war and the humanitarian disaster in the former Yugoslavia.

The Bush administration's refusal to employ US air power in mid-1992, its stubborn unwillingness to embark on preventive diplomacy long before Baker's last minute trip to Yugoslavia in June 1991 as well as the White House's desperate efforts to attempt to preserve the unity of the federal state when the likelihood of achieving this was remote demonstrated that Washington misjudged the developments in Yugoslavia. Moreover, Washington's refusal to recognise that the maintenance and restoration of peace and stability in the Balkans were a matter of American national interest and that the only global superpower had indeed global responsibilities when other powers were unable to cope demonstrate the failure of Bush's policy in Yugoslavia. It is perhaps indicative that in George Bush's and Brent Scowcroft's joint memoir the conflict in Yugoslavia is hardly mentioned. The Bush administration's Yugoslavian policy was based on a number of serious political misjudgements as well as on the deliberate decision to abdicate US leadership.

American keenness to allow Europe to take the lead in the Yugoslav crisis is understandable in view of Europe's self-confident pronouncements about the effectiveness of its post-Cold War role in international affairs. And naturally few countries will refuse the offer by other states to take their chestnuts out of the fire. Yet, the poor European performance in the Gulf war and the long-standing difficulties of the EC in agreeing on joint positions and policies, in particular in foreign affairs and most other non-economic issues, and its inability to execute any agreed positions in an effective way were well known. It could easily have been predicted that Europe's emerging foreign and defence policy would have great difficulties coping with the complex Yugoslav situation. The Croatian government was certainly convinced that not the Europeans but 'only the American administration had the real power to avert war'.[69] The abdication of American

66. See J. GOW, *Triumph of the Lack of Will* …, op.cit., pp.232ff.; David Owen, *Balkan Odyssey* (London: Victor Gollancz, 1995); also W. HYLAND, *Clinton's World: Remaking American Foreign Policy*, Praeger, Westport, Conn., 1999, p.32; K. KIRSTE, op.cit., pp.27 ff.
67. W. ZIMMERMANN, op.cit., *Origins of a Catastrophe*, p.216.
68. S. HURST, op.cit., p.218.
69. See S. LETICA, op.cit., pp.183-184. The author is a former Croatian government official who was close to president Tudjman.

leadership in the face of an unfolding human catastrophe of enormous proportions must be judged harshly. The Bush administration failed the innocent peoples of the former Yugoslavia.

Bill Clinton and the Continuation of American Passivity

The same could be said of the Clinton administration's first two years in office. Despite Clinton's tough rhetoric before the election, once he was inaugurated he became much more cautious. Forgotten were statements which emphasised that Washington should join an international coalition force 'to shoot its way into' Sarajevo airport to organise an airlift to Bosnia[70] and that Clinton intended to adopt 'much more aggressive positions than his predecessor'.[71] In early 1993, when the war in Bosnia became ever more ruthless, the new president was tempted to involve the United States militarily but the apparent lack of public support in the United States and in the Congress for such a course of action and the fear of embarking on another Vietnam-like situation made him hesitate. Clinton, like his predecessor, did not believe that America's national interest was at stake in the former Yugoslavia and thus only 'modest risks' appeared to be justified as the conservative *National Review* expressed it.[72] Secretary of State Warren Christopher put it unambiguously when he said that Bosnia 'does not affect our vital national interests except as we're concerned about the humanitarian matters and except as we're trying to contain it'.[73]

Above all, Clinton wished to preserve allied unity and did not wish to act unilaterally and without European endorsement and agreement in Bosnia. The unity of NATO appeared to be more important than halting the slaughter in Bosnia. Yet, Washington only followed the course of multilateralism so rigidly because Yugoslavia was not regarded as of major importance to the USA. The European refusal to contemplate western military involvement, gave Clinton a convenient alibi to explain why Washington was unable to employ air power.[74]

Like his predecessor, Clinton had no intention of turning the United States into the world's policeman. Within the United States both liberals and conservatives were firmly set against the use of American ground forces. The American political establishment outside the administration was largely in agreement that the 'lift and strike' option ought to be pursued, that is the lifting of the arms embargo on all parties in Yugoslavia and the threat of NATO air strikes against Serbian forces. The

70. December 1992. Similar statements explained that 'Anything we can do to turn up the heat a little there, to try to reduce the carnage, is worth trying'. Quotes in Th.H. HENRIKSEN, *Clinton's Foreign Policy in Somalia, Bosnia, Haiti, and North Korea*, Stanford University, Stanford, 1995, p.14.
71. See J. CLARKE, *Rhetoric before Reality: Loose Lips and Ships*, in: *Foreign Affairs*, 74/5(Sept/Oct. 1995), p.6.
72. Quoted in W. HYLAND, op.cit., p.38.
73. Quoted in K. KIRSTE, op.cit., p.25.
74. See in a similar vain, ibid., 26.

administration itself, however, was divided. While UN ambassador Madeleine Albright and vice president Al Gore favoured military intervention, secretary of State Warren Christopher, National Security adviser Anthony Lake as well as the entire Pentagon, including Colin Powell, who continued as Chief of Staff until September 1993, and Clinton's domestic policy advisers were strongly opposed to American military involvement.[75]

Much to the anger of most European governments, the Vance/Owen plan did not find Clinton's support either. He favoured a re-negotiation of the plan. In early February 1993 the new administration wished to demonstrate a new decisiveness when Christopher announced a six-point plan which included the intention to send a new American special envoy (NATO ambassador Reginald Bartholomew) to the peace negotiations, to make use of tougher sanctions and enforce the no-fly zone. Nothing was said about lifting the arms embargo on Yugoslavia. And Clinton did not commit himself to deploying American troops as peacekeepers in the Balkans either. Yet, the situation in Bosnia deteriorated rapidly; the war spread ever more widely. Both in Europe and the United States there was increasingly outspoken opposition to American passivity in the face of clear evidence of atrocities, massacres and widespread 'ethnic cleansing'.[76] In March 1993 twelve officials in the State Department sent Christopher a strong letter demanding American military involvement and in a leaked memorandum Madeleine Albright asked Clinton to use air power to prevent any further Serb advances.[77] Yet, opinion polls in the US showed the large-scale opposition of most Americans to intervention and the majority of members of Congress were not inclined to go down this path either. The Vietnam experience was in everyone's mind. In particular the highly influential Colin Powell opposed the use of any American military involvement; he scared Clinton with the prospect that at least half a million troops would be needed if the president decided to engage US forces.[78]

Although in view of the continuation of massacres and other war crimes committed in Bosnia, Clinton seriously contemplated military action in the course of April 1993, the administration restricted itself to merely air-dropping food supplies into eastern Bosnia. Some commentators have argued that the failure of the Bureau of Alcohol, Tobacco and Firearms to arrest a religious cult group of Branch Davidians in Waco, Texas, contributed to Clinton's unwillingness to send troops to Bosnia and thus expose his government to yet another controversial decision. Although the FBI rather than the American administration was responsible for the disastrous handling of the Waco siege which resulted in the fire

75. See I.H. DAALDER, *Getting to Dayton: The Making of America's Bosnia Policy*, Brookings Institution Press, Washington DC, 2000, pp.11 ff.; Th.H. HENRIKSEN, op.cit., p.15.
76. See R. GUTMAN, *A Witness to Genocide: the 1993 Pulitzer Prize-winning dispatches on the 'ethnic cleansing' of Bosnia*, Element Books, Shaftesbury, 1993; also St.L. BURG and P.S. SHOUP, *The War in Bosnia-Hercegovina: ethnic conflict and international intervention*, M.E. Sharpe, Armonk, NY, 1999.
77. W. HYLAND, op.cit., pp.35-36.
78. See C. POWELL, op.cit., p.544.

death of 89 people, including children and several FBI agents, for years Clinton had to repulse suggestions from the conservative right that somehow his administration had been responsible for this unfortunate outcome.[79]

Still, Clinton knew that while he continued to rule out American military involvement, something needed to be done. The 'lift and strike' plan began to look increasingly appealing. He sent Christopher to Europe to consult with the allies. However, most European governments, in particular French president Mitterrand and British prime minister Major, were opposed to this option.[80] And Clinton also became increasingly doubtful about the plan. After all, it could be expected that even very limited air strikes might well lead to an escalation of American involvement in Bosnia and finally perhaps even to the need to deploy ground troops. While Christopher was consulting with the European allies, his mission was undermined by the President's second thoughts. Moreover, the French rejected the 'lift and strike' plan outright and criticised the United States for not participating in the UN peacekeeping forces in Croatia and Bosnia. After all, the UN peacekeepers were strictly forbidden from aiding the Bosnians. They were expected to maintain a neutral role. Both the French and the British feared that a lifting of the arms embargo would expose the UN forces to revenge attacks by Serbian forces and might perhaps even result in UN soldiers being taken hostage by the Bosnian Serbs. This publicly announced concern certainly gave the Serbians ideas on how to handle the peacekeepers. Paris and London proposed instead to establish 'safe havens' in six areas in Bosnia, including the capital Sarajevo.

This was a humiliating outcome for the Clinton administration. Yet the President decided not to impose a solution on the Europeans; instead he accepted the European veto regarding the 'lift and strike' option and shrank back from military engagement. He blamed the Europeans while the Europeans claimed that Christopher could have persuaded them if he had made an effort. Eventually, in late May 1993 the French and British plan for setting up 'safe havens' in Bosnia was endorsed by the US and its European allies when the foreign ministers met in Washington. Another attempt in July to persuade the Europeans to endorse a 'lift and strike' policy also failed.

The dramatic display of American inability to impose a military resolution on the crisis in Somalia, which unfolded in early October 1993, certainly made

79. See S. BLUMENTHAL, *The Clinton Wars*, Farrar, Strauss and Giroux, New York, 2003, p.54.

80. During a conversation with former British Foreign secretary Douglas Hurd in London on 18 March 2004, Hurd emphasised that with hindsight, and with the exception of some fairly minor matters, he believed that Britain's policy of not getting involved in Bosnia and employing air power had been correct in view of the British troops on the ground which would have been greatly exposed to any revenge attacks by the Serbs. Incidentally, Lawrence Eagleburger confirmed that he still believed in the correctness of Bush's Yugoslavian policy in a conversation on 20 May 2003 in Washington, DC (as does James Baker emphatically in his memoirs [op.cit., p.651]). For the largely pro-Serbian position of the French and the British and the pro-Bosnian position of the US, see for example J.A. BAKER III, op.cit., p.637; J MAJOR, op.cit.; M. BRAUNSTEIN, *François Mitterrand à Sarajevo: 28 Juin 1992, le rendez-vous manqué*, Harmattan, Paris, 2001; also S. BLUMENTHAL, op.cit., p.62.

Clinton much more risk-averse in the subsequent months than he might otherwise have been. Eighteen American soldiers were killed, the corpses dragged through the streets by rebel troops in the service of warlord Mohamed Farrah Aidid and burnt in front of the world's television cameras. Within a few days Clinton announced the humiliating withdrawal of all American forces from Somalia.[81]

By late 1993 any forceful western initiative to save Bosnia from destruction had been shelved. As William Hyland has written, the United States had 'no real strategy: Vance-Owen was dead; lift and strike was dead; military intervention had been ruled out; there was no prospect of a settlement. Bosnia was closer than ever to disappearing as a state'.[82] The saga continued throughout 1994 with neither the United States nor the Europeans able to develop a coherent strategy of how to save Bosnia. However, by mid February 1994, after the marketplace massacre in Sarajevo on 5 February 1994, which caused a bloodbath among civilians, Clinton had gradually come to the same insight president Bush had also arrived at rather belatedly: that the former Yugoslavia was in fact part of America's national interest. All of a sudden Clinton explained that in

> 'this crisis our nation has distinct interests. We have an interest in helping to prevent this from becoming a broader European conflict […]. We have an interest in showing that NATO remains a credible force for peace in the post-Cold War era. We have an interest in helping to stem the destabilizing flow of refugees […]. And we have a humanitarian interest in helping to stop the strangulation of Sarajevo'.[83]

A Cautious Change of Course

These fine words, however, did not immediately lead to a dramatic new policy. Instead Bill Clinton proceeded cautiously and covertly. In April 1994 Clinton personally embarked on a policy of 'covert inaction' by allowing the delivery of arms from Iran to Bosnia via Croatia. During the flight on the return from Richard Nixon's funeral National Security advisor Lake suggested to Clinton that he should allow Iranian arms deliveries without however officially condoning them or informing the National Security Council and other cabinet members. When Croatian president Franjo Tudjman asked US ambassador Peter Galbraith about the proposal, Galbraith replied that he had 'no instructions', thus effectively giving American agreement to the plan.[84]

The United States also participated in the so-called Contact Group consisting of the US, Russia, Britain, France and Germany to find a multilateral solution to the

81. See for example L.H. BRUNE, op.cit., pp.13-34; also S. BLUMENTHAL, op.cit., pp.61-62.
82. W. HYLAND, op.cit., p.38.
83. Quoted in K. KIRSTE, op.cit., p.26.
84. See E. SCIOLINO, *Now, Iran-Bosnia: Who Knew What and When?*, in: *New York Times*, 21 April 1996. The hostile account by Thomas Henriksen [op.cit., pp.16-17] distorts the issues somewhat.

Bosnian problem. Yet American participation was unenthusiastic. As the American representative, ambassador Charles Thomas, said in an interview:

> 'I think, the administration has been quite reactive and was mainly trying to avoid problems. It was a desire to have a limited involvement that was diluted by the presence of other major powers'.[85]

Still, the Serbian shelling of the market in Sarajevo in February 1994 had led to a certain change of course of American policy. Washington began to make a greater effort to persuade the Bosnian government to accept the partition of the country after all. On 5 July the Contact Group suggested a formula for a partition of Bosnia (51 per cent for the Bosnians; 49 per cent for the Serbs) and proposed an armistice. But both the Bosnian Muslims and the Bosnian Serbs refused to accept the formula and the armistice. The Contact Group could not devise a way out and intense bickering among its members led to a stalemate.[86]

Of crucial importance for Clinton's policy towards Bosnia were his relations with Congress after the congressional elections of November 1994. The Republicans managed to take control of both Houses of Congress and Senate majority leader Bob Dole once again began to push strongly for a termination of the arms embargo on Bosnia. Although Britain and France continued to resist this, the White House announced that the United States would not continue enforcing the arms embargo.[87] Increasing congressional pressure, the stalemate in the Contact Group, the Sarajevo massacre as well as a successful counteroffensive by Croatian forces in May 1994 encouraged Clinton to continue with cautiously changing his policy. When in the late summer 1994 Croatian forces ejected Bosnian Serb forces from the Krajina (and in turn began a process of 'ethnic cleansing') and the military situation was rapidly changing in favour of the Croatians,[88] the US administration felt encouraged to get militarily involved.

Above all, with the gradual onset of the presidential election campaign in mid-1995 Clinton believed that he needed to take the initiative on Bosnia. Constant attacks on his administration regarding the situation in Bosnia made him look bad at home. Congressional pressure led Clinton to terminate the multilateral observation of the arms embargo and to cease cooperation between the allied espionage agencies in Bosnia on 12 November 1994. Although the President had attempted to persuade the Europeans to agree to the ending of the arms embargo, when they remained unconvinced, Clinton felt that in view of an ultimatum imposed on his administration by the US Senate to lift the arms embargo he had no other choice than to act unilaterally.[89] Moreover, in early spring 1995 new French

85. K. KIRSTE, op.cit., p.32; see also J. GOW, *Triumph of the Lack of Will …*, op.cit., 260-264.
86. K. KIRSTE, op.cit., pp.34-35.
87. However, at the same time the administration agreed in the UN Security Council to restrict the mandate of the UN peacekeepers and thus limit UNPROFOR's self-defence capabilities.
88. See B. O'SHEA, *Crisis at Bihac: Bosnia's bloody battlefield, including the Carter initiative, Croatia reclaims western Slavonia, the fall of the Krajina Serbs*, Sutton, Stroud: Gloucestershire, 1998.
89. K. KIRSTE, op.cit., pp.39-40.

president Chirac came out in favour of the use of massive NATO airpower against the Serbs. This drove a wedge in the Franco-British opposition to the use of military force and enabled Washington to push its preference for a cautious use of airpower.[90]

The conquest of the UN-declared 'safe havens' Srebrenica and Zepa in July 1995 by the Bosnian Serbs under general Radko Mladic focused international media attention on the former Yugoslavia. The ruthless destruction of the two cities and the nearby countryside and the rape, deportation and execution of thousands of people deeply moved the western world.[91] The Clinton administration began to realise that America's 'unique superpower status' was 'the only hope for restoring a semblance of order and humanity to the Balkans'.[92] Not least, the deteriorating situation made Clinton look indecisive and unable to assert American leadership even more than hitherto. 'To bolster his image at home, he needed to appear more decisive abroad'.[93]

Clinton decided to embark on a cautious policy of military involvement by letting NATO bomb Bosnian Serb positions in Bosnia. Intensive NATO air strikes in August and early September 1995 resulted in a change of mind by the Bosnian Serbs. They reduced their territorial demands on Bosnia (from two thirds to half of the country) and withdrew some of their heavy weaponry from Sarajevo. The Bosnian Muslims agreed to recognise the Bosnian Serb republic; it was generally expected that the mini state would align itself with what was left of Yugoslavia to form Greater Serbia under Milosevic's leadership. The acceptance of a peace process by the Bosnian Serbs on 21 September eventually led to a cease-fire by mid-October 1995. This in turn enabled the negotiation of the Dayton agreement in November/December 1995, led by US envoy Richard Holbrooke, on the basis of the partition of Bosnia. The Dayton agreement was far from ideal but it led to an uneasy peace and a stability of sorts which has largely endured.[94]

With hindsight many members of the Clinton administration regretted the long delay before the US became involved. This delay essentially encompassed the first eighteen months of the Clinton administration, until the USA decided to push more seriously for air strikes on the Serbian positions. Warren Christopher, for example, frankly writes in his memoirs that the US 'had relied unrealistically and for longer

90. Ibid., p.35.
91. For a good account, see S. POWELL, op.cit., pp.391-441; and in even greater detail, D. ROHDE, *Endgame: the Betrayal and Fall of Srebenica: Europe's worst massacre since World War II*, Westview Press, Boulder, Colo., 1998; and J.W. HONIG and N. BOTH, *Srebrenica: record of a war crime*, Penguin, London, 1996. For the media, see J. GOW et al. (ed.), *Bosnia by Television*, British Film Institute, London, 1996. See also A. STIGLMAYER, *Mass rape: the war against women in Bosnia-Herzegovina*, University of Nebraska Press, Lincoln, 1994.
92. W. CHRISTOPHER, *Chances of a Lifetime*, Scribner, New York, 2001, p.252.
93. Th.H. HENRIKSEN, op.cit., p.18.
94. See R. HOLBROOKE, *To end a War*, Modern Library, New York, 1999; I.H. DAALDER, op.cit.; E.M. COUSENS and Ch.K. CATER, *Toward peace in Bosnia: implementing the Dayton accords*, Lynne Rienner, Boulder, Colo., 2001; also the memoirs of UN envoy C. BILDT, *Peace Journey: the struggle for peace in Bosnia*, Weidenfeld, London, 1998.

than was justifiable on our European allies to resolve the problems in Bosnia'. He even admitted that

> 'our failure to recognize earlier than no other organization or state was going to assume that role was a lapse for which I and the rest of the Clinton national security team shared responsibility'.[95]

This belated insight and acceptance of responsibility did not help the victims in Bosnia a great deal. However, unlike the preceding Bush administration, the Clinton administration eventually changed course. A variety of factors led to this development. Among the most important ones were the outcry of American and western public opinion in view of the atrocities and massacres committed in 1994 and 1995 in Bosnia. Congressional pressure was also important. But perhaps decisive was Clinton's perception that the war in Bosnia threatened to undermine substantially the continued existence of NATO and the western alliance. Moreover, his own political profile became tarnished and he was increasingly perceived in the US and in Europe as a weak and indecisive leader. This began to harm him with the American electorate. It took these factors and five long years to convince Washington that the world's only remaining superpower continued to have special responsibilities in the post-Cold War world.

95. W. CHRISTOPHER, op.cit., p.252.

Book reviews – Comptes rendus – Buchbesprechungen

Lorenzo MECHI – *L'Europa di Ugo La Malfa: la via italiana alla modernizzazione (1942-1979),* Franco Angeli, Milan, 2003, 228 p. – ISBN 88-464-4641-0 – 21 €.

Après avoir retracé à l'envi l'action et les mérites des "Pères fondateurs" désormais bien connus de l'Europe communautaire, l'historiographie récente de la construction européenne rend peu à peu justice à l'itinéraire d'autres protagonistes, souvent moins connus en dehors des frontières nationales, dont l'activité en faveur de l'Europe unie vaut à son tour d'être mieux comprise. Et c'est bien là le premier mérite de la biographie que Lorenzo Mechi, chercheur associé aux universités de Padoue et de Florence, consacre à l'homme d'État italien Ugo La Malfa dans la foulée de sa thèse de doctorat défendue en 1999 à l'université de Florence. Bien conscient des dangers hagiographiques qui guettent parfois le genre biographique, Mechi précise fort à propos son enquête en focalisant son attention sur trois moments-clés de la très longue carrière ministérielle de La Malfa dont on commémorait en 2003 le centième anniversaire de la naissance. Il fait ainsi mieux ressortir, au fil d'une période de trente ans, la permanence de l'engagement pro-européen de La Malfa afin de reconstruire l'économie nationale et ainsi permettre à l'Italie de prendre sa place parmi les puissances occidentales industrialisées. En ce qui concerne les sources exploitées, les papiers personnels et les nombreuses publications de La Malfa complètent utilement les documents parlementaires et les archives des institutions européennes. En annexes, figurent notamment une bibliographie indicative, des extraits d'interventions à la Chambre et des notes inédites du leader républicain.

Commentant brièvement les enjeux internationaux auxquels se trouve confrontée la Péninsule dans l'immédiat après-guerre, Lorenzo Mechi met ensuite en exergue le rôle capital joué dès 1951 par La Malfa, alors ministre du Commerce extérieur, pour imposer aux milieux financiers et industriels très réticents les réformes qui, dans le cadre multilatéral de l'Union européenne des paiements (UEP), assurèrent la convertibilité monétaire et la libération des échanges commerciaux entre ses pays membres. Convaincu notamment que les difficultés économiques et sociales du *Mezzogiorno*, dont il était originaire, ne tireraient qu'avantage d'une plus grande coordination des économies à l'échelon européen, La Malfa tint bon pour imposer une réduction des barrières tarifaires et l'abolition des contingents, assurant ainsi la modernisation de l'industrie et l'augmentation notable des exportations italiennes.

Le combat mené au début des années soixante en faveur de l'entrée du Royaume-Uni dans le Marché commun constitue le deuxième temps fort qu'épingle Mechi dans la "carrière européenne" de La Malfa. Membre actif du Comité d'action pour les États-Unis d'Europe (CAEUE) de Jean Monnet, La Malfa, alors ministre du Budget, se plaça en effet à la pointe du combat pour tenter de forcer l'adhésion britannique dans laquelle il voyait surtout un moyen de contre-balancer les ambitions hégémoniques de la France gaulliste et ainsi faire barrage à son projet d'"Europe des patries". Et de plaider, mais en vain, suite au veto le 14 janvier 1963 du général de Gaulle à l'adhésion britannique et à la rupture des négociations de Bruxelles, pour la constitution alternative d'un nouvel axe fort Rome-Londres résolument atlantiste.

Vient enfin l'ultime grande bataille européenne d'Ugo La Malfa qui, malgré la faiblesse de la lire, a consacré les deux dernières années de sa vie politique à lutter en faveur de l'adhésion de l'Italie au Système monétaire européen (SME) destiné à restaurer une stabilité des cours du change entre les monnaies pour favoriser la poursuite de l'intégration des marchés nationaux et la reprise de la croissance en Europe. C'est que dès la fin de l'année

1977, le président du Parti radical italien (PRI), soutenu par la Banque nationale d'Italie, avait vu dans le SME un outil politique idéal pour enfin imposer au pays les efforts d'austérité économique qu'il n'avait lui-même cessé de réclamer depuis les dérapages budgétaires imputés depuis 1973 à la crise énergétique mondiale. Le 13 mars 1979, La Malfa, qui devait décéder treize jours plus tard, assista donc à la naissance du SME auquel participait pleinement l'Italie qui avait cependant obtenu un accroissement des aides communautaires pour prix de sa participation.

Original dans sa conception chronologique et thématique, le livre de Lorenzo Mechi met particulièrement bien en lumière l'importance de l'ancrage méridional d'Ugo La Malfa dans son combat, trente années durant, en faveur d'une Europe occidentale unie offrant à l'Italie les voies de sa modernisation économique et industrielle. Ainsi fournit-il aussi un exemple éclairant de l'interdépendance entre la défense de l'intérêt national, voire régional, et la mise au point de solutions communautaires censées y répondre.

Étienne Deschamps
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André et Danielle CABANIS - ***L'Europe de Victor Hugo***, Privat, Toulouse, 2002, 126 p. – ISBN 2-7089-6935-8 - 12 €.

Der Zufall hat es so gewollt: Am 1. Januar 2002 wurde der Euro eingeführt und am 26. Februar desselben Jahres wurde in vielen Ländern Europas und der Welt der 200jährige Geburtstag Victor Hugos (1802-1885) gefeiert und seiner Ausstrahlung gedacht. Er hat sich vielfältig um die europäische Einigung verdient gemacht, zwar nicht als Erfinder der Formel „Vereinigte Staaten von Europa", die er jedoch in manchen lyrischen und rhetorischen Gedankenflügen bekannt gemacht hat, sondern vielmehr als unermüdlicher Mahner und Missionar der Menschlichkeit auf einem befriedeten Kontinent und als Vater der europäischen Einheitswährung, die er schon 1855 einklagte.

In einer im April 2002 erschienenen Anthologie in französischer Sprache stellen André und Danielle Cabanis Victor Hugos Vorstellungen über Europa vor. Beide sind Professoren für Rechtsgeschichte an der Universität Toulouse; sie studieren vielmehr Victor Hugo in seiner philosophischen und politischen Dimension als dass sie seine Texte nach literarischen oder ästhetischen Kriterien beurteilen.

Das Buch gliedert sich in drei Teile. Im ersten werden das Leben – ohne die literarische Karriere – und die politischen Kämpfe Victor Hugos dargestellt, wobei die Rolle seines 19jähriges Exils hervorgehoben wird.

Der zweite Teil enthält sieben Texte Victor Hugos über die europäische Einheit. Der wohl bekannteste davon ist die Eröffnungsrede, die er 1849 beim Friedenskongress in Paris hielt. Der Brief „für Serbien" aus dem Jahre 1876 ist für den Leser des ausgehenden 20. Jahrhunderts insofern ergreifend, da sich die Gräueltaten, von Victor Hugo hier als Freveltaten der Türken an den Serben seiner Zeit entlarvt, sich im früheren Jugoslawien – und in vielen anderen Regionen Europas und der Welt – ohne Fremdeinwirkung wiederholt haben. Dieser Text Victor Hugos hat nichts von seinem alarmierenden Wert für unsere Zeit verloren, umso mehr als der Dichter für die Pflicht der humanitären Einmischung plädiert und bedauert, dass es keine europäische Regierung gibt, um in Serbien korrigierend und dem Frieden dienend einzugreifen.

Der dritte Teil des Buches enthält eigentlich die Kritiken der zwei Herausgeber an Victor Hugos Europagedanken. Sie sprechen von dem «zwiespältigen» Gefühl, das er für diese Idee empfand. Er hat nicht immer an die Einigung gedacht und eigentlich nur in der Perspektive, dass die Initiative dafür von Frankreich ausgeht und seine Heimat, insbesondere

Paris, eine Rolle als Vorreiter spielt. Das zukünftige Europa sollte zwar religiös inspiriert jedoch von jeglicher kirchlicher Influenz frei sein, das Papsttum sollte abgeschafft werden, die Monarchien mit ihren autokratischen Tendenzen und ihren militärischen Vabanquespielen müssten endgültig verschwinden. Victor Hugo, der, obschon er sich als Sozialist empfand, eigentlich dem gemässigtem Bürgertum angehörte, schwankt dabei, je nachdem ob die politische Lage der Europa-Idee günstig oder ungünstig war, zwischen fast naiven Fortschrittsglauben und chauvinistischen Rachegedanken wegen der Annexion von Elsass-Lothringen durch das Zweite Deutsche Kaiserreich.

Victor Hugos grösstes Verdienst um Europa – und um den Weltfrieden – bleibt die Überzeugung, dass die europäische Union nur über die Versöhnung der Erbfeinde Frankreich und Deutschland verwirklicht werden kann, dass dieses Europa demokratisch und republikanisch sein muss und in Zusammenarbeit mit den Vereinigten Staaten von Amerika in die Universalrepublik einmünden soll. Auch wenn ein Revolutionskrieg nötig sein sollte, um die Überreste des Feudalismus in Europa oder sonstwo abzuschaffen, sollte die eigentliche politische Gründung über die parlamentarische Vertretung der Völker geschehen.

Ohne des Dichters Ansichten zu karikieren oder zu verniedlichen, zeigen André und Danielle Cabanis, wie verschiedene seiner Träume zur heutigen politischen Wirklichkeit geworden sind und wie andere seiner Vorschläge Absurditäten zu seiner Zeit waren und es bis heute geblieben sind. So kann man ohne Gefahr sich zu irren behaupten, dass die französisch-deutsche Zusammenarbeit, wie sie von de Gaulle und Adenauer eingeläutet wurde, eigentlich von Victor Hugo in seinem Rhein-Buch (*Le Rhin*) von 1842 vorgezeichnet wurde. Ein anderer grosser Europäer, welcher sich des öfteren auf Victor Hugo als Wanderer zwischen Latinität und Germanität beruft, war der in Luxemburg geborene Robert Schuman, der überraschender Weise im vorliegenden Buch nicht Erwähnung findet.

Alles in allem ist *L'Europe de Victor Hugo* ein Buch, welches das Thema zwar nicht erschöpft, es jedoch geschichtlich, philosophisch und politisch auf eine prägnante Art und Weise hinterfragt: die Biografie Victor Hugos, insoweit sie die Entwicklung Europas berührt, kommt dabei nicht zu kurz. Da die Autoren nicht aus dem Milieu der Hugo-Kenner kommen, können sie den Schriftsteller vielleicht mit mehr Distanz beurteilen. Zu begrüssen ist jedenfalls ihre Unvoreingenommenheit was verschiedene Stellungnahmen ihres berühmten Mitbürgers betrifft. Sie zeigen seine öfters widersprüchlichen Meinungen, seinen Hang zu rhetorischem Pathos, sein utopisches Denken, seinen Wunsch, die öffentliche Meinung zu beeinflussen oder zu repräsentieren. Victor Hugos Auffassung von Kolonialismus in etwa ist äusserst diskutabel, da für ihn ein für allemal feststeht, dass Europa Zivilisation, das heisst Menschlichkeit, nach Afrika bringen soll und die dort vorherrschende „Wildheit" vergessen lassen soll. Dass Victor Hugo ähnliche Gedanken auch auf dem europäischen Kontinent anwandte, geht daraus hervor, dass er Preußen für barbarisch und Frankreich für zivilisiert empfand. Man könnte hinzufügen – die beiden französischen Autoren der Anthologie tun es nicht –, dass seine Idee vom «linksrheinischen» Frankreich, mit der Wiedereroberung von Trier Mainz und Koblenz, nicht nur für Deutschland unannehmbar war, sondern auch die Auslöschung eines unabhängigen Landes wie des Grossherzogtums Luxemburg implizierte. Man sieht, dass auf diesem Punkt die hugosche Auffassung vom Völkerrecht recht dehnbar war.

Das vorliegende Buch wendet sich vorwiegend an ein breites Publikum, das den behandelten Schriftsteller nur oberflächlich kennt und dem komplexe Ideen und ihre Entwicklung anschaulich dargestellt und erklärt werden sollen. Victor Hugos hier edierte Texte werden jedoch ohne Angabe ihrer ersten Veröffentlichung abgedruckt; auch eine weiterführende Bibliografie der das Thema betreffenden Veröffentlichungen gibt es nicht.[1] Gesetzt der Fall,

1. Vgl. hierzu WILHELM F., *Victor Hugo et l'Idée des États-Unis d'Europe*, AMVHV, Luxembourg, 2000.

ein Leser möchte weitere Hugo-Texte zum Thema Europa entdecken, er würde in diesem Buch nicht einmal die Angaben zu einer Gesamtausgabe finden, geschweige denn eine Liste von verfügbaren Einzelausgaben.

Für wissenschaftliche Zwecke ist *L'Europe de Victor Hugo* also kaum zu empfehlen. Möglicherweise entspricht diese Wahl den Plänen des Verlegers, der eine Buchreihe zum Thema berühmte Denker und Europa gegründet hat, die mehr als Lesebücher mit gefälligen aber kaum erläuterten Illustrationen denn als Nachschlagwerke zu verstehen sind.

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John GILLINGHAM - *European Integration 1950-2003. Superstate or New Market Economy?,* Cambridge University Press, Cambridge, 2003, 588 p.– ISBN 0-521-01262-7 (pb) – 17,95 £.

As Charles Maier, the well-known European historian from Harvard University, ambiguously puts it in his praise on the cover of this book, John Gillingham is the 'preeminent *American* [my emphasis] historian of the European Union'. In fact, he is not only the *only* US historian, but the only non-European historian world-wide of any importance who has ever concerned himself with the history of European integration as the most important economic, social and political phenomenon of post-war Europe. No doubt, this tells us something about the national fragmentation and excessive reorientation of US history towards micro-social, gender and other aspects of European (and world) history. Perhaps it also reflects the fact, however, that European historians of the EU have in the past organized themselves as an in-group that has not always been very welcoming to outsiders, especially from the United States. Yet, the views of such outsiders can often be very refreshing in challenging established national or European interpretations of the recent past and should, as a rule, be highly welcome. This is especially true of a book like this one – a book that attempts to present a comprehensive history with an overarching interpretation of European integration since the Schuman Plan which goes significantly beyond the existing textbooks by authors like Marie-Thérèse Bitsch, Derek Urwin and others, and is also not social science theory-driven as Andrew Moravcsik's account of 'grand bargains'.

Unfortunately, however, this is an extremely normative, not analytical book written by an angry (not so young) man (who describes himself as a 'Euro-heretic') whose main purpose is to provoke the 'insiders' and to judge the development of the European Union on the basis of his ideological convictions. Despite some valuable insights in some sections on the book, the author's claims to novelty are ridiculously exaggerated, the book structure makes little sense, and his interpretation is not only politically motivated, but also inconsistent in the extreme. In a shocking example of new Anglo-Saxon 'hype-history', Gillingham purports to have written 'the first book to deal with the matter [of European integration] comprehensively and over its entire fifty-year history' (p.487). While he does arguably go beyond studies by authors ranging from Walter Lipgens to Wilfried Loth, Alan S. Milward, Keith Middlemas and others who have covered shorter periods of time, and also the existing narrative textbooks, Gillingham's claim to 'novelty' largely rests on not engaging with the existing literature and even worse, ignoring most of it. He covers the 1950s and 1960s effectively without any reference to the very substantial archive-based literature that has been published since the early 1990s. In the book as a whole, moreover, Gillingham follows the by now well-established Anglo-Saxon policy (with notable exceptions like Alan S. Milward and

Piers Ludlow) of almost completely ignoring everything that has ever been published in any language other than English, which is a priori declared to be insignificant.

Worse still from a historian's perspective, the book has a bizarre structure. To begin with, Gillingham argues that only the period of what he calls economic regime change in Western Europe from the 1970s onwards is relevant for explaining current EU politics. With this kind of instrumental argument, almost all history can in future be dispensed with if it is not immediately and obviously relevant to the present and future. Yet, Gillingham claims to prefer a historical institutionalist conceptualisation of European integration. In the social sciences, however, historical institutionalism argues that formal (Commission, Council etc.) and informal (values, norms, policy behaviour) 'institutions' grow over very long periods of time and are 'path-dependent'. From this perspective, the operation of the current institutional structure and policy debates over the Common Agricultural Policy or Competition Policy can only be understood by reference to their formation in early 'core Europe' integration in the 1950s and 1960s. Actually, Gillingham's book covers these two decades in only 75 of 502 pages in less detail than any existing textbook, with some 20 of those pages reserved for an introduction to the philosophy of the neo-liberal Austrian economist Friedrich Hayek whose influence on early 'core Europe' integration was surely marginal. Moreover, while Gillingham is justified in arguing that many previous studies of European integration have concentrated too exclusively on EU-level policy-making, not sufficiently recognizing its embeddedness in wider socio-economic and political trends in the member states, he tries to rectify the situation by inserting larger chapters (9 and 13) in which he discusses domestic changes country by country. Europe-wide phenomena should be discussed in thematic chapters, however, for example on privatisation and social security reforms in the EU as examples of the rise of a 'neo-liberal' policy agenda, not mini country histories.

How then, according to Gillingham, has the European Union developed over the last fifty years? In a mindset which has become only too familiar to continental Europeans in the last few years, European integration is portrayed as a fight of good against evil. In this particular story, neo-liberals have followed the only sensible policy of concentrating on 'negative' market integration, abolishing barriers to trade, leading to greater welfare of citizens and therefore also greater legitimacy of European integration. Their single most important contribution to the EU as a 'new market economy' has been the Single Market Programme which was the brainchild (according to Gillingham) of Margaret Thatcher, the author's great hero and 'founding mother of the new Europe' (p.136). The baddies are those who have aimed at building a European 'superstate'. Although like the *Sun* newspaper, Gillingham is not very explicit about who has actually worked towards such a horror scenario, the main suspects appear to be the Hallstein and Delors Commissions in the 1960s and 1980s. Yet, 'positive' integration in the form of supranational institutionalisation and policy-making is not only undemocratic, but ineffective, preventing economic reform and undermining the legitimacy of European integration. Instead, the EU should develop into an EFTA-like organisation with transgovernmental regulation (p.477) and minimal institutionalisation.

So far, so radically neo-liberal the author's political views. But is he right on his own terms? Is it true, for example, that the EU has achieved 'little or nothing in the last ten years' (p.497). In fact, in his confused argument, Gillingham admits at various points in his book that the Commission as the allegedly undemocratic supranational institution supposedly advocating a European 'superstate' has played an absolutely crucial role in advancing negative integration, for example over the recent break-up of dealer cartels in the car industry or electricity privatisation (pp.396/453). Similarly, as Gillingham also concedes, CAP reform would have gotten absolutely nowhere without the efforts of the Austrian Commissioner Franz Fischler. If there are major economic problems in the current EU (and they are obvious enough), they mainly result from the inability and lack of political willingness to implement more drastic domestic structural reforms of the national governments of some 'core

Europe' states led by the new Franco-German instability axis. Could they be better solved without binding policy commitments in the context of partially supranational governance?

If European institutionalisation has actually advanced negative market integration in many different ways, is Gillingham at least right in a general sense? Has political integration really had little or no legitimacy in the past? Has supranational integration always been so ineffective, as the author claims in his tirade against economic and monetary union based largely on blatantly anti-European arguments from the 1980s? On balance, has the EU not dealt quite well with the hugely difficult task of Eastern enlargement, despite of any injustices to the accession states which Gillingham predicts could lead to the emergence of new dictatorships there? Moreover, has the Commission not become significantly more modest and responsive to civil society in its governance mode since Jacques Delors and especially, the resignation of the Santer Commission in 1999? Is its work not in fact more transparent than that of the European Council, and is it not actually 'small government' in relation to its enormous tasks, as Andrew Moravcsik has recently argued in defence of the legitimacy of the current institutional set-up? Moreover, would the majority of EU citizens be happy with Gillingham's radical free market approach? He brushes aside the search for a 'European social model' as empty rhetoric, but 'Europe' is surely not only about economic efficiency, especially when it comes at the price of huge wealth discrepancies and 16 per cent of the population and rising without health insurance, as in the US. Finally, how should a free trade Europe with minimal institutionalisation be able to shape the 'new world order' more in Europe's image in trade, the environment and human rights, for example, instead of carving in wholesale to a US administration that is run by dangerous gunmen? Not surprisingly, these questions do not feature in Gillingham's account because they do not fit with his political agenda.

The pre-eminent American historian of European integration has set himself a mammoth task. This is laudable because too much of the existing literature on European integration history treats small subjects during short time-spans without seeing the big picture. Unfortunately, Gillingham has largely failed. Importantly for future such attempts at writing a history of European integration from its beginnings, he has failed because he has a strong normative political agenda, but no clear analytical conceptual framework for writing the history of the EU. He has replaced the myth of the founding fathers with the myth of the founding mother. What have we learned for a more sophisticated understanding of the integration process in historical perspective? Very little, indeed.

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Jeffrey Glen GIAUQUE – *Grand Design and Vision of Unity. The Atlantic Powers and the Reorganization of Western Europe 1955-1963*, The University of North Carolina Press, London, 2002, 326 p, ISBN 0-8078-5344-5 – 31,50 £(cloth) – 14,95 £(paper).

Depuis Talleyrand, il est bien connu qu'un Etat n'a que des intérêts. Partant de ce principe, Jeffrey Glen Giauque analyse comment les relations entre les quatre principales puissances atlantiques, les Etats-Unis, la Grande-Bretagne, la France et l'Allemagne, évoluèrent, entre 1955 et 1963, pour s'adapter à une situation internationale changeante et quelles en furent les répercussions sur la construction européenne. Il examine plus précisément dans quelle mesure chaque «grand dessein» national visait en définitive à promouvoir les intérêts atlantiques et européens propres à ces quatre Etats. Ce balancement délicat entre coopération et compétition entre les quatre puissances fut, selon l'auteur le facteur déterminant pour le développement des relations atlantiques et européennes (p.3) et contribua en grande partie à façonner l'Europe de l'Ouest et ses institutions (p.11). Pour

Giauque, l'unification de l'Europe de l'Ouest, que ce soit dans le cadre des institutions européennes ou atlantiques, est, pour paraphraser Clausewitz, la poursuite des intérêts nationaux par d'autres moyens.

Les «grand desseins», auxquels le titre fait allusion, sont avant tout ceux des dirigeants politiques. En effet, l'auteur étudie les relations internationales principalement au travers du prisme de l'interaction entre les acteurs politiques institutionnels. La politique étrangère est conçue et mise en œuvre par les dirigeants politiques en vertu de leur intelligence de la situation et de leur vision du rôle dévolu à leur pays. Elle vise à défendre et promouvoir les intérêts nationaux, à maximiser l'influence et, éventuellement, à garantir «la grandeur» nationale. En ce sens, Giauque présente une histoire diplomatique fidèle aux canons du genre qui comblera les aficionados. Il n'est donc guère surprenant que l'auteur souligne l'importance de la diplomatie personnelle telle qu'elle était pratiquée entre 1955 et 1963 et insiste plus particulièrement sur la façon dont elle contribua à façonner les relations atlantiques et européennes (pp.230-231). A cet égard, deux personnalités politiques, Charles de Gaulle et Konrad Adenauer, émergent et jouent un rôle pivot. Le rapprochement franco-allemand, puis le traité de l'Elysée, montrent cependant les avantages et les risques d'un tel exercice. Par ailleurs, en se focalisant sur quatre acteurs principaux, Giauque tend, *nolens volens*, à négliger le rôle d'autres acteurs individuels ou étatiques.

Cet ouvrage s'inscrit également dans une tendance historiographique récente qui tend à examiner les relations internationales non plus sous un aspect national, binational ou sectoriel mais selon une approche multilatérale. Chacune de ces deux approches possèdent naturellement avantages et défauts, mais toutes deux restent, quoiqu'il en soit, complémentaires. Dans un cas comme dans l'autre, il n'est évidemment pas possible de faire une histoire totale - si tant est qu'elle le soit -, ainsi que le démontre cet ouvrage. Giauque se concentre en effet sur un nombre restreint d'évènements clé de l'histoire de l'intégration européenne et des relations transatlantiques: la création de la CEE, le challenge posé par la proposition britannique de zone de libre échange, le rapprochement franco-allemand, le plan Fouchet, le «partenariat atlantique» de Kennedy et la première demande d'adhésion du Royaume-Uni au Marché commun.

De part et d'autre de l'Atlantique, les années 1955-1963 sont en effet une période riche en initiatives. Celles-ci visent en priorité à renforcer l'intégration européenne mais conduisent également à une redéfinition des relations entre cette Europe en train de se former et les deux puissances anglo-saxonnes, les Etats-Unis et la Grande-Bretagne. Certes, l'échec de la Communauté européenne de défense, suite à son rejet par l'Assemblée nationale française en août 1954, constitua un revers incontestable pour les Etats-Unis, qui avaient soutenu le projet, et les Européens, mais il permît la relance européenne de Messine. Certaines de ses propositions, à l'instar de la Communauté économique européenne (CEE), eurent plus de succès, mais nombre d'entre elles, comme l'ambitieux projet d'Union politique européenne, échouèrent ou ne furent que partiellement réalisées.

Selon l'auteur, la création du Marché commun conduisit à une redéfinition fondamentale des relations entre les «in» (France et Allemagne) et les «out» (Grande-Bretagne, Etats-Unis). Il n'est cependant pas certain que la césure soit aussi profonde que Giauque le laisse entendre. En effet, la CEE est la continuation des efforts d'intégration sectorielle et supranationale initiés au début des années cinquante par la création de la Communauté européenne du charbon et de l'acier (CECA) à laquelle la France et l'Allemagne participaient tandis que l'Angleterre avait déjà choisi de rester à l'écart. La volonté des Anglais d'entrer dans le Marché commun tient moins à une subite conversion aux «vertus» européennes qu'à une prise de conscience de leur impuissance à influencer le développement des Communautés européennes de l'extérieur, comme l'échec de leur proposition d'établir zone de libre échange le leur a démontré. L'échec de la candidature britannique, ou plutôt la nature du rejet, a toutefois un impact décisif sur le développement de la

CEE elle-même, car il marque la fin d'une façon de concevoir les négociations européennes ainsi que d'un certain idéalisme européen. Comme le souligne Giauque, si la compétition entre les divers intérêts nationaux étaient un trait caractéristique des négociations européennes précédentes, chaque pays était néanmoins disposé à faire des concessions au nom du bien commun. Le veto mis par le général de Gaulle en janvier 1963 à l'entrée du Royaume-Uni, contribua à donner naissance à la «politique du donnant-donnant» qui caractérise depuis les négociations communautaires (p.195). En outre, l'échec des négociations d'adhésion agrandit le clivage au sein de la Communauté atlantique, conditionnant pour longtemps l'évolution des relations entre les quatre «Grands».

Pour les Etats-Unis, les progrès de l'intégration européenne posaient un autre genre de dilemme en matière de politique étrangère. Portés à soutenir toute initiative susceptible de renforcer l'unification européenne afin de contrebalancer l'influence soviétique en Europe et de soulager leur pays d'une partie de ses responsabilités mondiales, les dirigeants américains commençaient néanmoins à craindre que le dynamisme européen ne porte ombrage à leur intérêts économiques et leur leadership. C'est dans ce contexte que le projet de John F. Kennedy de Communauté atlantique vit le jour. Il visait principalement à maintenir la prééminence américaine en Europe tout en offrant aux Européens la possibilité d'y participer selon des modalités précises. Le projet du président américain devait partiellement échouer devant l'hostilité croissante du général de Gaulle qui y voyait une menace directe pour sa propre vision d'une «Europe européenne» indépendante. Comme le montre l'auteur, le fonctionnement des relations transatlantiques est moins le résultat d'un projet initié par l'une des quatre capitales que la résultante de visions et de conceptions concurrentes. En dépit des tensions franco-américaines particulièrement fortes durant la période 1955-1963, principalement en raison des divergences sur la nature et la fonction de l'Alliance atlantique, celle-ci se révèle néanmoins flexible et capable de s'adapter à des situations de crises.

Si Giauque insiste à juste titre sur la signification de la guerre froide dans l'élaboration de la position américaine vis-à-vis de la construction européenne (p.55), il néglige par ailleurs cet aspect fondamental dans la définition de la politique atlantique et européenne de l'Allemagne, alors même que la question de la réunification dépend pour une large part des trois autres puissances atlantiques et détermine en grande partie les relations germano-américaines jusqu'à la fin des années quatre-vingt.

L'ouvrage de Giauque présente une argumentation concise et extrêmement convaincante où les points de vues de ces quatre protagonistes sont systématiquement croisés et analysés de façon équilibrée. Il met clairement en évidence les continuités et ruptures de la politique étrangère des quatre puissances atlantiques pendant cette période clé de la construction européenne. On peut certes parfois lui reprocher de généraliser voire de simplifier certaines positions nationales mais, compte tenu de l'ambition de son approche et de la nécessaire sélection des informations, cela apparaît cependant inévitable. On ne peut à cet égard qu'être impressionné par la multitude et la variété des sources consultées par Giauque dans chacun des quatre pays. Sans être exhaustive, sa bibliographie présente néanmoins un bon tour d'horizon de la littérature existante.

Giauque donne ainsi une synthèse originale et facilement accessible de l'interaction entre le développement de la construction européenne et l'évolution des relations au sein de l'Alliance atlantique qui intéressera tous étudiants et historiens des relations internationales.

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Marine MOGUEN-TOURSEL - *L'ouverture des frontières européennes dans les années 50. Fruit d'une concertation avec les industriels?*, P.I.E., Peter Lang, Bruxelles, 2002, 313 p. - ISBN 90-5201-964-9 – 35,00 €.

Did French and German industrialists share the idea of a European project? Did the beginnings of European integration meet their aspirations? Finally, did French and German business circles succeed in making the integration process coincide with their aspirations? The work of Marine Moguen-Toursel intends to give an answer to those questions. For the French side, the analysis focuses on the study of the action of the "Conseil National du Patronat Français (CNPF)", the French national employers' federation. The author considers the possible criticisms such a choice could give rise to on the side of those who question the actual influence exerted on the decision-making process by an organization such as the CNPF, which represented at one and the same time industry, the banks, the insurance industry and trade and consequently was often split with regard to the changes of the political and economic reality. She replies, rightly in our opinion, that, in matter of foreign trade, the study groups, which the CNPF was able to set up (for example the commission for the relaxing of exchange controls, created in March 1950 and chaired by Roger Nathan) permitted the CNPF to guide the employers in their orientations and to exert a considerable influence over government policy. For the German side, the book examines the positions of the *Deutscher Industrie- und Handelstag* (DIHT), the federation of the Chambers of Commerce and Industry of the country, but above all the position of the *Bundesverband der Deutschen Industrie* (BDI), i.e. the national federation of the German Industry, representing 80% of the German industries in economic and production matters. The author does not merely limit her exposition to the big employers' federations, but sometimes views things from a different angle, by considering also the positions of certain industrial sectors (above all the automobile and chemical industries) or even of certain firms.

Research is chiefly based on primary sources, whether originating from the government (archives of the French and German ministries of Foreign affairs, the French and German ministries of Finance, the departments of Trade and Industry, historical Archives of the European Community, etc.), or the archives of the employers' federations (archives of the CNPF at the "*Centre des archives du monde du travail*" in Roubaix, documents of the BDI stored at the Federal Archives in Coblence and at the headquarters of the BDI in Cologne).

The analysis is focusing on commercial matters, i.e. on the process of deregulation of trade within the frame of the OEEC and then on the creation and the early stage of the Common Market. In the first part of her work, Moguen-Toursel stresses the existence of a real project of economic integration for Western Europe, developed by the employers and shared by French and German industrialists, and we would like to add, as well as by the Italian industrialists. This project was based on the idea of building the European economic integration by setting up a network of transnational understandings and agreements between producers, i.e. of cartels, so as to regulate competition and keep bottom prices in order not to make profits slump and to share the markets.

This concept, that continued to underlie the employers' position during the whole of the 50ies, was rooted in a series of ideas that were widespread during the interwar period. In this respect, the author reminds the figure of René-Paul Duchemin, president of the Union of the chemical industries and of the General Federation of the French Employers for most of the interwar period, as having been one of the predecessors of this approach. After the Second World War, the idea of the Europe of the cartels was taken up again during the international economic conference of Westminster in April 1949. The employers' concept of economic integration didn't succeed in gaining acceptance among the political decision-makers who preferred to follow other ways which left a much larger space to the regulatory powers of the authorities than it was provided for in the employers' project. But, in fact, the Europe of the

cartels as it was intended by the employers was doomed to failure because of the structural evolution of commercial relations between developed industrial countries, that were more and more characterized by an exchange of the same types of goods. Thus, the author emphasizes, the point was not to diversify production thanks to cartel agreements, as the industrials thought at the beginning of the integration process, but in fact to improve productivity.

As to the relations between the employers' circles with the decision-makers, Moguen-Toursel highlights the structural differences existing between the two countries. In Germany, the employers were assured a continuous representation in the decision-making organs of the ministry of Finance and were systematically involved in trade negotiations, whereas in France, commercial policy remained a preserve of the ministry of Finance and of the ministry of Foreign affairs, the employers, whose relations with the Department of Industry were particularly tight, playing only an informal part. As the presence of German industrialists in the decision-making mechanisms was institutionalized, their power to influence the terms of accession to economic integration was consequently more important than that of their French colleagues, who often had an antagonistic relationship with the political leaders and the high ranking civil servants. The author doesn't fail to appreciate at its true value the birth of the lobbying and consultation structures between industrialists at European level, like the Council of European Industrial Federations, created within the framework of the OEEC in 1949, and from 1952, the Union of the six countries of the European Community, to be called later on UNICE (Union of Industrial and Employers' Confederations of Europe) with the creation of the common market, but stresses that "most of the lobbying was exerted during the fifties by employers' federations at national level".

The analysis of the positions that both French and German employers had taken with regard to the deregulation of trade contributes to explain the dose of simplification inherent in the traditional view of the liberal and open-minded German employers in contrast with more protectionist and hesitant French employers.

During the stage immediately preceding the beginning of the deregulation of trade process, the French and German employers took, for the most part, a similar stand. Both tried to obtain the raising of the customs bulwark in anticipation of an important lowering of the quantitative restrictions, seizing the opportunity of the enforcement of new tariffs. The process was successful and the French customs tariffs concluded in 1948-49, as well as the German's tariffs of 1951 provided for high protection levels, above all in certain industrial sectors (automobile and chemical industries).

Following the first difficulties brought about by the deregulation of trade within the OEEC, that hit the FRG between the end of 1950 and the beginning of 1951, and France one year later, the positions of the employers began to diverge. Actually, if BDI president Fritz Berg pronounced himself in favour of a resumption of the deregulation of trade in the shortest lapse of time possible, the French employers' federation supported measures aiming at re-establishing the quota restrictions taken by the government of Edgar Faure. At the core of this divergence, there were two different viewpoints: on the one hand a strongly competitive industry as regards quality but also production costs, considering the undervaluation of the deutschmark and the low wage level; on the other hand in France, industrial activity had become dull at national level because of a very inflationary price structure that jeopardized competitiveness on foreign markets.

But the two positions drew closer to each other during the second half of the decade, when, with the progressive wage increase in the FRG, it became obvious, that the drop in protective measures would bring about increasing difficulties for certain sectors. The French industrialists, for their part, adopted a more favourable position on the creation of a common market, on condition that it provided for efficient harmonization measures as regards wages and social security contributions and didn't discriminate against French overseas territories. These developments resulted in another kind of relationship with the respective govern-

ments. On the German part, even though the industrialists continued to be automatically involved in trade negotiations, opposition against the policy of unilateral reductions of the customs duties adopted by the federal government became stronger. On the other hand, even though the French employers' network of influence didn't match that of the German employers, the period from the beginning of the decade up to the end of the IVth Republic was marked by an objective convergence of interests between most of the French industrialists and the majority of the administration towards upholding the protective measures. Nevertheless one must not forget, in order to show the evolution of the French employers in its true light, that at least up to 1959, when the advantages of the common market became evident, there remained an important gap between the leaders of the CNPF henceforth approving of integration, and its members, who were more hesitant, and even frankly hostile.

The proposal advanced by the United Kingdom to create a free trade area between the Six and the other countries of the OEEC, opened the way to another possibility of divergence between the two employers' organizations. The guarantees granted by the Treaty of Rome to French interests didn't make it desirable in the eyes of the industrialists to adhere to the English project, that didn't provide for such measures. On the other hand, the German employers were very interested in a project that allowed them to uphold their trade links with the markets of Northern Europe. But this potential difference of opinion was put aside thanks to the ever growing success of the Common Market that associated both French and German employers in order to safeguard the real advantages of integration. In conclusion, the author wonders whether there is some truth in the idea of a wait-and-see attitude towards European integration on the part of the employers' federations. She rather prefers to speak of an opportunist attitude which characterized the employers and which, according to its definition, "made the employers adapt their actions to the circumstances and subordinate their principles to their interests of the moment".

This book represents an important contribution to a better understanding of the history of European economic integration in the fifties. The main asset of the work lies in its transnational character linking, from a comparative angle, the ideas and the action of French and German employers in an analysis which allows to grasp the similarities and the differences between the two national backgrounds and to demystify a series of clichés and commonplaces.

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Carlo SPAGNOLO – *La Stabilizzazione Incompiuta. Il Piano Marshall in Italia (1947-52)*, Carocci editore, Roma, 2001, 297 p. – ISBN 88-430-1755-1 - 21,17 €.

The difficulties of the American reconstruction effort in Iraq and the sums of money allocated to this undertaking have turned the attention of many commentators in search of analogies once again to the by now almost mythical Marshall plan. However, it seems pretty obvious that the conditions in Iraq are quite different from those in postwar Western Europe, although the indefatigable RAND Corporation has in fact produced a report comparing American reconstruction efforts from postwar Europe until Iraq.[1] However, political scientists and historians generally avoided the trappings of drawing comparisons between today's situation and the Marshall plan, and thus remained rather silent. This silence reflects the relative neglect that has surrounded the Marshall plan as topic of historical research since quite some time. Most contemporary historians are too busy gnawing their teeth into the juicy chunks of the 1970s with their freshly opening archives. They do not care much

1. J. DOBBINS et.al., *America's Role in Nation-Building: From Germany to Iraq*, MR-1753-RC, RAND, 2003.

about a topic which witnessed its major debates in the 1980s. Concentrating on the question whether the Marshall plan had really played an important role in the economic reconstruction of Western Europe, historians such as Alan Milward, Michael Hogan, Werner Abelshauser, and others, had published extremely detailed (and nicely contradictory) analyses. These seem to have convinced even the most daring Ph.D. candidate that little if anything new, let alone exciting, is to be said about that topic. Is this really the case?

Carlo Spagnolo's book, drawn from the author's thesis written at the EUI in Florence, suggests that such obituaries might be quite premature. Taking the Italian case as example, Spagnolo shows that the much-debated economic consequences of the Marshall plan were in fact less relevant than its function as a political instrument to integrate the divided societies of European postwar states and to marginalize the nationalist right and the communist left. The plan became an instrument of the ruling center-right governments to solidify their positions and to provide a breathing space which was essential to achieve political stabilization (p.133). International and domestic strategies were entangled in a dialectic process. The concept of *doppia lealtà* (double loyalty) characterizes, according to Spagnolo, the position of the contending groups in Italian politics (pp.97-102): their policies tried to satisfy at the same time the interests of the nation state and of the international sponsor which supported them (that is, the US and the USSR). The Marshal plan made this strategy imperative for the Italian center right since only the support of the U.S. enabled it to overcome some of the deep domestic political and social cleavages, and to garner sufficient support to stay in power (p.23-25). Thus, the Marshall plan and the European dependence on American capital, as evidenced in the 'dollar gap', made a European 'third way', avoiding a choice between the two blocs, impossible. Instead of that, the American aid became a control instrument of the ruling pro-Western groups against contending visions (see also the introduction by Charles Maier).

Spagnolo carefully follows up the intricate dialectics of the international strategies of the superpowers and the internal struggles in Italy, providing a whole bundle of re-interpretations which challenge received wisdom. The dense analysis is not easy to read, and it presupposes a reader with a good knowledge of the historiography of the Marshal plan and of Italian postwar domestic policies. Since the core argument gets sometimes lost in the amount of information, concluding summaries at the end of the chapters and the book would have been probably more useful than an epilogue which revisits NSC 68 and Italian domestic politics up to 1952. However, in its careful depiction of the complicated connection between external reconstruction efforts and the political-social dynamics of the 'target society', as well as the interweaving of economic and political factors, and all this based on a wealth of new archival and statistical material, this book shows indeed that the history of the Marshall plan is far from exhaustively researched and its lessons are far from outdated. Finally, this book merits also to be read as a reflection on the establishment of postwar democracy in Italy which has been so strongly shaped by the rhetoric of capitalism versus communism. The political necessity of an external mediating effort in the form of the Marshall plan shows the fragility of the democratic culture in this country, which, exploiting a travesty of this Cold War rhetoric, is so shamelessly undermined by the Berlusconi government.

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Institut d'Études Européennes de UNIVERSITÉ CATHOLIQUE DE LOUVAIN (ed.) – *La déclaration de Laeken … et après?*, Annales d'études européennes, Bruylant, Bruxelles, 2002, 272 p. – ISBN: 2-8027–1645–X – 58,00 €.

In the sixth issue of a collection already strongly appreciated by the European university community, the Institute for European Studies of the Catholic University of Louvain as usual suggests a topical European issue, presenting it in the interrogative: The declaration of Laeken … and then? Referring to this strong signal given to the European construction on 15th December 2001, provides an opportunity for the contributors of this collective work to consider under varied angles the European Union's generally diagnosed quest for identity. Actually, far from limiting itself to an analysis of the constitutional system of the Europe of the 15, the work opts for a global approach to the Laeken road map. Thus the reader, beyond the provided summary, can certainly learn about the separation of powers and the rule of law, may also appreciate an essay on the way of conceiving Europe, and will reconsider the functionalist essence of the European construction by exploring Euro-Mediterranean agriculture from the WTO standpoint, European action in favour of water, and employment. These last issues offer the opportunity to mention prospects that have been outlined in Laeken regarding subsidiarity and governance in particular. But besides the merits of these last contributions, the work derives its coherence from the constitutional aspects developed in its first part. Balance of power and protection of fundamental rights do remain the essence of the constitutional law and it is under these entries that the work should be listed in public libraries.

The work begins by a debate that was to become one of the tensest of the European convention: The question of the president of the Union, by professor Christian Frank. Actually, it is known how discussions between large and small states have remained animated on this point …. The subject is inexhaustible. In order to throw light on it, the author makes a point of defining its context. One will thus be able to subscribe to his opinion in favour of the expression of "constitutional treaty", obviously more in keeping with the reality of the juridical work to which the members of the convention contribute. Based on positions that have been taken during the last three years, the study offers a survey of conceivable solutions for a new presidency, whether at the level of the European Council or of the Commission. The diarchy president of the European Council/president of the Commission doesn't find favour with the author. In between the lines the spectre of cohabitation in the French way may be sensed. Realistically, the account skilfully demonstrates at the same time that a unique presidency lying with the Commission involves potential constitutional upheaval and that the convention thus will never venture onto such a way. There is no choice but to admit that these conclusions have been confirmed today by the findings of the convention's work.

The other aspect of the balance of power within the European Union, which volume 6 of the annals refers to, belongs to the group of recurrent topics of the European construction: *La participation des parlements nationaux aux activités de l'Union européenne*,[1] by professor Françoise Massart-Piérard. This subject has already often been analyzed. It is known that the elected representatives of the national parliaments denounce as a source of democratic deficiency the fact that the legislative has been taken away competences in favour of the Council of ministers, which is made up of the executives of the member States … Europe used by the governments as a means to weaken national parliaments: how can this reverse effect be avoided? The article offers a complete survey of the question and includes very interesting developments on interparliamentary cooperation. But even after this stimulating study, the national parliamentarian is left frustrated and doesn't know how to win back the powers that have been lost. Anyhow, would this be desirable? On this behalf, the

1. N.o.T.: Participation of the national Parliaments in the activities of the European Union.

author neglects neither the ascent of the European Parliament, nor the professionalisation of its members: which indeed is the beginning of an answer … But "the constitutional follow-up of Laeken" for the members of the convention too consists in the protection of the fundamental rights. The work offers to that purpose two approaches of quite different nature.

First, *Donner un avenir à la Charte des droits fondamentaux de l'Union*,[2] by professor Olivier de Schutter, explains how to succeed in grafting the fundamental rights onto the European Union. None of the key questions is concealed. The survey is complete. It first is based on a repetition of facts well known by jurists. Thus the reader will rediscover the codification process of the fundamental rights; in this respect, it is worth mentioning the detail, that relates how the protection of an economic freedom can stimulate a fundamental freedom. Similarly, the first jurisprudential steps of the incorporation process of the Charter of fundamental rights into the treaties are reported. But it is in its second part that the text stands out as a not inconsiderable scientific contribution and this on three points. First, you can't but share the idea of the division of the basic treaties into a fundamental text including the fundamental rights, and appended texts, which regroup commercial provisions. Olivier de Schutter pleads for the supraconstitutionality of the fundamental rights, which would make dissociation easier. This is a reasonable way of thinking. As a matter of fact, as long as the original texts remain hypertrophied, one cannot speak convincingly of a European constitution. The author is as conclusive on the positioning of the charter in the allocation of competences within the Union. This is a set of problems, whose ground is not well prepared in doctrine and which are yet such a determining factor as to the option, either federal or not, which the European union will have to decide on. The final reflection on the monitoring and the transposition of the open method of coordination in order to facilitate the mutual learning process of human rights may surprise at first sight but is reassuring at second sight, when considering the stakes of the transition to 25 members on 1st May 2004.

Secondly, La protection des droits fondamentaux à l'agenda de la convention sur l'avenir de l'Union européenne: vers une inflation des procédures devant les juges européens,[3] by Jean-Paul Keppenne, public auditor at the Court of Justice of the European Communities, completes, from a procedural point of view, the prospects outlined previously. The idea that emerges from the account can be summed up in one expression: a too protective procedure kills the protection of human rights … . You can't but agree with this statement. It seems rather reasonable not to go beyond the accession of the European Union to the European Convention for the Protection of Human Rights and accept the ensuing juridical plurality. Thus the two arguments in favour of the integration into the Strasbourg mechanism seem particularly convincing, the first aiming at praising the virtues of external controls and the second stressing the simplification of the office of the European Court of Human Rights. But simultaneously, those who call for a procedure providing for a "Request for an Opinion" to which the Court of Justice could answer in case of accession to the ECHR are strongly criticized, as there is a real risk of subjection of the first to the second. This opinion has to be shared. Why as a matter of fact should one expect more of a constitutional judge of the Community than of the constitutional judges of the member states? Thus the prospect of reform of the processualisation of human rights that is put forward is minimalist.

But "after Laeken" is not only constitutional. The work goes beyond Laeken in the strict sense in order to offer broader interpretations. Even if there is some artifice, it must be acknowledged that the European Union is also developing thanks to its realizations; this is its economic constitution. Under this angle, the regrouped contributions are all hitherto

2. N.o.T.: A future for the Charter of the fundamental rights of the Union.
3. N.o.T.: The protection of fundamental rights on the agenda of the convention on the future of the European Union: towards an inflation of procedures before the European judges

unpublished: La gouvernance européenne au concret: le cas de la gestion intégrée de l'eau,[4] by David Aubin, researcher, and Frédéric Varone, professor, and Régionalisme et globalisation: le volet agricole dans le Partenariat euro-méditerranéen,[5] by Vincent Legrand, assistant. The first contribution analyses a public policy. The second presents some current problems around the WTO: rural development and multifunctionality, food safety … . Enthusiasts of economic science will find on the same level Employment relations in a changing European post-fordist economy: the retail food industry and employees' financial participation. For which version of subsidiarity, by Alexia Autenne and Isabelle Ferreras, research assistants. They will explain that there exists a different kind of subsidiarity … .

Concrete considerations, juridical conceptualization, these are the two first orientations of the work. Pluridisciplinarity in the service of the "Laeken follow-up" explains why the work ends with Cécile Hayez Melckenbeeck, *De Valéry à Derrida: l'identité européenne en question.*[6] It is a rather philosophical approach. The word Europe is dissected as well as the expression "integrated Europe"! Jacques Derrida provides four different ways of explaining the concept of Europe, which are all retranscribed and which lead to the conclusion that Europe is still at a functional stage and remains an unfinished work. For this reason there has been the Declaration of Laeken, and other "Laeken" will follow. In this respect, Penelope could have inspired the author. It is true that she haunted the works of the European convention … . Finally, let's point out that the result presented in July 2003 by president Giscard d'Estaing didn't lead to an immediate success of the intergovernmental Conference. The declaration of Laeken, … and then? will surely remain a topical issue.

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Chaire Jean Monnet

4. N.of T.:European governance in practice: the case of the integrated water management
5. N.of T.:Regionalism and internationalization: the agricultural wing in the Euro-mediterranean partnership
6. N.of T.: From Valéry to Derrida: discussing European identity

Bent BOEL - ***The European Productivity Agency and Transatlantic Relations, 1953-1961***, Museum Tusculanum Press, Copenhagen, 2003, 294 p. – ISBN 87-7289-673-6 – 43 €.

Neben der „Dollarlücke“ und eng damit verknüpft, stellte die „Produktivitätslücke“ gegenüber den USA das zweite große Hindernis dar, das überwunden werden musste, sollten die Bemühungen um die Integration Westeuropas zum Erfolg führen. Der eigens im März 1953 unter dem Dach der „Organization for European Economic Co-operation“ (OEEC) gegründeten „European Productivity Agency“(EPA) fiel die Aufgabe zu, sich um die Verringerung des Produktivitätsrückstands zu kümmern. Wie sie diese Aufgabe bewältigte und mit welchen Widerständen sie zu kämpfen hatte, ist Thema der verdienstvollen Dissertation von Bent Boel.

Die Arbeit gründet auf einer breiten Quellenbasis: Regierungsakten wichtiger OEEC/EPA-Mitgliedsländer wie Frankreich, Deutschland, Großbritannien, Italien, die skandinavischen Staaten und die Schweiz zählen ebenso dazu wie solche aus den USA, ferner die Archive der Unternehmerverbände Dänemarks, Schwedens und Italiens sowie zahlreiche Interviews. Ein nennenswerter EPA-Bestand existiert bedauerlicherweise nicht mehr, doch mit Hilfe seiner reichhaltigen, unterschiedliche Blickwinkel und Interessen widerspiegelnden Materialien kann Boel dieses Defizit wenigstens zum Teil ausgleichen.

Boel schildert zunächst den amerikanischen „Kreuzzug“ zur Steigerung der Produktivität in Europa, der getragen war von der Überzeugung, dass die Modernisierung solcher Länder wie Frankreich, Italien oder Westdeutschland am besten durch eine Übernahme des amerikanischen Modells der „freien Marktwirtschaft“ erreicht werden könne. Während ausschließlich technische Hilfe, etwa in Form der „Technical Assistance“-Programme im Rahmen des Marshallplans, in Europa durchaus willkommen war, regte sich Widerstand, sobald die amerikanischen Initiativen stärker politischen oder soziokulturellen Charakter erhielten und auf eine Änderung etwa der industriellen Beziehungen zielten. Dieser grundlegende Konflikt konnte auch durch die „Europäisierung“ der Produktivitätspolitik in Gestalt der EPA, deren wechselhafte Geschichte im folgenden Kapitel nachgezeichnet wird, nicht beseitigt werden. Als seit 1959 über eine Reorganisation der OEEC beraten wurde, waren es vor allem die Amerikaner, die einstigen „Hauptsponsoren“, die aus Gründen nachlassenden Interesses an der EPA deren Ende besiegelten. Anschließend analysiert der Autor die vier verschiedenen Rollen bzw. Ambitionen, welche die EPA verkörperte oder verkörpern sollte: „operational branch“ der OEEC, zuständig für die Steigerung der Produktivität; amerikanische Hilfsorganisation; Motor der europäischen Einigung; schließlich Organisation der tripartistischen Kooperation zwischen Staat, Gewerkschaften und Unternehmern. Wie Boel zeigt, konnte die EPA keiner dieser Rollen und Erwartungen vollkommen gerecht werden. Zum Schluss beleuchtet er ihren Beitrag zur Managementschulung und zur Entwicklungspolitik. Sein Versuch einer zusammenfassenden Bilanz der Arbeit der EPA fällt zwiespältig aus: Da eine quantifizierende Erfolgskontrolle kaum möglich erscheint, behilft er sich mit den Urteilen einzelner Offizieller und Regierungen, die erwartungsgemäß überwiegend wohlwollend ausfallen.

Die EPA ist in der einschlägigen Literatur bislang weitgehend ignoriert worden. Boel kann überzeugend nachweisen, dass dieses Desinteresse aus mehreren Gründen unberechtigt ist: Zum einen wird der beachtliche Beitrag der EPA zur europäischen Kooperation in den 1950er Jahren übersehen, zum anderen lassen sich an diesem Fall die Ziele und Probleme der amerikanischen Europapolitik jener Jahre sehr differenziert demonstrieren, und schließlich führt die Untersuchung dieser Institution mitten hinein in die nach wie vor wichtige Debatte um „Amerikanisierung“ und „Europäisierung“. Insofern stellt die EPA in der Tat mehr als eine Fußnote der europäischen Nachkriegsgeschichte dar.

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András KOVÁCS, Ruth WODAK (Hrsg.) – *NATO, Neutrality and National Identity: the Case of Austria and Hungary*, Böhlau Verlag, Wien, 2003, 494 p. – ISBN 3-205-77075-7 – 45,00 €.

Der Titel des Sammelbandes von Kovács und Wodak, „NATO, Neutrality and National Identity: the case of Austria and Hungary" macht neugierig, erzeugt aber gleichzeitig ein Stirnrunzeln. Neugierig deshalb, weil die Frage der Neutralität angesichts grundlegend gewandelter politischer Rahmenbedingungen nach wie vor der Klärung harrt. Neutralität – gegen wen? Wie ist die vermeintliche Neutralität einiger Länder mit ihrer Mitgliedschaft in der Europäischen Union zu vereinbaren, wenn ebendiese EU sich anschickt ein militärischer Akteur in der internationalen Politik zu werden? Kann ein Zusammenschluss neutraler (oder pseudo-neutraler) Staaten noch ein internationales Gewicht haben – ähnlich der sogenannten „N+N-Bewegung" in den Vereinten Nationen der vergangen Jahrzehnte? Alles spannende Fragen, die eine genaue Analyse rechtfertigen.

Die Skepsis ergibt sich allerdings aus der Länderauswahl der Autoren. Österreich hätte man als Fallbeispiel für Neutralitätspolitik sicher erwarten können – aber Ungarn? Waren es nicht ungarische Politiker, die als erste die Schneidwerkzeuge am Stacheldraht des Eisernen Vorhanges ansetzten und somit ihre Entscheidung für den Westen für alle sichtbar machten? Hatte nicht Ungarn vehement für die eigene Aufnahme in die Nordatlantische Allianz geworben und ist auch gleich in der ersten NATO-Erweiterungsrunde nach dem Kalten Krieg berücksichtigt worden? Werden hier nicht Äpfel mit Birnen verglichen und welcher Erkenntnisgewinn ergibt sich aus einen eher fragwürdigen Vergleich?

Gleich beim Lesen der ersten Kapitel des Buches erweisen sich diese Bedenken als wohl begründet. Während die Geschichte der österreichischen Neutralität über die verschiedenen Epochen seit 1955 bis zum EU-Beitritt des Landes dezidiert nachgezeichnet wird, werden im Falle Ungarns lediglich die neutralistischen Ideen dargelegt, die vor und während des Ungarnaufstandes artikuliert wurden. Daraus kann man wohl kaum eine ungarischen Neutralität konstruieren, die auch nur in Ansätzen einen Vergleich mit der Situation Österreichs erlaubt.

Das Unbehagen setzt sich fort, je weiter man sich in das voluminöse Werk vertieft. Statt das Thema in der Breite darzustellen, werden – offenbar mangels Masse – einzelne Aspekte bis in den letzen Winkel ausgeleuchtet. Der Erkenntnisgewinn bleibt entsprechend gering. So wird ein ganzes Kapitel darauf verwendet, eine einzige einstündige Fernsehdebatte in einem ungarischen Privatsender über die Frage der NATO-Mitgliedschaft bis ins kleinste Detail – und damit zu Tode zu analysieren. Mit ähnlicher Verve werden die Reden untersucht, die österreichische Präsidenten über die Jahre hinaus zu dem jeweiligen Nationalfeiertag gehalten haben. Mit größter Sorgfalt wird aufgelistet, welche Wörter wie oft und an welcher Stelle vorkommen. Wer selbst schon einmal Reden für Politiker geschrieben hat weiß, dass die Autoren solcher Werke weit weniger Mühe auf die feinziselierte Wortwahl verwenden, als die Analysten später hineininterpretieren. In Ministerial- oder Präsidialbürokratien kommt hinzu, dass derartige Reden vom Redenschreiberstab noch mehrere Stationen über die Staatssekretäre und die Kabinettschefs durchlaufen und dabei mal gute und mal weniger gute Veränderungen erfahren. Manches Wort, an dessen tieferem Sinn spätere Generationen noch lange brüten, hat seinen banalen Ursprung schlicht in der Tagesform oder der Präferenz einer der an der Entstehung beteiligten Personen.

Die Akribie der Autoren treibt aber noch weitere Blüten. Fast amüsant wären die Diskussionen der „Fokusgruppen" zu lesen – würden sie dem Leser nicht so grenzenlos überflüssig erscheinen. Seitenlang werden Satzfetzen in alpenländischem Dialekt wiedergegeben („oiso kriegerisch kamma si ois neutrala Staat nicht helfn", S.374). Diese werden sogleich ins Englische und/oder ins Hochdeutsche übersetzt, um daraus wieder einzelne Wörter oder Buchstabenkombinationen hervorzuheben. Solche Übungen mögen dem Analytiker bei der Erkenntnisfindung helfen, dem Leser muss man Derartiges aber nicht zumuten.

Nach der Lektüre von fast fünfhundert Seiten ermattet, fragt sich der Rezensent nach dem Nutzen der Schwerarbeit. Wie steht es mit der österreichischen und der ungarischen Neutralität und welche politischen Konsequenzen ergeben sich aus der Untersuchung? Die Antwort findet sich bereits im Vorwort, wo unter dem Stichwort „Summary of Results" auf drei Seiten knapp zusammengefasst wird: Im Falle Österreichs ist die Neutralität ein identitätsstiftendes Element, das nun angesichts der politischen Veränderungen an Bedeutung verliert. Dabei empfinden viele Österreicher ihre Neutralität eher „aus dem Bauch heraus" – was keine sonderlich revolutionäre Erkenntnis ist. Ungarn hingegen hat keine annähernd ähnliche Neutralitätstradition und kann des deshalb auch nicht zum Vergleich herangezogen werden. Statt dessen hat sich das Land sobald es die Möglichkeit hatte, gegen die Neutralität und für die feste Einbeziehung in die Atlantische Allianz entschieden. Auch dieser Punkt ist geradezu evident.

Für ein solch bescheidenes Resultat, das auch bei politisch nur mäßig interessierten Zeitgenossen als bekannt vorausgesetzt werden kann, hätte sich der Leser nicht durch vierzehn schwer verdauliche Kapitel quälen müssen. Es wären ihm zwar einige alpenländische Idiome entgangen, er hätte aber auch viel kostbare Zeit gespart.

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Ulrike LIEBERT (Ed.) – *Gendering Europeanisation*, P.I.E.-Peter Lang, Brussels, 2003, 304 p., ISBN 90-5201-996-7, 34,75 €.

Equality between men and women has been one of the first *political* goals of the European integration process that has otherwise for many decades mainly been driven by economic goals. The Treaty of Rome (1958) already included the principle of "equal pay for equal work". Gender policy has remained an important part of EC-policies and even gained new momentum in the 1970s; in the time between 1975 and 2000 ten directives on gender equality have been adopted. Simultaneously, soft law provisions on sexual harassment and trafficking in women have been developed and the Treaty of Amsterdam (1997) included provisions for women's equality also in primary law. Thus, it can be stated that the EU has continuously pursued gender politics in a comprehensive way by legal measures and political activities.

The respective policies of the EU member states have been shaped by EC-law and soft law as well as by the efforts of the commission to reach a broader public understanding of this issue. But which concrete consequences did these EC-policies have for the situation of women in the member states? How quickly and how effectively were the directives implemented and what impact did different national conditions in the member states have on implementation?

These questions are not only of interest for European feminists and others advocating gender equality. They are also of theoretical and methodological significance for political scientists dealing with comparative European integration studies. Thus, the book "Gendering Europeanization", presenting findings of an international group of social and political scientists based at the University of Bremen, are both of practical-political and of scientific value for gender studies as well as for European studies.

The methodological starting point of the project was the hypothesis that neither rationalist-institutionalist nor social constructivist accounts of democratic change due to European integration tell the whole story of interactions between the European and the national level with regard to policy change. The interpretive framework used in the study rather emphasises the importance of the meanings that European norms acquire. The authors therefore

apply a mixture of institutionalist and discourse-oriented approaches to explain policy outcomes by the "framing" of policies in institutional as well as agency-oriented contexts.

EC law has primacy over national law but this general principle is qualified by the additional principle of proportionality: A Member State has to implement EC law "according to its own particular circumstances" (p.258). Thus, a considerable leeway for interpretation is opened up that – according to the authors – allows member states to react to EC law along five dimensions – stubbornness, compliance, domestication, transformation, and innovation. In order to study different forms of implementation six case studies are analysed – France, Germany, Italy, the UK, Spain, and Sweden.

The methodology is detailed and sound, defining implementation as the transposition of a directive into national law and measuring variations of implementation along the two lines of speed and extent; accordingly, the results are much more refined and differentiated than results of earlier case studies focussing on less cases or on a shorter period of time. However, in general, the results are anticlimactic precisely due to the depth of the analysis: It does not seem possible to draw overall conclusions of the case studies once all relevant facts are taken into account. It can neither be stated that legislation in less gender equal regimes adapts more timely and radically to EU requirements than in more progressive states nor holds the opposite true. Also, the amount of interactions between national courts and the ECJ does not stand in a proportional relationship to the effectiveness of implementation. Neither can the amount of public awareness for gender issues be used as a yardstick.

In general, the authors state that the effectiveness of implementation mostly depends on the "framing" of the issue, i.e. on the various discursive contexts they are embedded in. Thus, a variety of national conditions has to be taken into account in order to understand implementation processes. To use some cases to clarify this point: The necessary transformation of the Spanish dictatorship championing traditional values to a modern democracy opened up possibilities for innovative gender regimes that easily outshone the efforts of more modern states such as Germany and the UK. The UK, on the other hand, showed a considerable degree of stubbornness against implementing gender directives that probably was not mainly caused by conservative attitudes towards gender relations but by a general unwillingness to accept state intervention. Sweden, to name a third country, felt hurt in its state identity as a protagonist of gender equality by ECJ rulings against some gender specific laws such as women quota at universities. Thus, rather unexpectedly, the implementation of EC law in this field became a highly controversial issue.

Detailed case studies are always valuable for researchers as they open up possibilities for further analysis. Comparative studies, on the other hand, pursue the goal of drawing some overall conclusions out of the comparison. The final statement of "Gendering Europeanization" that "gender equality regimes in Member States have converged, but primarily in the direction of more moderate diversity" (p.280), seems a rather modest result in this regard. Still, this is not due to a faulty research design but, quite on the contrary, to its thoroughness. Thus, reading of "Gendering Europeanisation" can be highly recommended – not to find general insights on European gender regimes but to abolish prejudices on this subject.

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Ece GÖZTEPE-ÇELEBI – *Die Unionsbürgerschaft und ihre Fortentwicklung im Hinblick auf die politischen Rechte*, Lit-Verlag, Münster–Hamburg–London, 2003, 457 S. – ISBN 3-8258-6466-9 (Paperback) – 30,90 €.

1992 wurde die Unionsbürgerschaft mit dem Maastrichter Vertrag eingeführt, dennoch hat sie sich bis heute in der Öffentlichkeit nicht durchsetzen können. In der Literatur wird die

Unionsbürgerschaft keineswegs einheitlich bewertet: die kommunitaristische Ansicht beispielsweise zielt auf die Bildung einer europäischen Identität und eines Solidaritätsverhältnisses unter den Unionsbürgern ab, die Bildung einer europäischen Öffentlichkeit mit eingeschlossen. Erweitert wird dieser Ansatz durch die transformative Ansicht, „die die Unionsbürgerschaft als ein Projekt zur Verwirklichung eines demokratisch verfassten Europas begreift" (S.3). Die Grundzüge der letzten Ansicht finden sich auch in der Dissertationsarbeit von Ece Göztepe-Çelebi wieder, welche die Verfasserin im Juni 2002 ergänzt und leicht überarbeitet hat.

Ece Göztepe-Çelebi untersucht in ihrer nun vorliegenden Arbeit unter anderem die Grenzen der Entwicklung der Unionsbürgerschaft im Hinblick auf die Grundfrage der Demokratie, das Wahlrecht. Zudem geht die Autorin der Frage nach, „ob Demokratie auf einer nichtstaatlichen Ebene ohne ein homogenes Staatsvolk realisierbar ist und die Legitimationsfrage auf europäischer Ebene mit einer Institution wie der Unionsbürgerschaft gelöst werden kann" (S.6).

Göztepe-Çelebi gliedert ihre Arbeit in drei große Kapitel: *Grundlagen der Zugehörigkeit und die Entwicklung einer Europäischen Bürgerschaft, Demokratie und Wahlrecht unter dem Grundgesetz, Unionsbürgerschaft als Legitimationsfaktor auf Europäischer Ebene*.

Im ersten großen Kapitel werden zum einen die Grundmerkmale eines Nationalstaates erläutert, bevor zum anderen näher auf die Entwicklung der Bürgerrechte auf europäischer Ebene vor dem Vertrag von Maastricht sowie auf das Konzept der Unionsbürgerschaft eingegangen wird. Das zweite große Kapitel setzt sich, wie bereits erwähnt, mit dem Verständnis von Demokratie und Wahlrecht unter dem Grundgesetz auseinander, wobei auch hier ein Augenmerk auf die nationalstaatliche Ebene gelegt wird. Göztepe-Çelebi setzt sich dabei recht detailliert mit politischen Rechten wie beispielsweise mit der Freiheit der Parteien, der Versammlungsfreiheit oder der Vereinigungsfreiheit auseinander. Von besonderer Bedeutung für die Übertragung der Hoheitsrechte auf die Europäische Union – und damit auch für die Unionsbürger – ist der so genannte „Europa – Artikel", Art.23 Abs.1 GG, welcher nach der Ratifizierung des Maastrichter Vertrages 1992 Art.24 Abs.1 GG als Rechtsgrundlage dafür ablöste.

Wahrscheinlich am intensivsten mit der Europäischen Union beziehungsweise mit der europäischen Ebene beschäftigt sich das dritte große Kapitel. Besonders interessant zu lesen sind die Ansichten über die Verfassungsdebatte in Europa, welche die Autorin aus ihrer Literatur zusammenfasst. Zum Zeitpunkt der Entstehung dieses Buches aber war jene noch im Gange. Ebenfalls sehr aufschlussreich sind die Aspekte über die Frage nach einer möglichen europäischen Identität, einer *lingua franca* für Europa sowie ein Überblick über die Arten von (europäischer) Öffentlichkeit, die dazu dient, den politischen Willens- und Meinungsbildungsprozess zu gestalten bzw. zu ändern.

Göztepe-Çelebi geht auch auf einzelne Gerichtsentscheidungen ein, welche den Lesern die politischen Rechte der Unionsbürger näher vor Augen führen. Leser, die mit der Europäischen Union, ihren Institutionen oder ihrer Entwicklung nicht sehr vertraut sind, macht die Autorin auf verständliche Art relativ schnell damit vertraut. Leider haben sich manchmal einige Rechtschreib- und Grammatikfehler eingeschlichen, die man hätte vermeiden können.

Im Hinblick auf die Mitgliedschaft in der Europäischen Union hat sich für die Unionsbürger einiges getan, und das Buch von Ece Göztepe-Çelebi fasst große Züge der Entwicklung der politischen Rechte zum Teil sehr ausführlich sowie gut verständlich zusammen.

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Youri DEVUYST – ***The European Union at the Crossroads. The EU's Institutional Evolution from the Schuman Plan to the European Convention*****,** P.I.E.-Peter Lang, Bruxelles-Bern-Berlin-Frankfurt/Main-New York-Oxford, 2nd entirely revised and updated edition, 2003, 206 p. – ISBN 90-5201-183-4 – 19,90 €.

Die Europäische Union steht vor der größten Herausforderung ihrer Geschichte. Es gilt, den Beitritt von 10 neuen Mitgliedern strukturell und ökonomisch zu verkraften. Dazu werden radikale Umschichtungen der Finanzmittel zugunsten „der Neuen" nötig sein. Dass die Bereitschaft zum Einnahmenverzicht seitens der „Altempfänger" nur sehr gering ausgeprägt ist, kann nicht überraschen, wohl aber, dass manche von ihnen zum Kreise derer gehören, die der raschen EU-Erweiterung das Wort reden und dabei auch die weiteren Anwärter aus Südosteuropa mit einbeziehen. Doch vermag heute niemand zu sagen, wie lange es dauern wird, bis Staaten wie Bulgarien oder Rumänien wirtschaftlich und gesellschaftlich einen Entwicklungsstand erreicht haben, der auch nur annähernd dem Sloweniens zum Zeitpunkt des EU-Beitritts entspricht. Doch trotz solch offensichtlicher Probleme wächst der Kreis jener, die auch die Aufnahme der Türkei in die EU für eine zwingende Notwendigkeit halten. Aber handelt es sich bei einem Staat, der zum größten Teil zu Asien zählt, wirklich noch um einen „europäischen" Staat nach Artikel 49 des EU-Vertrages von 1992? Ist es tatsächlich erstrebenswert, eine EU zu fordern, die bis zum Euphrat und Tigris reicht? Wäre es dann nicht sogar konsequent, auch noch Israel mit einzubeziehen, um eine Europäisierung des israelisch-palästinensischen Konflikts zu erreichen?

Ohne Zweifel: Die Europäische Union steht an einem Scheideweg. Die verantwortlichen politischen Entscheidungsträger müssen sich entscheiden, ob sie die EU zu einem Großeuropa ausdehnen wollen, das im Osten an die arabische Welt und den Kaukasus grenzt, und dabei das Risiko in Kauf nehmen, dass ihr Schützling möglicherweise an seiner eigenen Größe zerbricht, oder ob sie die Osterweiterung des Jahres 2004 zum Anlass nehmen, über die EU-Binnenstrukturen nachzudenken und das Projekt des supranational organisierten Europa als Garant kontinentaler Stabilität weiter voranzutreiben. Oder könnte es sein, dass führende Europapolitiker am Beginn des 21. Jahrhunderts angesichts der vermeintlichen Notwendigkeit der Osterweiterung darauf setzten, dass diese einen „institutional spillover" nach sich ziehen wird, also eine Beschleunigung der Integrationsdynamik bezogen auf eine europäische „Avantgarde" von integrationswilligen EU-Mitgliedern?

Solche Fragen werden in dem vorliegenden Buch des Brüsseler Politologen und Völkerrechtlers Youri Devuyst diskutiert. Sein Anliegen ist einfach. Unter dem Eindruck der bevorstehenden Osterweiterung möchte er an die Anfänge des europäischen Integrationsprozesses erinnern und dessen Verlauf bis zum europäischen Verfassungskonvent nachzeichnen. So steckt er nach einer kurzen Skizze der Entwicklung des Institutionensystems der EU von ihren Ursprüngen bis zu den Verträgen von Maastricht, Amsterdam und Nizza und ihrer Bedeutung für die Dynamik des Integrationsprozesses in fünf Kapiteln die Spannungsfelder ab, in dem sich die institutionelle Entwicklung der EU seit Anfang der 1950er Jahre vollzogen hat. Das rechtliche Fundament der EU-Politik ist Devuyst zufolge durch vertragliche Rahmenvorgaben einerseits und den Verfassungsentwurf andererseits markiert, ebenso durch das Spannungsfeld „Nation-Region" und der Frage nach expansiver oder restriktiver Auslegung der EU-Kompetenzen. Die Entscheidungsprozesse sieht er im Spannungsfeld zwischen supranationaler Integrationsdynamik einerseits und intergouvernementaler Zusammenarbeit der Mitgliedstaaten andererseits entstehen, die ihrerseits dem Einfluss von Aspekten wie Abstimmungsmodalitäten, nationalen Vorbehaltsrechten, demographischen Faktoren, Demokratiedefiziten auf EU-Ebene und Formen der Rechtsangleichung, politischen Zusammenarbeit und Ressourcenzuteilung unterliegen.

Der Wettbewerb zwischen dem Primat des Europarechtes und dem sich dagegen formierenden Widerstand nationaler Rechtsetzung markiere, so Devuyst, den EU-Rechtsraum.

Auch hier konkurrieren seiner Meinung nach zentrale und dezentrale sowie allgemeine und verbindliche Formen der Rechtsetzung miteinander um den Preis des besten Weges zur Gewährleistung von Freiheit, Sicherheit und Gerechtigkeit in der und für die EU. Außenpolitisch sei es nach wie vor strittig, ob es sich bei der EU um ein *de iure* oder nur *de facto* eigenständiges Völkerrechtssubjekt handele. In diesem Zusammenhang sei weiterhin ungeklärt, ob sie mit einer einheitlichen Stimme sprechen und handeln oder auch weiterhin Meinungspluralität zulassen und damit ihre Handlungsfreiheit im außen- und sicherheitspolitischen Raum von vornherein begrenzen sollten. Zu guter Letzt erinnert der Autor noch an die ebenfalls ungeklärte Frage des europäischen Selbstverständnisses der EU-Mitglieder, das weiterhin zwischen kurzfristigem Eigeninteresse und langfristiger europäischer Solidarität, zwischen christlich-abendländischem Denken und grundsätzlicher philosophisch begründeter Offenheit schwankt.

Youri Devuyst hat nicht nur eine pointierte Geschichte der institutionellen Entwicklung der EU, sondern darüber hinaus eine nüchterne Analyse der Möglichkeiten und Grenzen der EU am Beginn des 21. Jahrhunderts vorgelegt. Seine Erkenntnisse sind nicht neu, jedoch präsentiert er sie in einer überzeugenden Form, die den Scheideweg, an dem die EU heute steht, deutlich werden lässt. Dabei überlässt er es seiner Leserschaft, daraus ihre eigenen Schlüsse zu ziehen. Da das Buch zudem zahlreiche sinnvoll geordnete Hinweise auf weiterführende, allerdings vorwiegend englischsprachige Literatur enthält, sei es als zuverlässiger Einstieg in die Thematik ebenso wie als wertvolle Orientierungshilfe für Spezialisten nachdrücklich empfohlen.

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Ulrich BÖTTGER – *Ziele und Mittel europäischer Integration. Systematisierungsversuch aus Sicht juristischer Zeitgeschichte*, Peter Lang, Frankfurt/Main, 2002, 451 p. – ISBN 3-631-50132-3 (paperback) – 61,10 €.

The book under review was accepted as a dissertation by the law faculty of the University of Jena/Germany and deals with the aims and means of European integration. Böttger analyses within the framework of contemporary legal history (*juristische Zeitgeschichte*) the intergovernmental negotiations and the treaties of all three Communities from the 1950s to the Treaty of Maastricht in the early 1990s. Along the lines of (liberal) intergovernmentalism, he argues that certain aims can only be achieved if they suit the interest of the states involved. According to the author, security, a common market as well as social and research policy are the main aims of the integration process. For instance, Böttger describes at length with many examples and quotations the relevance of the global political situation in the 1950s as being the main factor behind the convergence of national interests which led to the first steps of European integration. Concretely speaking, the Western states had a common interest in strengthening their position vis-à-vis the Soviet Union. Other interests, notably the reconciliation between France and Germany, or an overall concept of Europe (*Europa-Idee*) were of secondary importance and subordinated to the primary goal of creating a common Western alliance against the Eastern bloc. Consequently, the author concludes that the achievement of further integration aims depends on the appearance of an external threat that may lead to a convergence of interests among the member states.

The second aim of European integration, the creation of a common market, was also – according to the author – primarily influenced by national interests. Against the background of two competing economic models, namely a liberal and an interventionist approach, Böttger describes meticulously the development of the European Economic Community and the

European Atomic Community. But contrary to the aim of security, the member states have been willing to shift more economic power to the supranational level of decision-making.

Considering the means of integration, the author sticks to the tenet of (liberal) intergovernmentalism but also draws on an integration approach developed by the well-known German legal scholar Rudolf Smend. In doing so, Böttger distinguishes between three different aspects of integration, namely (a) the creation of institutions, (b) the experience of institutional activity (*Erlebbarkeit der Organtätigkeit*) and (c) the individual's sense of belonging (*Zugehörigkeitsempfinden*). Starting with an analysis of the institutionalisation, Böttger discusses the relationship between institutionalisation and interests of the member states. Despite the establishment of supranational institutions, the decisive power – as the argument goes – has remained in the hands of the member states. Consequently, progress could only be achieved as the member states were able and willing to find a compromise in the Council. With the exception of direct election of the European Parliament in 1979, this institutional arrangement has not been changed until 1992 (Treaty of Maastricht), the year in which Böttger's analysis, unfortunately, ends.

With regard to the experience of the institutional activities (*Erlebbarkeit der Organtätigkeit*), the author shows that despite the variety of legal means and the rulings of the European Court of Justice, individuals experience EU activities (i.e. laws and policies) to a much lesser extent than representatives of the member states. This can be explained – according to Böttger – as a consequence of the leading role of the member state-dominated Council and the supranational institutions' lack of direct administrative power in the member states.

Similarly, the third category of Smend's integration approach deals with the citizen's sense of belonging to the European Union. The author asks whether the Union has succeeded in creating an order of values (*Wertordnung*) through the preambles of the treaties and the development of fundamental rights. But neither the preambles of the treaties nor the fundamental rights have shown any significant impact on the bond between the EU and its citizens. Whether this will change after the incorporation of the Charter of Fundamental Rights into the new Constitutional treaty remains open to debate. Likewise, other means which have been considered as having the potential to develop a sense of belonging among EU citizens, namely symbols like a flag, an anthem, an official holiday, or a common capital fall short of this expectation. Due to the fact that none of these symbols have played an important part in the construction of a European identity either, the author is sceptical whether (primary) law is capable to create a common identity at all.

Böttger's book has considerable strengths, notably his thorough historical analysis of the early stages of the integration process. The author provides us with a detailed account of the founding period of the Communities and reminds us that the interests of the member states were responsible for both the success and the failures of the integration process. He also rightly points out, that the EU has not succeeded – despite the various means at its disposal – to address its citizens individually thus failing to create something like a common European identity. This is an important insight because it shows that the adoption of a European constitution will by no means be sufficient to develop the – above mentioned – sense of belonging nor to reduce the distance between the EU and its citizens.

However, the book has some shortcomings. First, it is questionable whether legal contemporary history has the conceptual capacity to deal with the full range of aims and means of the integration process. The mere reflection on treaty negotiations and primary law may be a good starting point of such an analysis but it has to be argued that the tools of political science seem to be better suited to explain the causes why certain aims have been achieved or not. Secondly, while the author often refers to political science, its relationship to the approach of legal contemporary history remains idiosyncratic. While Böttger explicitly argues on the basis of intergovernmentalism, he ignores pertinent political science literature. For instance, the works of Andrew Moravcsik[1] and his liberal intergovernmentalism

approach would have been a valuable source of explaining the successes and failures of the integration steps the book has dealt with in much more coherent way. Thirdly, the length and depth of the selected case studies vary considerably. For instance, the founding period of European integration in the 1950s and early 1960s is covered much more comprehensively than the subsequent years of integration history. By the same token, it is not comprehensible why the author tends to attach so much importance to the role of France and – to a far lesser extent – Germany in the integration process thus largely ignoring the interests, role and impact of all the other member states. Fourthly, it is debatable whether liberal intergovernmentalism is the best approach to analyse the aims and means of the integration process. Recent strands of political science research have shown that the sole focus on state interests, intergovernmental conferences and primary law systematically neglects important developments taking place between interstate bargaining at intergovernmental conferences, namely on the level of day-to-day policy-making in the European Union. There, member states have to share their decisional authority with supranational institutions and are thus no longer capable to achieve the aims they wish or to employ the means they prefer.[2]

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1. See A. MORAVCSIK, *Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach*, in: *Journal of Common Market Studies*, vol.31, 4(1993), pp.473-524 and A. MORAVCSIK, *The Choice for Europe*, Cornell University Press, Ithaca, 1998.
2. See G. MARKS, L. HOOGHE, K. BLANK, *European Integration from the 1980s: State Centric v. Multi-level Governance*, in: *Journal of Common Market Studies*, vol.34, 3(1996), pp.342-378.

Joachim KRAUSE, Andreas WENGER, and Lisa WATANABE (eds.), ***Unraveling the European Security and Defense Policy Conundrum***, Peter Lang, Frankfurt, 2003, 246 p. – ISBN 3-906770-86-9 – 25,10 €.

The transformation of the St. Malo declaration, following the Franco-British summit in 1998, into a common European Security and Defence Policy (ESDP) at the European council summit in Cologne in 1999 represented a milestone in the history of the European integration policy, while defence, for the first time, was brought within the scope of EU policy coordination. However, if the EU and its member states are to consolidate their successes, they must answer a number of open and interconnected questions related to the ESDP's political structure, its force size and capabilities, and its mission.

The volume under review aims at discussing in length these issues and offering some recommendations. More specifically, it attempts to examine the evolution, the remaining challenges, and the possible future of the ESDP within the broader context of transatlantic relations. To this end, it constitutes a major contribution to the debate regarding the future of the ESDP and its role in world affairs.

The volume comprises a set of excellent articles. The contributors have structured their respective pieces of work very well and developed their argumentation in a very clear and concise manner, while the editors have done an excellent job in putting these various pieces together and provide a very useful outcome. This volume is strongly recommended to all those interested in international security issues in general and the future of the European security architecture in particular.

This edited volume is the result of a project that started in 1997 under the name «New Faces Conferences». The project has been organized by the Center for Security Studies and Conflict Research at the ETH Zurich and the Research Institute of the German Council on Foreign Relations in Berlin. It aims at facilitating an international approach to understanding and analyzing international and regional security questions and its specific goal is to involve young scholars and new elites in debates on international foreign policy issues. The purpose of the project is not only to bring together new and promising scholars, but also to provide them with an opportunity to have an impact in terms of substance, creativity, and innovation. The chapters of the volume under review originate from papers presented at the New Faces Conference held in Germany in March 2002.

In the introduction of the volume, the editors provide a historical account of the establishment and development of the ESDP and identify the major debating issues and challenges facing it. It is very correctly argued that in contrast to the developments during the early 1990s, when initiatives taken by the EU, such as the European Security and Defence Identity (ESDI), had failed to attain any significant operational relevance as NATO continued to be viewed as the only credible institution capable of performing such tasks, since 1998 the EU and its member states have made a significant progress towards the development of a common EDSP. The editors identify three issues that need to be addressed by the EU. First, the relationship between the ESDP and NATO; second, the raising of the financial and military capabilities available to the EU to perform its tasks; and third, the need for a security concept and a strategic review process to help guide member states in the formulation of their force structures and accompanying defence budgets. They justifiably conclude that unless both the type and the extent of EU-crisis management missions are clarified, lack of funds may negatively determine the type of tasks that the EU is able to perform and the geographical scope of its operations. One cannot fail to agree with the editors that the fear is that without additional political commitments and corresponding financial outlays, EU missions will be geographically confined to the European continent and to low-intensity crisis-management tasks. There is little doubt that this will have important implications for the transatlantic division of labour since the EU risks being relegated to a second-rate role

within NATO regardless of any ambitions it might have to play a major role beyond its borders and in world affairs. Very correctly the editors point out that the problem is a political rather than a financial one.

The remaining of the volume is divided into four parts and eight chapters. The first part, which is divided into three chapters, discusses the implementation of the Headline Goal (HG) as agreed by the leaders of the EU member states at the European Council Summit in Helsinki.

In the first chapter, Christina Balis examines the state of affairs in the development of the ESDP and her analysis is structured around the three key elements of the ESDP project; namely its evolving political structures, its capabilities, and its anticipated operations. She argues that ESDP should be treated pragmatically without resort to dangerous and naïve ideas of some predefined future. According to the author, this does not mean that the EU does not or ought not have aspirations, interests, and visions about its role in world affairs but attending to such a vision implies more than a common policy or shared identity. It also requires that any new commitments be backed by a strong common political will and credible resources. She also points to the need for the EU to develop a strategic concept that would link its policies to those of NATO and to its own ambitions, as well as a periodic strategic review that would seek to coordinate and converge intra-European practices and procedures. With regard to EU's evolving defence identity and policy, the author correctly argues that attention should be focused on three different although interrelated levels. First, the domestic level (as regards budgetary questions and needed political leadership); second, the EU level (establishing institutions, pooling capabilities, and agreeing on decision-making procedures); and third, the transatlantic level (with regard to NATO, but also in terms of potential future joint missions undertaken in cooperation with the US outside EU's narrowly defined borders). Balis correctly claims that security "made in the United States of Europe" is an unrealistic scenario and highlights the need for both sides of the Atlantic to understand each other's security sensitivities and needs in formulating their security policies. The author concludes that notwithstanding recent progress, particularly with regard to the creation of appropriate EU political structures, the ESDP remains very much a work in progress, with particular attention needed in the area of capabilities development.

In the following chapter, Tania Chacho examines in greater detail the military progress towards the HG force. She accurately points out that whilst significant progress has been made toward realizing the military side of the HG, considerable obstacles must be overcome before the European Rapid Reaction Force (RRF) becomes a reality. She argues that in order to achieve an operational rapid deployment capability, the EU needs to provide clearer guidance to military commanders regarding the ESDP's likely missions, to improve and integrate intelligence capabilities and strategic airlifts, and to increase defence spending. Although Chacho recommends that the EU should focus on capabilities and commitment rather than force size, one should not underestimate the importance of the latter in terms of the perceptions its existence creates and the possibility of addressing simultaneous crises in different world regions.

In the third and final chapter of the first part, Giovanna Bono discusses the institutional changes accompanying the implementation of the HG and assesses their advantages and disadvantages with regard to the EU's success as an international security and defence actor. Bono makes a very good point when arguing that the major drawback of the new political structure is the way in which it was established. Bottom-up social forces, which are unaccountable to EU citizens, are identified as shaping the strategy of the new political institutions. Moreover, Bono notes that while the newly-created political arrangements have given the EU the potential to act as a credible international security actor, they allow for only limited democratic scrutiny of the ESDP and thus threaten to worsen the EU's already existing "democratic deficit". In addition, she argues that the division of labour between the

institutions created for the Common Foreign and Security Policy (CFSP) and those created for the ESDP remains undefined, despite the extensive efforts to remedy this deficiency, whilst there is an open question as to whether the new political institutions under the European Council auspices will have their own military command structure and operational planning capabilities. Finally, Bono rightly points out that unless a clarification of institutional tasks and a strategic concept is formulated, the EU is in danger of becoming a mere subcontractor of NATO and risks becoming involved in external conflicts without an exit strategy.

The second part discusses the cooperation between the EU member states with their NATO allies and the EU candidate states. To this end, it is divided into two chapters. In the first chapter of this section, Jennifer Medcalf discusses the arrangements concluded so far and the remaining stumbling blocks in the increasingly complex EU-NATO relationship. She correctly argues that effective and mutually beneficial cooperation between the EU and NATO remains an unfinished project. Medcalf makes an excellent point when noting that the key feature of the transatlantic relationship that has been emphasized by the emergence of the common ESDP is how differently Americans and Europeans have come to view the strategic environment. Thus she accurately points out that the process of increasing strategic divergence rather than technical issues, such as the precise formulation of EU access to NATO assets, will characterize the future of the transatlantic security relations, although one should not underestimate the importance of technical questions. Medcalf also rightly argues that NATO continues to provide the most desirable framework for the security of North America and Europe and, therefore, safeguarding and consolidating NATO is of paramount importance. The author, however, does not argue that the revitalization of NATO should occur at the expense of the EU and the ESDP or that the EU should develop a strategic mindset and approach that is closer to that of the US. She rather implies that both sides should find the best way to combine the strengths of NATO and the EU without resorting to a division of labour that will progressively undermine the transatlantic security relationship. She concludes that despite the difficulties encountered in coordinating their efforts, the ESDP and NATO, due to respective internal constraints, are likely not only to draw from the same pool of resources, but also to operate in a similar geographical area.

In the following chapter, Vladimir Bilcik, drawing on the perspectives of select candidate states, properly argues that the evolution of the ESDP can neither be viewed in isolation from their broader foreign and security policy goals nor be separated from developments inside the accession states and from internal policy concerns of the EU as a whole. This means that while the enlargement of the EU has the potential to add to the dynamism of the ESDP, it also brings with it some unanswered questions which, if not handled properly, could pose significant problems for the future functioning of common foreign, security, and defence policies in an enlarged EU. Bilcik notes that the attitudes of the policy-makers in the candidate states reflect both a degree of caution and some confusion about the ESDP and its direction. This has partly to do with their wider set of foreign policy goals, such as their focus on NATO membership, but most importantly it has to do with the degree of their exclusion in the debate over the future of EU-NATO relations. He rightly concludes that the present level of involvement of candidate states in the ESDP and the EU's lack of clarity regarding its future course in relation to NATO do not bode well for future success in this area.

Part three examines the scope of the ESDP and is divided into three chapters. In the first chapter of this section, Hajnalka Vincze examines the prospect of a stronger EU military presence in the Balkans and attempts to expose the relationship between the EU's past and present experience in the Balkans and the evolution of the EU's military role. She maintains that the Balkans theatre is likely to continue to influence the development of the EU's military force, providing it with its first major test. The author very well points out that if the EU does not have the political courage or the military capability to assume any mission aimed at stabilizing the political situation in the Balkans, then it surely needs to ask itself what pre-

cisely ESDP is for. In other words, the political situation in the Balkans does not only pose a threat to the security and stability of the current and future EU member states, but also threatens the credibility and authority of the EU as a global actor. Finally, the author rightly recommends that if the EU wishes to be successful, it should be able to employ both political and military means when dealing with international crises.

In the following chapter, Serhat Guvenc explores the potential for a EU military role in the Middle East. After surveying the EU's track record in the region, the problem of military overstretch, and the competition the ESDP would face from NATO, he properly concludes that any EU military role in the region would most likely develop as a function of a broader NATO operation, given the strategic importance of the region to the US. In addition, it is argued that European military engagement would not be possible without the consent of the parties to disputes in the Middle East, such as Israel. The author correctly claims that the EU lacks the political will necessary to engage in an extremely risky region, while due to its peace-support missions in the Balkans, the EU's residual military capabilities may not be sufficient enough for simultaneous missions in other parts of the world.

The last chapter of this section, written by Timothy Williams, discusses the issue of EU-NATO cooperation in fighting Islamic-fundamentalist terrorism. After reviewing the reactions of NATO and the EU to the 11 September attacks in New York and Washington, he concludes that cooperation between the two organizations on this issue is presently woefully inadequate, with little hope of improvement in the near future. Williams appears very pessimist when claiming that the existence of two principal security organizations within Europe does not constitute an ideal basis upon which the region's security is to be effectively provided for and that the lack of collaboration in deterring and defending against a veritable threat to European security may hold disastrous ramifications for the people that both institutions seek to protect. As a response to the author's claim, one may argue that the real problem is not whether there is one or two security institutions operating in Europe but rather how these two institutions are related to each other; a point that is repeatedly addressed in the volume under review. The author makes an excellent point noting the paradox that while the EU appears willing to cooperate directly with the US on certain issues relating to terrorism for the sake of transatlantic security, cooperation between the EU and NATO cannot be effected for the sake of the autonomy of the EU's ESDP.

The last part of the volume examines the ESDP with reference to the future of transatlantic relations. In this concluding section, Samantha Davis demonstrates effectively that future progress in defining the respective roles of NATO and the ESDP will be contingent upon the US and the EU's ability to acknowledge their differences in military capabilities, perceived security threats, and preferred methods of conflict resolution, and to constructively incorporate their interests into the NATO framework. The author rightly recommends that the only way to respond to these problems is an open dialogue between NATO and the ESDP and a resolute effort to evolve with the security environment in which they operate. There is, therefore, substantial incentive for the US and the EU to preserve already established security frameworks, make the necessary structural adjustments, and to continue working together to enhance their collective viability for the years to come.

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Mikael af MALMBORG and Bo STRÅTH (eds.) – *The Meaning of Europe. Variety and Contention within and among Nations*, Berg Publisher, Oxford–New York, 2002, 326 p. – ISBN 1-85973-576-2 (Cloth) and ISBN 1-85973-581-9 (Paper) – 22,50 $.

Early studies of European integration were mainly concerned with explaining the ideas behind it. Since the 1980s, however, integration history has been dominated by studies implicitly written in the "realist" tradition of international relations which seek to explain national policy towards "Europe" as the rational formulation of "national interests" and their inter-state bargaining. The main difference is that while most authors have emphasized political and geopolitical concerns, some economic historians have sought to explain integration as the result of national (socio-) economic concerns and strategies. Of these works, the better ones have tried to advance a more sophisticated explanation of preference formation which does not disassociate political actors in "Europe" from domestic pressures and policies, but instead integrates such factors fully in the analysis, as is also advocated by Andrew Moravcsik and other exponents of liberal intergovernmentalism in International Relations. On the whole, however, the emphasis has been on European integration as almost a kind of self-contained process which can be analyzed with scarce, if any, reference to national histories or images and perceptions of "Europe" and its meaning in and for domestic discourses and politics.

The big multinational research project on European identities directed by Robert Frank from the Université de Paris I-Sorbonne has added another dimension to European integration understood as more than national preferences and inter-state bargaining. This project (and most of the resulting publications) has sought (and is still seeking) to analyze the roots and reasons for the contemporary historical process of Europeanization as identity convergence of some sort or another, as part of the integration process. In contrast, the edited volume by Mikael af Malmborg and Bo Stråth tries to do the exact opposite: it seeks to understand the different meanings of "Europe" in different national contexts, their historical evolution and up to a point, their (potential) impact on national European policy-making in, or in relation to the European Union since 1945. As the editors argue in their introduction, there are many "Europes", and ideas of it, something to which the editors as nationals of a notoric "latecomer" or "outsider" state may well be particularly sensitive. To some extent at least, these different ideas of "Europe" are informed by diverging collective national experiences, memories and identities. It could be argued of course that the focus is too exclusively on national differences. After all, it may also make a huge difference for perceptions of "Europe" by individuals or social groups whether they are well educated or not, rich or poor, male or female, or whether they come from an urban area or the countryside. In fact, studies of European referenda and domestic debates about the desirability of EU membership or further integration have found massive differences *within* countries. Nonetheless, the nationally comparative perspective can certainly add to our understanding, if the nation and nation-state are taken as highly fragmented, not monolithic entities.

In their introduction, the editors set out as the main aim of their book "to shed light on the idea of Europe in nation-building processes". They argue from a post-modernist perspective in which identity is "constructed", meaning "ascribed" and national identity evolves in relation to the "Other", in this case "Europe". While such a culturalist approach to studying identity is now wide-spread and unproblematic in principle, the editors unfortunately indulge in the more bizarre linguistic forms that postmodernism has produced. For example, they describe "Europe" as "a non-essential discursively shaped category in a permanent flux where boundaries are constantly contested and negotiated" (p.5) and even as a "value flow" (p.8), and Europe and the nation state as "entanglements" (p.9). What would surely have induced Robert Schuman, Konrad Adenauer and Jean Monnet to appeal for the total elimination of all subsidies for historical research, may well be a form of academic "spill-over"

within the history department of the European University Institute. Luckily, the authors either did not have a chance to read the introduction before they wrote their chapters, or else decided to ignore its postmodernist excesses, mostly using more accessible (and sensible) language to analyze national discourses about "Europe".

The book covers a large number of countries including some from Eastern Europe. In his chapter on the "core" "core Europe" state France, Robert Frank demonstrates the transition from the universalist discourse about Europe as the object of a French mission to civilize the world, to the "defensive nationalism" (p.315) and pacifism of the inter-war period, and the post-war contest between dreams of a "French Europe" and the realisation and acceptance of a "Europeanised France". At the very least, the centrality of "Europe" for France and of France for "Europe" was never questioned. It was, however, in the most (in)famous case of a West European "outsider", Britain, which is analyzed by Piers Ludlow who emphasizes the historical roots and the contemporary relevance of a "fundamental ambivalence" about "Europe". Ludlow rightly rejects the idea of "pragmatic" British policy-making as a myth of the British political and administrative elite (to which Alan S. Milward has unfortunately added a new layer with his recent book on Britain and "Europe"). Instead, caution, mistrust and outright and "ill-concealed hostility" towards "Europe" as "a collection of aliens and foreigners who were erratic [and] unreliable" (p.112) has dominated British discourses on "Europe" and influenced British diplomacy, if not policy-making. Ludlow also demonstrates, however, that "Europe" has at times also been used as a "symbol for modernisation", although more so in the 1970s and 1980s and not so much in the last few years, when it has mainly been regarded as economically unreformed and decadent.

In his chapter on another "latecomer", Stråth demonstrates the importance of Protestantism for Swedish identity and the perception of continental "Europe" as dominated (with the partial exceptions of Germany, Switzerland and the Netherlands) by backward Catholic countries. Importantly, Stråth emphasizes the long *durée* of such originally religiously motivated politico-cultural attitudes when he draws attention to the "mobilization of Protestant values" by Swedish Social Democrats (p.126) who have admired "their" strong [nation] state in the Lutheran tradition. They largely rejected "core Europe" integration after 1945 as the "Conservative Catholic Europe" and developed a "third way" identity between this "Europe" and the other "Other", Russia, or the Soviet Union. Indeed, the legacy of the resulting strongly affirmative self-perception of most Swedes and the extremely critical and even derisory attitudes towards "Europe" can still be observed, as many political scientists have shown, in attitudes towards and policy in the current EU.

The chapters on those country cases, which are usually not well-known to West European integration historians, include one by Klas-Göran Karlsson on the Baltic countries. After an explanation of the traditional perception of "Europe" via Norden, or Scandinavia, he shows how the idea of the Baltic states as the outpost of "European values" on the border with Russia as the dangerous "Other" became important again during liberation and national independence almost 15 years ago. As Barbara Törnquist-Plewa demonstrates, the Polish case is even more complex. She analyzes the different stages of dominant perceptions of "Europe" which have traditionally been influenced by the idea of a peripheral status and a resulting inferiority complex: from the dominant idea of the "Westernized" Polish elites of Poland as an "occidental" and "European" country after its division and during the first half of the nineteenth century, which was linked to expectations of "European" assistance against the occupying powers, but mainly Russia, to the ethnocentric view of a unique national culture as a "compensatory idea" (p.221) with Slavophil connotations, and the renewed ascendancy of the "occidental thesis" after the Polish victory over the Red Army in 1920. Despite the discourse of a "return to Europe" used by liberal (-Catholic) elites, Törnquist-Plewa emphasizes the extremely "tenacious mental structures" (Fernand Braudel) and continuing antagonism in Polish perceptions of "Europe" between Occidentalism and ethnocentrism, some-

thing that is no doubt reflected in the domestic political debate about the EU and the recent Polish policy as regards voting power in the European Council, for example.

All in all, this is an extremely interesting book, especially through its combination of country chapters from different regions of Europe including several accession states. Ideally, the chapters could have been more comparable and cohesive in their treatment of "Europe" in national identity-building and contemporary European policy-making. Indeed, for most integration historians the challenge lies in establishing clear links between certain (partially nationally formed and framed) ideas of "Europe" and their influence on national policy-making and European politics from a contemporary historical perspective. Explicitly and implicitly, the book and its chapters suggest a lot of ideas for future research. Thus, it makes an important contribution to the wider debate about European integration and Europeanisation. It is also a lasting tribute to one of the most promising younger historians of European integration, Mikael af Malmborg, who sadly died much too early before the publication of this book.

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OSZE-Jahrbuch 2003

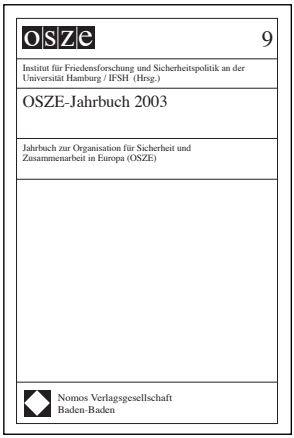
Die Organisation für Sicherheit und Zusammenarbeit in Europa (OSZE) ist für die Gestaltung von Frieden, Sicherheit und Stabilität in Europa unverzichtbar. Wie aber sieht angesichts von NATO- und EU-Erweiterung ihre Zukunft aus? Diese Frage bildet den Themenschwerpunkt des OSZE-Jahrbuchs 2003.

Im Mittelpunkt des neunten Bandes der Reihe stehen neben den klassischen Aufgaben der Konfliktverhütung, der Demokratisierung und der Förderung der Menschenrechte die Beteiligung der OSZE an der Terrorismusbekämpfung, z.B. durch die Übernahme von Aufgaben bei der Grenzüberwachung, der Beitrag der OSZE zur Reform des Sicherheitssektors, ihr zunehmendes Engagement im Umweltbereich und somit zur Verhütung von Umweltkonflikten sowie ihr engagiertes Eintreten für die Freiheit der Medien.

Die mehr als 30 Autorinnen und Autoren des vorliegenden Bandes tragen in großer Bandbreite und mit großer Kompetenz dazu bei, Antworten auf die Frage nach den neuen Aufgaben der OSZE und den Möglichkeiten ihrer Bewältigung zu finden.

Weitere Beiträge widmen sich dem »politischen Islam« sowie der Auseinandersetzung mit organisierter Kriminalität und deren verhängnisvoller Verflechtung mit aktuellen oder »eingefrorenen« Konflikten.

Der Sammelband wird ergänzt durch einen umfangreichen Dokumentenanhang, Daten und Fakten über die 55 OSZE-Teilnehmerstaaten sowie eine umfassende aktuelle Literaturauswahl.



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Abstracts – Résumés – Zusammenfassungen

Rafael Biermann
Back to the Roots. The European Community and the Dissolution of Yugoslavia – Policies under the Impact of Global Sea-Change

This article tries to figure out the major reasons for the dissolution of Yugoslavia and then to analyze the European response to this process. The first part, covering the crucial time span from 1986 to 1991 when the signals pointing to the break-up became more and more evident, identifies five reasons for the dissolution process: Slobodan Miloševićs pan-Serbian agenda, which tipped the delicate equilibrium of power in Yugoslavia; the increasingly incompatible political concepts on the future of Yugoslavia between Slovenia and Serbia; the dramatic socio-economic crisis, which inspired the rise of militant nationalism; the "waking up" of Croatia in response to Milošević trying to re-establish Serb dominance in the federation; and the weakening of those institutions, which had kept Yugoslavia together after the death of Tito: the party; the Prime Minister; the State Presidency; and the army. The European reaction, based still on the concept of non-interference in "internal affairs", proved to be wholly inadequate. No serious mediation attempt started before April 1991 due to a widely held misinterpretation of the "stability" of Yugoslavia, a too strong focus on the reformist, yet weak federal government in Belgrade and the focus of Western criticism on "secessionist" Slovenia, corresponding with a sympathy towards Miloševićs plea for a stronger centralization and a serious underestimation of his far-ranging ambitions. The simultaneous challenges of historic magnitude in Central Eastern Europe, Germany and then the Gulf caused Western decision-makers to look elsewhere in this critical period of time.

Retour aux sources. La Communauté Européenne et la dislocation de la Yougoslavie – Politiques sous l'emprise du bouleversement total

Le présent article est consacré aux raisons majeures du processus de désintégration de la Yougoslavie et des réactions européennes qu'il engendrait. La première partie – elle concerne la phase critique de 1986 à 1991, quand les symptômes de l'effondrement se multiplient d'une manière ostentatoire – dégage cinq facteurs de dislocation: la remise en question fondamentale des équilibres du pouvoir en Yougoslavie par l'agenda pan-serbe de Slobodan Milošević; les incompatibilités croissants entre les conceptions politiques défendues en Slovénie et en Serbie; la dramatique crise socio-économique qui anime le militantisme nationaliste; la rupture du «silence croate» par suite des visées dominatrices de Milošević; et l'affaiblissement des institutions qui avaient préservé la cohésion yougoslave au-delà de la mort de Tito, à savoir: le parti, le Premier ministre, le président d'Etat et l'armée. La première réaction européenne est encore fondée sur le principe de la non-intervention dans les «affaires intérieures» d'un Etat. Elle s'avère totalement inappropriée et entraîne qu'avant avril 1991, il n'y eut aucune sérieuse tentative de médiation. Ce manquement s'explique par une opinion largement répandue, qui surestime la «stabilité» de la Yougoslavie, tout en étant trop fixée sur le «réformisme» re-centralisateur pratiqué à Belgrade par un gouvernement pourtant faible. Aussi le «sécessionnisme» slovène dérange-t-il, d'autant plus que les profondes intentions de Milošević sont sous-estimées. En outre, les événements historiques survenus à l'époque en Europe centrale et en Allemagne, puis la guerre du Golfe, ont motivé les décideurs occidentaux à tourner leur regard vers d'autres théâtres au moment même où la crise dans les Balkans se dessine.

Zurück zu den Wurzeln. Die Europäische Gemeinschaft und die Auflösung Jugoslawiens – Politik unter dem Einschlag der globalen Veränderung

Dieser Beitrag arbeitet wesentliche Gründe für den jugoslawischen Zerfallsprozess heraus und analysiert die europäische Reaktion darauf. Im ersten Teil, der die kritische Phase von 1986 bis 1991 umfasst, als die Zerfallserscheinungen immer offensichtlicher wurden, werden fünf Gründe für den Zerfall herausgearbeitet: Slobodan Miloševićs pan-serbische Agenda, welche die Machtbalance in Jugoslawien fundamental in Frage stellte; die immer weniger miteinander zuvereinbaren den politischen Grundkonzepte Sloweniens und Serbiens; die dramatische sozioökonomische Krise, die den militanten Nationalismus mit inspirierte; das Aufwachen des „schweigenden Kroatiens" als Reaktion auf Miloševićs Dominanzstreben; und die Schwächung jener Institutionen, die Jugoslawien seit dem Tod Titos zusammengehalten hatten: Partei, Premierminister, Staatspräsidentschaft und Armee. Die europäische Reaktion, auf der Basis des noch immer anerkannten Prinzips der Nicht-Einmischung in „innere Angelegenheiten" zu verstehen, erwies sich als völlig inadäquat. Vor April 1991 gab es keinen ernsthaften Vermittlungsversuch. Grund dafür war eine weitverbreitete Überschätzung der „Stabilität" Jugoslawiens, die Fixierung auf die reformorientierte, doch schwache Zentralregierung und die Konzentration der westlichen Kritik auf das „sezessionistische" Slowenien, was mit einer Sympathie für Miloševićs Forderung nach einer Re-Zentralisierung und mit einer Unterschätzung seiner weitreichenden Intentionen einherging. Die gleichzeitigen historischen Herausforderungen in Mittelosteuropa, Deutschland und dann am Golf motivierten die westlichen Entscheidungsträger zusätzlich, in dieser Zeitspanne ihren Blick anderwärts zu richten.

Tanguy de Wilde d'Estmael

The European Community facing the Yugoslav implosion: the ups and downs of a crisis management by economic pressure

The article analyses the European Community's (EEC and EPC – European Political Cooperation) autonomous course of action in the face of the Yugoslav implosion of 1991 and assesses the effect of economic pressure exerted in support of foreign policy goals. The unilateral declarations of independence of Slovenia and Croatia in June 1991 represent a new challenge for the Twelve of the time which they try to meet jointly within the framework of the EPC. European mediation that had proved effective in Slovenia, fails in Croatia where fighting only ceased in the beginning of 1992. The lack of military means of interposition forced the EC to exert economic pressure in order to compel the belligerents to return to the negotiating table. The assessment of the political effectiveness of the European economic tools of pressure leads to three observations: a relative ineffectiveness of the trade coercion measures on the conflict parties in the absence of a credible military threat; the requirement for the Europeans to start a UN-action leading actually to the transfer of responsibility in a conflict managed almost alone by the Twelve in 1991; the *de facto* recognition of new republics originating from Yugoslavia as soon as its components weren't any longer treated in the same way by the Twelve. The beginning of the Bosnian conflict in April 1992 also means the definite end of the autonomous course of action of the European institutions.

La Communauté européenne face à l'implosion yougoslave: aléas d'une gestion de crise par la coercition économique

Cet article analyse l'action autonome de la Communauté européenne (CEE et CPE-Coopération politique européenne) confrontée à l'implosion yougoslave de 1991 et évalue l'impact des pressions économiques mobilisées à dessein politique dans ces circonstances. Les déclarations unilatérales d'indépendance de la Slovénie et de la Croatie de juin 1991 placent les Douze de l'époque devant un défi inédit auquel ils tenteront de répondre de concert dans le cadre de la CPE. Efficace en Slovénie, la médiation européenne faillira en Croatie où les combats ne prirent fin que début 1992. Faute de moyens militaires d'interposition, la CE fut réduite à utiliser la contrainte économique pour forcer les belligérants à retourner à la table de négociations. L'efficacité politique des moyens de pression économiques européens fait l'objet d'une évaluation qui débouche sur trois constats : une relative impuissance de la coercition commerciale sur les parties au conflit en l'absence de menace militaire crédible; la nécessité pour le Européens d'amorcer une action de l'ONU induisant en réalité un dessaisissement du dossier géré quasiment seuls par les Douze en 1991; la reconnaissance de facto de nouvelles républiques issues de la Yougoslavie dès lors que les composantes de cette dernière n'étaient plus traitées de la même manière par les Douze. Le démarrage du conflit bosniaque en avril 1992 signifiera également la fin définitive de l'action autonome des institutions européennes.

Die Europäische Gemeinschaft und der Zusammenbruch Jugoslawiens: ein gewagtes Krisenmanagement durch wirtschaftlichen Druck

Der vorliegende Beitrag analysiert das autonome Vorgehen der Europäischen Gemeinschaft (EWG und EPZ-Europäische Politische Zusammenarbeit) im Zuge des jugoslawischen Zusammenbruchs von 1991 und erörtert die Auswirkungen des von ihr zu politischen Zwecken ausgeübten wirtschaftlichen Drucks. Die einseitigen Unabhängigkeitserklärungen Sloweniens und Kroatiens im Juni 1991 bildeten für die Zwölf damals eine völlig neuartige Herausforderung, die sie gemeinsam im Rahmen der EPZ anzugehen versuchten. Während die europäische Vermittlung in Slowenien erfolgreich war, scheiterte sie in Kroatien. Hier konnten die Kämpfe erst Anfang 1992 beendet werden; hier konnte auch in Ermangelung militärischer Eingriffsmöglichkeiten nur wirtschaftlicher Druck ausgeübt werden, um die gegnerischen Parteien wieder an den Verhandlungstisch zu zwingen. Eine Abwägung der politischen Effizienz jener Handelssanktion lässt drei Feststellungen zu: Die relative Ohnmacht des wirtschaftlichen Drucks sofern er nicht durch eine ernstzunehmende militärische Drohung untermauert wird; die Notwendigkeit einer Einbeziehung der UNO, womit allerdings die Zwölf das praktisch von ihnen alleine geführte Krisenmanagement aus der Hand gaben; die *de facto* Anerkennung der aus dem ehemaligen Balkanstaat entstandenen Republiken sofern diese neuen Gebilde nicht mehr gleichermaßen von den Zwölf behandelt wurden wie Restjugoslawien. Ohnedies bedeutete der Beginn des Krieges in Bosnien, im April 1992, das endgültige Ende einer autonomen Aktion der europäischen Institutionen.

Michael Libal
The Road to Recognition: Germany, the EC and the disintegration of Yugoslavia, 1991

The article deals with the origins of the EC decision of December 16, 1991 to allow for the recognition of the Yugoslav successor states by EC member states. The author, a German diplomat involved in the decision-making at the time, describes the rather active role of Germany,

in particular of Foreign minister Genscher, in the formulation, within the framework of European Political Cooperation, of EC policies on Yugoslavia during the summer and fall of 1991. Particular attention is given to the genesis and performance of the EC conference on Yugoslavia in The Hague, later the International Conference on the Former Yugoslavia, against the background of military events and war crimes on the ground. Another focal point is the interaction between the EC and other international institutions such as the UN and the CSCE. Above all the author explains why the anticipatory implementation already on December 23, 1991 of the EC decision on recognition by Germany does not justify the widespread theory of an allegedly "premature and unilateral" recognition of Slovenia and Croatia. He does so by refuting in detail the accusations normally brought forward against Germany in this context.

En route vers la reconnaissance:
L'Allemagne, la CE et la désintegration de la Yougoslavie (1991)

L'article traite des antécédents qui aboutirent à la décision de la Communauté Européenne du 16 décembre 1991 relative à la reconnaissance des Etats successeurs en Yougoslavie par les pays de la CE. L'auteur – un diplomate allemand impliqué dans le processus de prise de décisions –, décrit le rôle actif joué pendant les mois de l'été et de l'automne 1991 par la RFA, en l'occurrence par son ministre des Affaires étrangères, Genscher, en matière de la position européenne face à la crise dans les Balkans. Son attention se focalise notamment sur la genèse et le déroulement de la Conférence de la CE sur la Yougoslavie à La Haye (plus tard, la Conférence Internationale sur la Yougoslavie) organisée sur le fonds des hostilités engagées en Yougoslavie et des crimes de guerre perpétrés là-bas. Simultanément il décrit l'interaction entre les efforts au sein de la Coopération Politique Européenne (CPE) d'un côté, et de l'autre côté les engagements de l'ONU et de la CSCE. Finalement l'auteur voue une attention particulière à la reconnaissance, légèrement anticipée, de la Slovénie et de la Croatie par l'Allemagne le 23 décembre '91: à son avis, le reproche souvent fait à l'adresse des Allemands d'avoir porté un coup à la CPE et d'avoir empiré la situation sur le terrain par une action «prématurée et unilatérale» ne résiste pas à l'évidence d'une analyse détaillée et objective.

Auf dem Weg zur Anerkennung:
Deutschland, die EU und die Auflösung Jugoslawiens 1991

Der Autor behandelt die Vorgeschichte der Entscheidung der EG vom 16. Dezember 1991 zur Anerkennung der jugoslawischen Nachfolgestaaten aus der Sicht eines auf deutscher Seite beteiligten Diplomaten. Er analysiert die zeitweise sehr aktive Rolle Deutschlands und insbesondere Außenminister Genschers bei der Formulierung der Jugoslawienpolitik der EG, im Rahmen der Europäischen Politischen Zusammenarbeit, im Sommer und Herbst 1991, nicht zuletzt im Hinblick auf die Genesis und den Verlauf der Haager EG-Konferenz über Jugoslawien, der späteren internationalen Jugoslawienkonferenz, vor dem Hintergrund des Kriegsverlaufs und der Kriegsverbrechen vor Ort. Er beschreibt ferner das Wechselspiel zwischen der EG und anderen internationalen Institutionen wie der VN und der KSZE. Vor allem begründet der Autor seine Auffassung, dass die kurzfristig vorgezogene Anerkennung Sloweniens und Kroatiens durch Deutschland am 23. Dezember 1991 nicht die lange Zeit populäre These von einer angeblich „verfrühten und einseitigen" Anerkennung dieser beiden Staaten rechtfertigt, indem er die üblicherweise in diesem Zusammenhang erhobenen Vorwürfe detailliert widerlegt.

Joseph Krulic
France and the Yugoslav crisis up to the signing of the Elysée treaty (25 June 1991 – 14 December 1995)

This crisis was at one and the same time central and peripheral to French diplomacy. Central, by the importance of the French contingent in the UN contingent in Croatia and Bosnia, and by the fundamental nature of the discussions taking place between France and Germany from July to December 1991. But peripheral insofar as France could rarely make prevail its views. Nevertheless, thanks to the European commitment during the first phase of the international conflict management (June-December 1991), it was possible to prevent the Franco-German differences of opinion from obstructing the signing of the Treaty of Maastricht.

The United Nations' phase of the crisis management (from January 1992 to July 1995), showed the limits of international action, whose means were restricted and the ends uncertain. The refusal of most of the actors, including France, to resort to military intervention, the too complicated "double key" (NATO–UN) system of command resulted in major malfunctions, as the Srebrenica massacre has shown. The massacre in this town of some 7.500 Bosnian prisoners by Bosnian-Serb troops under General Ratko Mladic, despite the presence of hundreds of UN soldiers, while French General François Janvier was in command of the zone, also means a failure for French policy.

After this major failure, with NATO resuming control of the military action, at the end of July 1995, the Serb camp was forced to negotiate. The Dayton agreements (21 November 1995) represent an American success. With its participation in the action of the heavily armed RRF (Rapid Reaction Force, July 1995), France nevertheless continued its commitment. The Elysée treaty formalizing the Dayton agreements (14 December 1995) represents the acknowledgement that France held a certain "rank" in that conflict, as Charles De Gaulle would have put it.

La France et la crise yougoslave jusqu'au traité de l'Elysée (1991-1995)

La crise yougoslave a joué à la fois un rôle central et un rôle périphérique dans la diplomatie française. Central par l'importance du contingent des forces françaises dans le contingent de l'ONU en Croatie et en Bosnie, par le caractère fondamental des débats entre le France et l'Allemagne entre juillet et décembre 1991. Mais périphérique dans la mesure où la France a rarement pu faire prévaloir ses vues. Toutefois, la phase «européenne» (juin-décembre 1991) de la gestion internationale du conflit a pu éviter que les divergences franco-allemandes n'empêchent la signature du traité de Maastricht.

La phase de gestion de la crise par l'ONU (janvier 1992-juillet 1995) a montré les limites d'une action internationale, dont les moyens étaient limités et les fins étaient incertaines. Le refus de la plupart des acteurs, dont la France, d'entreprendre une action militaire, ainsi que le système de commandement trop complexe de la «double clé» (OTAN -ONU) ont abouti à des dysfonctionnements majeurs, dont témoigne le massacre de Srebrenica. Dans cette ville conquise par les troupes Bosno-serbes du général Ratko Mladic, le massacre d'environ 7.500 prisonniers bosniaques, malgré la présence de centaines de soldats de l'ONU, alors que le général français François Janvier assurait le commandement de la zone, signifie aussi un échec de la politique française.

Après cet échec majeur, la reprise en main de l'action militaire par l'OTAN, à la fin du mois de juillet 1995, oblige le camp serbe à négocier. Les accords de Dayton (21 novembre 1995) constituent un succès américain. Le rôle français dans l'action de la très bien armée FRR (Force d'actions rapide), en juillet 1995, prolonge cependant le rôle de la France. La

signature des accords de Dayton à l'Elysée (14 décembre 1995) constitue une reconnaissance d'un certain «rang», suivant le mot de Charles De Gaulle, de la France dans ce conflit.

Frankreich und die Jugoslawienkrise bis zum Elysée-Vertrag (1991-1995)

Die Jugoslawienkrise spielte in der französischen Diplomatie gleichzeitig eine zentrale und eine periphere Rolle. Zentral einerseits, wegen der Stärke der französischen Truppen die im Rahmen des UN-Kontingents in Kroatien und Bosnien stationiert waren, und wegen dem fundamentalen Charakter der deutsch-französischen Debatten zwischen Juli und Dezember 1991; peripher andererseits, in dem Maße wo Frankreich seine Vorstellungen nur selten durchzusetzen vermochte. Trotzdem konnte während der «europäischen» Phase der internationalen Krisenbewältigung (Juni-Dezember 1991) verhindert werden, dass die deutsch-französischen Meinungsverschiedenheiten die Unterzeichnung des Maastrichter Vertrages in Frage stellten.

Die Phase des Krisenmanagements durch die UN (Januar 1992-Juli 1995) verdeutlichte die Grenzen einer internationalen Aktion deren Mittel beschränkt und dessen Absichten ungewiss waren. Die Weigerung der meisten Akteure, darunter Frankreich, sich zu einer militärischen Intervention durchzuringen, sowie das allzu komplexe System der dualen Kommandostruktur (NATO-UNO) verursachten schwerwiegende Fehlentwicklungen, wie zum Beispiel das Massaker von Srebrenica. In dieser von den bosnisch-serbischen Truppen des Generals Ratko Mladic eroberten Stadt, wurden etwa 7.500 bosnische Gefangene hingerichtet, und das trotz der Anwesenheit mehrerer Hundert UN-Soldaten unter dem Kommando des französischen Generals François Janvier. Dieser Umstand bedeutete unbestreitbar auch eine Niederlage für die französische Politik.

Nach diesem Rückschlag, zwang die Übernahme der militärischen Operationen durch die NATO im Juli 1995 die Serben an den Verhandlungstisch. Das Abkommen von Dayton (21. November 1995) ist ein amerikanischer Erfolg. Frankreich konnte seine Rolle nur Dank der Stärke seiner «Schnellen Eingreiftruppe» seit Juli 1995 behaupten. Die Unterzeichnung des Abkommens von Dayton im Elysée (14. Dezember 1995) birgt somit die Anerkennung eines gewissen, französischen «Ranges» - wie Charles de Gaulle sich ausgedrückt hätte.

Jane M. O. Sharp
British policy in Bosnia 1991-1995

Britain's Conservative government took pride in its even handed approach to the warring factions in the Yugoslav wars of dissolution in the early 1990s. Critics of British policy in Bosnia, however, saw this as moral ambivalence between the search for a pragmatic peace which recognised and rewarded Serb war aims, and the search for a just peace which would have protected the victims of Serb aggression and preserved the cosmopolitan, multi-ethnic and multi-confessional character of Bosnia.

Until the summer of 1995, British policy in Bosnia was at odds with that of the Clinton administration in Washington. Prime minister John Major and foreign secretary Douglas Hurd began by recognising the Serbs as the main aggressors against the Bosnian Muslims and Croats in 1992. Without US support for a serious military intervention, however, Britain adopted a passive peacekeeping policy which did little to curb Serb aggression.

From 1992 to 1995 British policy makers moved away from seeking the kind of multi-ethnic Bosnia envisaged by the Vance-Owen Plan, through a series of proposals increasingly based on ethnic separation, ending with the Dayton peace agreement which partitioned Bosnia into a Serb entity and a Muslim Croat federation.

La politique britannique en Bosnie (1991-1995)

Le gouvernement conservateur de Grande-Bretagne attachait du prix à l'équité avec laquelle il traitait les différentes fractions belligérantes engagées dans les guerres de dislocation de la Yougoslavie au début des années 1990. Les critiques de la politique britannique en Bosnie taxaient cependant cette approche de moralement ambivalente. Ils mirent en exergue l'ambiguïté entre la recherche d'une paix pragmatique qui reconnaissait et servait finalement les buts de guerre serbes d'une part, et d'autre part la recherche d'une paix juste qui aurait pu protéger les victimes de l'agression serbe en préservant le caractère cosmopolite, multiethnique et multiconfessionnel de la Bosnie.

Jusqu'en été 1995, la politique bosniaque du cabinet britannique ne cadrait guère avec celle de l'administration de Clinton à Washington. En 1992, le Premier ministre John Major et son secrétaire aux Affaires étrangères, Douglas Hurd, commencèrent par reconnaître en les Serbes le principal agresseur des musulmans bosniaques et croates. Sans l'appui des Américains, les Britanniques renoncèrent pourtant à une intervention militaire sérieuse et se contentèrent d'une politique du maintien de la paix passablement inefficace pour arrêter l'agression serbe.

Entre 1992 et 1995, les responsables à Londres prirent leurs distances face à cette espèce de Bosnie multiethnique envisagée par le plan Vance-Owen. Leur position évoluait de plus en plus vers le concept d'une séparation ethnique qui s'impose en définitive avec les accords de Dayton consacrant la partition de la Bosnie en une entité serbe et une fédération croate et musulmane.

Großbritanniens Bosnienpolitik. 1991-1995

Großbritanniens konservative Regierung legte in den frühen Neunzigerjahren Wert auf eine faire Behandlung der kriegführenden Parteien im Streit um das auseinanderbrechende Jugoslawien. Kritiker der britischen Bosnienpolitik wiesen jedoch auf die daraus resultierende moralische Ambivalenz hin. Letztere ergab sich zwangsläufig aus der Suche nach einem pragmatischen Frieden mit der Anerkennung und der Belohnung serbischer Kriegsziele einerseits, andererseits dem Streben nach einem gerechten Frieden der den Schutz der Opfer serbischer Aggressionen und die Beibehaltung des kosmopolitischen, multiethnischen und multikonfessionellen Charakters Bosniens garantierte.

Bis in den Sommer 1995 stimmte die britische Haltung in der Bosnienfrage kaum mit derjenigen der Clinton Administration in Washington überein. Premierminister John Major und sein Außenminister Douglas Hurd begannen in der Tat die Serben als hauptverantwortlichen Aggressor der bosnischen Muslime und Kroaten zu identifizieren. Ohne amerikanische Unterstützung für eine ernsthafte militärische Intervention konnten sie allerdings nur eine passive, friedenserhaltende Politik betreiben, die nur wenig gegen die serbische Aggression ausrichten konnte.

Zwischen 1992 und 1995 distanzierten sich die Verantwortlichen in London von der im Vance-Owen Plan angestrebten Idee eines multiethnischen Bosniens zugunsten eines Konzepts der ethnischen Trennung und der Aufspaltung Bosniens in einen serbischen Teil und eine kroatisch muslimische Föderation, so wie sie schließlich im Friedensabkommen von Dayton vorgesehen wurde.

Bob de Graaff

Activist and catalyst: Dutch moralist decision-making regarding (Former) Yugoslavia

This contribution explains why at the end of 1993 the Dutch government was the only one willing to contribute troops for the Srebrenica 'safe area'. The prime cause was the extensive involvement in the situation in Former Yugoslavia as a consequence of the Dutch presidency of the European Community in the latter part of 1991, when minister Hans van den Broek put great, though not always very effective, efforts into developing a common EC-policy regarding Yugoslavia. Mid-1992 both the government and the parliament in the Netherlands began to give foreign governments moral lectures because of their lack of effort as to the humanitarian emergency developing in Bosnia. As a consequence of their continuing criticism the Dutch government contributed a combat battalion to UNPROFOR in Bosnia in 1993 at the first opportunity without setting any conditions.

The author discusses extensively the irritations of Dutch politicians regarding the German position (as to the recognition of the Yugoslav republics), the French stand (at the time of Mitterrand's visit to Sarajevo) and the combined Franco-German actions that frustrated the Dutch EC-presidency.

Activiste et catalyseur. Le processus des prises de décisions néerlandaises en rapport avec (l'ancienne) Yougoslavie

La contribution explique pourquoi, à la fin de l'année 1993, les Pays-Bas étaient le seul pays disposé à engager des casques bleus dans la 'zone de sécurité' de Srebrenica. La cause principale en était le profond engagement dans les affaires de l'ex-Yougoslavie depuis la présidence néerlandaise de la Communauté Européenne durant le second semestre de l'année 1991, lorsque le ministre Hans van den Broek s'était efforcé - il est vrai, pas toujours d'une manière très efficace – de parvenir à une politique commune des européens en relation avec le problème yougoslave. A partir de l'été 1992, le gouvernement ainsi que le parlement des Pays-Bas ont commencé à faire aux gouvernements étrangers des reproches moralisants, stigmatisant l'insuffisante des moyens mis à la disposition pour pallier l'état d'urgence humanitaire en Bosnie-Herzégovine. Aussi le gouvernement de La Haye tire-t-il les conséquences de ses critiques réitérées: sans poser d'autres conditions, il envoie à la première occasion un bataillon pour renforcer l'UNPROFOR en Bosnie.

L'auteur prête une attention particulière aux irritations et frustrations nées chez les hommes politiques néerlandais dans la foulée du comportement allemand (notamment de la reconnaissance des républiques yougoslaves), de l'approche française (visite de Mitterrand à Sarajevo) et de l'action combinée franco-allemande qui contrariait la présidence hollandaise de la CE.

Aktivist und Katalysator: Niederländische moralische Entscheidungsprozesse hinsichtlich des (ehemaligen) Jugoslawiens

Der Beitrag liefert die Erklärung weshalb, Ende 1993, die niederländische Regierung als einzige dazu bereit war, Truppen für die 'Sicherheitzone' im Gebiet Srebrenica zur Verfügung zu stellen. Wichtigster Grund war das erhöhte Maß an Engagement im ehemaligen Jugoslawien, das aus dem niederländischen Vorsitz der Europäischen Gemeinschaft während der zweiten Hälfte des Jahres 1991 sich ergeben hatte, als Minister Hans van den Broek große, obwohl nicht immer effiziente Anstrengungen unternommen hatte, eine gemeinsame europäische Jugoslawienpolitik zu erwirken. Mitte 1992 fingen Regierung und Parlament in

den Niederlanden an, in moralisch aufgeladenen Begriffen das Ausland wegen seines unzureichenden Einsatzes für die humanitäre Notlage in Bosnien-Herzegowina zu rügen. Folge dieser andauernden Kritik war, daß die niederländische Regierung 1993, zum erstmöglichen Termin, und ohne weitere Bedingungen, eine Kampfeinheit für die UNPROFOR in Bosnien zur Verfügung stellte.

Der Autor widmet sich ausgiebig den Irritationen und Frustrationen der niederländischen Politiker, die durch das deutsche Verhalten (hinsichtlich der Anerkennung der jugoslawischen Republiken), den französischen Standpunkt (anläßlich Mitterrands Besuch an Sarajewo) und die französisch-deutschen Schulterschlüsse während dem holländischen EG-Vorsitz ausgelöst wurden.

Georg Meyr
Italy and the dissolution of Yugoslavia, up to the European recognition of Croatia and Slovenia (January 15th, 1992)

The Italian Government was a strong supporter of the integrity of the Federal Socialist Republic of Yugoslavia even when, in the early Nineties, it became clear that the unity of the Yugoslav Republics was not longer legitimated by economical and political ties. The grounds of this policy, besides the alleged adherence to the principles of Helsinki, were strictly connected with some major problems, which the disruption of Yugoslavia could involve:

- the status of the Italian minority in Yugoslavia;
- the Italian interest in the Balkan-Danubian scenario (the so-called "Quadrangolare" policy);
- the need to avoid a flow of refugees towards Italy, coming from conflict areas;
- the safety of the Italian North-East.

The most practicable way to manage the Yugoslav crisis might have taken the form of a shift of the federation into a confederation; the government in Rome tried to do so, against the different aims (in favour of the secession of Slovenia and Croatia) pursued by the North-Eastern Italian region, Friuli-Venezia Giulia. The recognition of Croatia and Slovenia by the European Community was a failure of Italian foreign policy, which was not able to sustain, in Brussels, the integrity of Yugoslavia.

L'Italie et la dissolution de la Yougoslavie, jusqu'à la reconnaissance européenne de la Croatie et de la Slovénie (15 janvier 1992)

Le gouvernement italien soutenait fermement l'intégrité de la République fédérale socialiste yougoslave même quand, au début des années 1990, il était évident que les relations économiques et politiques ne légitimaient plus l'unité des Républiques yougoslaves. Sa politique, qui par ailleurs soutenait ouvertement les principes d'Helsinki, se fondait strictement sur les questions principales que pouvaient entraîner la désagrégation de la Yougoslavie:

- le statut de la minorité italienne en Yougoslavie;
- les intérêts italiens dans le scénario balkano-danubien (c'est-à-dire la politique quadrangulaire);
- la nécessité d'éviter l'arrivée en Italie d'un flux de réfugiés en provenance des zones de conflit;
- la sécurité du Nord-Est de l'Italie.

Transformer la fédération en une confédération aurait pu constituer une solution réalisable face à la crise yougoslave; c'est ce que d'ailleurs le gouvernement de Rome essaya de faire, en s'opposant aux objectifs contraires (en faveur de la sécession de la Slovénie et de la Croatie) poursuivis par la région Nord-Est de l'Italie, le Frioul-Vénétie Julienne. La reconnaissance de la Croatie et de la Slovénie par la Communauté européenne fut un échec pour la politique étrangère italienne, qui se révéla incapable de soutenir à Bruxelles l'intégrité de la Yougoslavie.

Italien und die Auflösung Jugoslawiens bis zur Europäischen Anerkennung von Kroatien und Slowenien (15. Januar 1992)

Die italienische Regierung hat die Integrität der Sozialistischen Bundesrepublik Jugoslawien stark unterstützt, selbst als Anfang der 90er Jahre klar wurde, dass die Einheit der Jugoslawischen Republik nicht mehr durch wirtschaftliche und politische Beziehungen legitimiert wurde. Diese Politik war bedingt - außer dem vermutlichen Festhalten an den Grundsätzen von Helsinki – durch die größeren Probleme, die eine Auflösung Jugoslawiens hätte nach sich ziehen können. Es sind dies:

– der Status der italienischen Minderheit in Jugoslawien;

– das Interesse Italiens an dem Balkan-Danubischen Szenarium (d.h. die sogenannte „quadrangolare-Politik");

– die Notwendigkeit, einen Flüchtlingsstrom aus den Kampfzonen von Italien abzuwehren;

– die Sicherheit von Nordost-Italien.

Der einfachste Weg, um die Jugoslawischen Krise zu meistern, war die Umwandlung der Bundesrepublik in eine Konföderation; dies war auch die Lösung die die italienische Regierung anstrebte, trotz der gegensätzlichen politischen Ziele der nordöstlichen italienischen Region, Friaul-Julisch Venetien. Die Anerkennung Kroatiens und Sloweniens seitens der Europäischen Gemeinschaft bedeutete das Scheitern der italienischen Außenpolitik, die in Brüssel nicht imstande war, die Integrität Jugoslawiens durchzusetzen.

Klaus Larres
"Bloody as Hell".
Bush, Clinton and the Abdication of American Leadership in the former Yugoslavia, 1990-1995

The article reconstructs the decision-making process in Washington between 1990 and 1995. The author analyses the reasoning of the Bush and Clinton administrations for not getting involved in the ever more ruthlessly pursued civil wars in the former Yugoslavia. The article assesses whether or not prior to the NATO air strikes of the Bosnia Serbs in August/ September 1995 the American decisions not to get militarily involved constituted a reasonable position to take. Is it unfair to point an accusing finger at policy makers in Washington for their hands-off approach and their reliance on European and UN efforts to end the bloodshed? Or does the world's only superpower bear the main responsibility for the West's failure to prevent the outbreak and the continuation of the wars and the large-scale human suffering in the former Yugoslavia?

«Enfer sanglant».
Bush, Clinton et la renonciation au leadership américain en ex-Yougoslavie. 1990-1995

L'article reconstruit les mécanismes de décision à Washington durant la première moitié des années 1990. L'auteur analyse les motifs qui, avant les raids aériens de l'OTAN en août/septembre 1995, incitèrent les administrations de Bush et de Clinton à ne pas se servir de leur puissance militaire pour entreprendre une tentative de mettre un terme à la guerre civile de plus en plus brutale en ex-Yougoslavie. La question qui se pose consiste à savoir s'il s'agissait en fin de compte d'une politique justifiée. Serait-il abusif de pointer du doigt Washington et de critiquer sa manière de s'être fié entièrement aux Européens et à l'ONU pour maîtriser le conflit? Ou est-ce que l'unique superpuissance du monde assumerait-elle, dans une large mesure, la responsabilité pour l'incapacité du monde occidental à empêcher l'éclatement d'une guerre aux conséquences désastreuses pour les populations concernées?

«Blutige Hölle».
Bush, Clinton und der Verzicht auf eine amerikanische Führungsrolle im ehemaligen Jugoslawien, 1990-1995

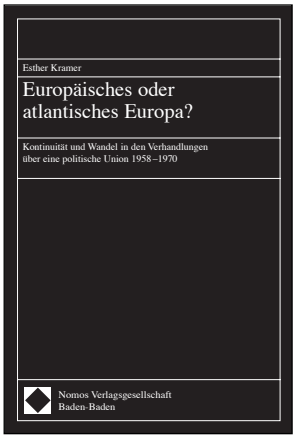
Der Beitrag rekonstruiert die politischen Entscheidungsprozesse in Washington zwischen 1990 und 1995. Der Autor analysiert die Gründe für die Entscheidungen der Bush und Clinton-Regierungen vor den NATO-Luftangriffen im August/September 1995 keinen Versuch unternommen zu haben, die zunehmend brutaler geführten Bürgerkriege im ehemaligen Jugoslawien mit militärischer Gewalt zu beenden. Der Artikel untersucht, ob es sich dabei um eine gerechtfertigte Politik gehandelt hat. Ist es unfair einen anklagenden Zeigefinger zu erheben und Washington dafür zu kritisieren, sich ganz auf die Europäer und die Vereinten Nationen verlassen zu haben, um den Konflikt beizulegen? Oder muss die einzige Supermacht der Welt doch die Hauptverantwortung für das Versagen des Westens übernehmen, den Ausbruch der Kriege und das viele menschliche Elend nicht verhindert zu haben?

Europäisches oder atlantisches Europa?

Die Frage nach der Finalität der europäischen Einigung – supranationale oder intergouvernementale Entwicklung – und die Schicksalsfrage nach der europäischen oder atlantischen Orientierung Europas sind nicht neu. Sie bestimmten bereits die bisher einzige Grundsatzdebatte über eine außen- und verteidigungspolitische Union Europas Anfang der 60er Jahre.

Im Zentrum europapolitischer Verhandlungen stand seitdem die Rolle der Nationalstaaten, besonders umstritten in der Verteidigungspolitik. Insgesamt wird deutlich, wie und weshalb aus historischer Sicht zukunftsfähige Lösungen in der Komplementarität diverser Europakonzepte, nicht aber in einseitigen Perspektiven liegen.

Die Schlüsselfragen sind bis zur aktuellen europäischen Verfassungsdebatte offen: Kompetenzverteilung zwischen nationaler Ebene, EU-Kommission und Europaparlament, Vetorecht und Mehrheitsentscheidungen, europäischer Außenminister und Verteidigungsunion. Diese auf erstmals zugänglich gemachten diplomatischen Akten basierende nuancierte Bewertung nationaler, bilateraler sowie europäischer Konflikte und Lösungsansätze bietet neue Einsichten in die strukturellen Grundlagen der EU und in die Verhaltensmuster der europapolitischen Akteure.



Europäisches oder atlantisches Europa?

Kontinuität und Wandel in den Verhandlungen über eine politische Union 1958–1970

Von Esther Kramer

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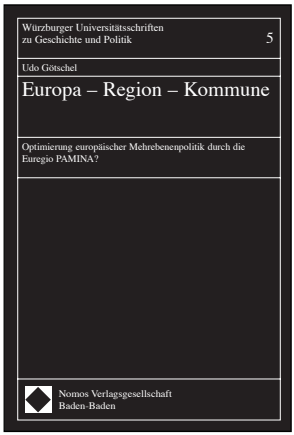
Grenzüberschreitend und gemeinsam für Europa

Euregios verfolgen das Ziel, durch grenzüberschreitende Zusammenarbeit einen Beitrag zum »Ausbau Europas von unten« zu leisten.

Politikwissenschaftliche Studien zu Euregios sind bislang rar. Demgegenüber analysiert der Autor Möglichkeiten und Restriktionen, politisch-administrative Grenzen institutionell, kulturell und lkonomisch zu relativieren, exemplifiziert an der Euregio um Karlsruhe und ihrer Einbettung in die grenzüberschreitende Zusammenarbeit am Oberrhein.

Überlegungen zu einer flexiblen europäischen Mehrebenenkoordination werden mit Modellen polyzentrischer Kooperationsnetzwerke auf kommunaler und regionaler Ebene verbunden. In diesem Kontext dient die inhaltliche und institutionelle Analyse der Euregio PAMINA auch dazu, Optimierungsmöglichkeiten der Mehrebenenpolitik in Europa durch grenzüberschreitende Zusammenarbeit, insbesondere die Entwicklung hin zu einem »Europa der Regionen« – und der Kommunen –, zu beurteilen.

Als theoretisch inspirierter Praktiker wendet sich der Autor sowohl an Wissenschaftler als auch an Praktiker, Politiker und alle Bürger, die sich vertieft mit dem Zusammenwirken politischer Entscheidungsebenen in Europa sowie mit grenzüberschreitender Zusammenarbeit auseinandersetzen möchten.



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