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The Quest for a Bosnian Constitution: Legal Aspects of Constitutional Proposals Relating to Bosnia

Paul C. Szasz*

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Paul C. Szasz

Abstract

The analogue in international politics is the three-party conflict in Bosnia-Herzegovina, a quagmire in which first Europe and then the entire world have become stuck. The complexity of the problem reflects not only the intensity of the hatreds that have been fanned between the parties and must now be accounted for in any solution, but that two of the primary parties have immediate support in neighboring countries that also have their own bilateral problems to resolve; furthermore, each of these actors has, for historical or other motives, its own important patrons among the leading powers of the world.

THE DESTRUCTION OF YUGOSLAVIA

*Svetozar Stojanovic**

I. A NON-SYNCHRONIZED AND CONTRADICTIONARY STATE

From its formation in 1918, Yugoslavia was a *non-synchronized and contradictory state*. It was created mainly by Serbia and Montenegro, countries that were victors in the First World War. The Serbian nation's human and material sacrifice invested in Yugoslavia was unparalleled. Serbs were convinced that they could best solve their national question in a broader Southern Slav framework. Besides, a broader state framework was necessary to fulfil the ambitions of the Serbian royal family and the victorious army, as well as the ambitions of Serbian political and other elites.

The other two then-recognized state-constitutive nations, Croats and Slovenes, also entered Yugoslavia voluntarily, but from a different, vanquished state, Austria-Hungary.¹ By doing so, these nations joined the winning side in the War and saved some territories towards which Italy and Austria aspired. Unlike the Serbs, however, a large number of Croats immediately expressed dissatisfaction at the common state and demonstrated a virtually obsessive aspiration for an independent state. This sentiment was particularly strong as Yugoslavia was a unitary and not a federal state.

There can be no doubt that because of their number (almost forty percent), strength, the fact that they were spread throughout almost the entire country, and their inclination toward state-protection, the Serbian people were, and remained until the end, the main "impediment"² to the break-up of Yugoslavia. The other Yugoslav separatist movements, at first weak but recently very strong, were also inherently anti-Serb-oriented.

Nonetheless, it is erroneous to think that there did not exist close mutual similarities, links, and other good reasons for the

* Director, Institute for Philosophy and Social Theory, University of Belgrade, Federal Republic of Yugoslavia; Distinguished Visiting Professor, Russian and East European Studies and Philosophy, University of Kansas; Former Advisor to Former President Dobrica Cosic of the Federal Republic of Yugoslavia, mid 1992-mid 1993. When Cosic was removed by Slobodan Milošević, Stojanovic immediately resigned.

1. The Serbs living in Austria-Hungary likewise joined the new Yugoslav state.

2. "Impediment" is an anti-Serb expression used by Croat separatists.

unification of the Southern Slav peoples. One such reason was identical, or very like, ethnic origin. In addition, the marked majority of the population shared a common language, Serbo-Croatian, and the two other main languages, Slovene and Macedonian (the latter officially codified only after the Second World War), are very close to that majority language. It was on this basis that close cultural links were founded. The Yugoslav ideologists of the time, however, went to such extremes in their enthusiasm for the new state that they proclaimed that Serbs, Croats, and Slovenes were three tribes of the same nation, although it was already a question of three separate nations forming one unified state. The Montenegrins and the Serbs from Serbia wanted to help their Southern Slav brothers, and particularly the Serbs who lived in those territories, to free them from Austria-Hungary. In any case, a larger state offered far better protection for security and border integrity: of the seven original Yugoslav borders, at least five have been brought into question since 1918, including those with Italy, Austria, Hungary, Bulgaria, and Albania. Many inter-national marriages also helped to form a connective tissue for both Yugoslavias (interwar and post-World War II), and such marriages numbered over one million at the end of the 1980's. Finally, the highly complementary nature of the economies in the region, as well as the advantages offered by a larger market, should be recalled.

This does not, of course, mean in any way that violence did not play a huge role in the creation, maintenance, destruction, and renewal of Yugoslavia in the years 1941 to 1945. Let us start from the fact that Serbian military power did, in a certain sense, carry out unification over the "barrel of a gun," as many Croats and Slovenes had taken part in the war against Serbia and Montenegro on the side of Austria-Hungary. Furthermore, King Aleksandar I Karadjordjevic³ suspended Yugoslavia's multiparty parliament in 1929 and introduced a personal dictatorship in order to save Yugoslavia from breaking up. Unfortunately, it was held together more by military, police, political, and administrative power than by economic, religious, cultural, and civilizational links.

3. King Aleksandar I Karadjordjevic was born in 1888. He was assassinated, together with the French Foreign Minister Louis Barthou, in 1934 in Marseilles by Macedonian and Croat terrorists-separatists.

In both Yugoslavias *state* integration was stronger than *social* integration. Capitalism was not well-developed in the first Yugoslavia, particularly in the central and eastern part of the country. Its western regions were considerably more economically progressive, while Serbia dominated the military, political, and administrative spheres. Contrary to the broadly accepted idea of the tradition of democracy in the western areas of the country, only Serbia in the east entered Yugoslavia with a democratic-state inheritance. In the first twenty-three years of Yugoslavia's existence, Serbia and Montenegro did not really succeed in reducing the economic gap, nor in transforming their non-economic hegemony into an economic one. This was hardly surprising, however, as both Serbia and Montenegro had suffered irreparable human and material losses in the two Balkan wars in 1913-14 and in the First World War.⁴

Yugoslavia was renewed by the communists victors in the Second World War. Two important facts from the history of violence in the communist Yugoslavia should be noted: (1) Tito concluded that the Croat national and nationalistic movement in 1970-71 threatened Yugoslavia to such an extent that it had to be crushed by repressive means; and (2) the Albanian separatist movement in Serbia's autonomous province of Kosovo had been repelled by force several times since 1944-45 — indeed, the situation remains the same today in post-communist Yugoslavia.

The tenacity and acuteness with which the national question continued to renew itself in Yugoslavia for over seven decades is actually understandable. Yugoslavia emerged, disappeared, and rose again in two world wars, and as such, on the territory of Yugoslavia, those wars were marked by inter-national, inter-religious, civil, fratricidal, and even genocidal conflicts.

Although it is my opinion that internal factors were more important than external ones for the final disintegration of Yugoslavia, this does not in any way suggest that we should underestimate the role of foreign factors in the creation, maintenance, renewal, and break-up of the two Yugoslavias. First and foremost, Yugoslavia was created with the decisive support of France, the United States, and Great Britain, the three western allies of

4. In those wars, 1.2 million people died, or approximately one-quarter of the entire population of about 4.8 million. Of course, that figure includes total losses, including those caused by mass epidemics.

Serbia and Montenegro in the First World War, and it was occupied and dismembered in 1941 by Germany (and Austria, which had been annexed to it), Italy, Hungary, and Bulgaria. Yugoslavia was renewed in 1945 with the support of the Soviet Union and the same three western allies. *Throughout Yugoslavia's entire history much has depended on whether the decisive foreign countries have aggravated Yugoslavia's contradictions or promoted its cohesion.*

As a factor of state integration, the initial enthusiasm of the Yugoslav communists was combined with the suppression of the national question by means of education, propaganda, and force. According to that ideology, "the new Yugoslav society" was in the national sense essentially a society without conflict. When it was not possible to deny some evident international problem, it was claimed that the problem was in no way a consequence of the new communist system, but only a "remnant of the old society" or a consequence of "counter-revolutionary activity." The Yugoslav communists believed that remaining silent about what had happened among the Yugoslav nations during the Second World War would truly contribute to the recovery and promotion of relations between them.

If my statement about the first Yugoslavia being in many ways a non-synchronized and contradictory state is correct, what then can be said about the second Yugoslavia that endeavored, by keeping silent, to fill in the fatal fissure opened in Jasenovac and other places of annihilation of Serbs in the so-called Independent State of Croatia during the Second World War?⁵

The communist victors in Yugoslavia never seriously examined the Ustashi genocide as an issue or a problem. Instead of carrying out denazification through enlightened education, they limited themselves to the liquidation of captured Ustashis.⁶

5. On April 6, 1941, Yugoslavia was attacked by Hitler's Germany, Mussolini's Italy, and their allies surrounding Yugoslavia. As early as April 10, 1941, a puppet state, the Independent State of Croatia, comprising the Yugoslav regions of Croatia and Bosnia-Herzegovina, was established under the leadership of Ante Pavelić and his terrorist-separatist organization of Ustashis, who returned from their exile abroad. The Ustashis conducted the policy of genocide and, according to German military archives, killed between 350,000 and 700,000 Serbs, 50,000 Jews, and 20,000 Gypsies. When Hitler attacked the Soviet Union in 1941, Pavelić declared war and sent troops to fight against the Soviets. After the attack on Pearl Harbor, he declared war on the United States and Great Britain.

6. It is true that Pavelić and the other main Ustashi war criminals had fled abroad, and that although they more than deserved it, the new authorities did not endeavor to

The karst pits into which Serbs were thrown alive by Ustashis in Bosnia-Herzegovina remained concreted over, and their relatives were not allowed to remove the bodies and bury them until 1991. These "concreted pits" have become a metaphor for the communist illusion that enforced silence is the best way to deal with terrible crimes among nations. Perhaps that was one reason, in addition to his personal nonchalance, that Tito never visited Jasenovac.

With the wholehearted support of the other communists — mainly Serbs — and in the name of "internationalism," the leading Croat communists did not even attempt to initiate a discussion on Ustashi genocide. Instead, they took as their guide the comfortable ideological premise that their contribution to the Peoples Liberation Struggle, as Tito's partisans called their struggle from 1941 to 1945, had expressed the *essence* of Croat tradition, while the Ustashi movement was nothing more than an *accident* in that tradition. Thus, communist totalitarianism "solved" one of the most acute problems of the renewed Yugoslavia in one monopolistic-essentialistic move. The genocide perpetrated against Serbs (as well as against Jews and Gypsies) was relativized and placed under the general category of "war crimes committed by the occupiers and their henchmen." As communist officialdom did not define the Ustashi movement as a kind of Nazism, which it doubtlessly was, no official denazification process was implemented like the process organized and carried out in Germany.

II. FROM THE PARALIZATION TO THE BREAKING-UP OF THE STATE

Many scholars divide Yugoslavia's post-World War II development into the period before and the period after the adoption of the 1974 Constitution. For me, the key moment came with the death of the charismatic Josip Broz Tito in 1980. Indeed, it is my belief that the Constitution failed to create a true federation.

For the entire post-war period a small group under Tito's absolute domination made all important decisions for the whole of Yugoslavia, which its executive bodies in the Republics and

organize a trial, (in absentia), like that which took place in Nürnberg following World War II.

Autonomous Provinces implemented in a disciplined manner. In 1945 that same group made the original decision on the formation of federal units and determined the "borders" between them. The multi-national composition of that group does not justify consideration of the Yugoslavia of that period as a truly federally organized state. It was a centralized, communist party-state only posing as a federation.

Following the constitutional changes introduced in the first half of the 1970's, the State order was formally so decentralized that each Republic and Autonomous Province gained the right to block the passage of important decisions on the federal level. Thus Yugoslavia was, according to the Constitution of 1974, transformed into a *confused, contradictory, and even self-destructive mixture of federation and confederation*. Right up to Tito's death, however, our federalism-confederalism remained more apparent than real, as the "unmoved mover" could always, through his intervention, put an end to paralysis by imposing decisions. Usually, Tito would dictate a "consensus" to the discordant republican and provincial authorities. Thanks to this, the impression was gained that the constitutional system was functioning, while in fact it was only an autocrat that was functioning.

But what throughout the 1970's remained a constitutional decoration for Tito's autocracy became after his death a real system of decision-making that quickly succumbed to complete paralysis. This was due, among other things, to the hypertrophied principle of consent on the part of the federal units, and to their ability to prevent by veto the passage of practically all federal decisions that did not suit them.

At that time, a number of means were available by which the Republics and Autonomous Provinces were protected against outvoting on the federal level. First, the parity representation of the federal units regardless of population size. Second, their representatives had virtually only an imperative mandate. Third, the essentially unlimited right of veto enjoyed by the federal units and even the requirement of their active agreement for decision-making. Fourth, there were no constitutional means by which to change anything in the Constitution unless the republics and provinces voted unanimously.

After Tito's death, national and nationalistic aspirations openly characterized not only state, but also Communist Party

bodies. This cluster of *national and nationalistic communisms* was already in many ways a proto-multiparty system. Before the multiparty elections and referendums in the Republics in 1990 some communist functionaries were carried away with "the preservation of Tito's name and achievements." Others, however, had concluded that he was dead for once and for all and that they had to search for new strongholds in their national milieux. In this way the national-communists markedly outweighed the Yugo-communists. Moreover, there developed competition among the former as to who would demonstrate the most radical nationalism and separatism. The national-communists, of course, presented their policies as evidence of their liberalism, their democracy, and even their anti-communism.

At the end of the Second World War the united Communist Party of Yugoslavia ("CPY") recreated Yugoslavia as a very centralized state under the name of a federation. For a long time, in fact, the CPY had attacked the centralism of the Kingdom of Yugoslavia (1918-41) and incited national-separatist passions in an effort to destroy it. Although the CPY was a rather marginal force right up to Germany's attack on Yugoslavia and the USSR in 1941, it had nonetheless contributed considerably to the creation of those inter-national relations that were to cause so much trouble in the fratricidal war of 1941-45.

At the end of 1990 the fragmented CPY disintegrated when the Slovene delegation, headed by Milan Kucan,⁷ left its Congress. The other republican delegations did not support the demand of the Serbian delegation, which was already dominated to a large degree by the arrogant Slobodan Milošević,⁸ that the Congress should continue as if nothing important had happened. Thus, the Congress was "adjourned," spelling out the end of the CPY.

III. WARS BETWEEN SECESSIONISTS AND ANTI-SECESSIONISTS

In the second half of the 1980's, it appeared that the Croat-

7. At the time, Milan Kucan was Chairman of the Central Committee of the Communist Party of Slovenia, one of the republican organizations of the CPY. When Slovenia separated from Yugoslavia in 1991, he became and still is, President of that country.

8. At the time, Slobodan Milošević was Chairman of the Central Committee of the Communist Party of Serbia, one of the republican organizations of the CPY. In 1989, he became and still is, President of Serbia.

Serb conflict was being pushed aside from the central place in the history of Yugoslavia by the conflict between the Slovenes and the Serbs. The great majority of the Slovene nation supported Slovenia's endeavor to secede from Yugoslavia, and immediately so, regardless of the consequences for the other nations. The newly-elected multiparty Slovenian parliament passed a declaration on independence on July 25, 1991. The Yugoslav authorities responded to this with military intervention, having a limited purpose, dimension, and resoluteness. The aim was the reestablishment of federal control on Slovenia's proclaimed international borders. Frightened by a potential conflict with the Yugoslav Army ("YA"), the Slovenian Government agreed to a suggestion from European Community envoys to suspend secessionist steps provisionally. The Slovenian Government did not, however, fulfill the obligations undertaken as part of that agreement. The "international community" did not react, and, more importantly, the Yugoslav authorities and YA soon decided to give in to Slovenia. This was primarily because Slovenia's secession, taken in isolation from other factors, did not appear to represent a threat of igniting catastrophic wars, as Slovenia was a rather homogeneous national entity. To put it simply, the Slovenes did not have an analogous problem to the problem existing between the Croats and the Serbs.

The relationship between Croats and Serbs had been of crucial importance for Yugoslavia from the time the country had come into being. In that respect, Jasenovac, which for me is a metaphor for overall Ustashi genocide as well, was the criminal culmination of the rift between these two nations, a rift that was covered by silence and repression. It is true that the volcano threatened to erupt again when the Croats' national and nationalistic movement broke out in 1970 and 1971, reviving the mass fears of the Serbs. Tito "handled" that crisis, however, like he had handled others — with force. For nearly the next twenty years Croat nationalism and separatism were to struggle along in hiding, waiting for a new opportunity.

When Croat nationalism and separatism came to the fore again in 1990-91, this time with incomparably greater force, the *Jasenovac fissure* deepened and widened, ultimately, into the violent break-up not only of Yugoslavia, but also of Croatia itself, and, somewhat later, of Bosnia-Herzegovina. This fissure caused a war of the Serbs for separation from Croatia and a war of the

Croats to prevent them from doing so. In a certain sense, then, the roles changed: the initial separatists became anti-separatists, and the original anti-separatists became separatists.

As soon as it came to power in 1991, the Croat Democratic Community ("CDC"), under the leadership of Franjo Tudjman,⁹ annulled by means of a new Constitution of Croatia the constitutive-republican status of the Serbs in Croatia, which they had won for themselves in the Second World War and had enjoyed under the communists. The new authorities assigned the role of a national minority to those Serbs, but they rejected this development, citing as reasons not only the status they had hitherto enjoyed, but also the fact that, despite the Croats' right of veto in Yugoslavia, Croatia wanted to become a separate state at all costs. Croatia decided to retain only the republican "borders" delineated in the communist Constitution. For that reason, the former intermediary of the "international community" in Yugoslav conflicts, Lord Carrington, has repeatedly stated that with its new Constitution, Croatia rekindled the conflict with the Serbs. The Serbs then decided in a referendum to secede from Croatia and to form the Serb Republic of Krajina¹⁰ ("SRK"), in just the same way that Croatia had seceded from Yugoslavia.

The new Croat authorities did many other things to alienate the Serbs radically: (1) they adopted a state symbol reminiscent of the so-called Independent State of Croatia (the more precise name would have been the Nazi State of Croatia); (2) they changed the names of places, institutions, and streets in the spirit of nationalistic, even Ustashi, tradition; (3) they officially tolerated and even encouraged acts of job dismissal and expulsion of Serbs from Croatia ("ethnic cleansing"); (4) they endeavored to change the national composition of the police by force in regions of Croatia where Serbs made up the majority; and (5) preparations were made for the physical liquidation of the Serbs, an objective that was secretly planned by Defense Minister of

9. Franjo Tudjman was Tito's partisan between 1941 and 1945. After the war he became a general in the YA. In 1970-71, he was one of the leaders of the national and nationalistic mass movement in Croatia. After Tito crushed that movement, Tudjman was imprisoned. In 1990 he organized and led a separatist political party that brought about the independent Republic of Croatia in 1991, of which Tudjman has been President ever since.

10. In 1995, Croatia attacked and, for all practical purposes, liquidated the SRK.

Croatia, General Martin Spigelj and then secretly filmed and made public by YA intelligence.

Serb resistance passed through two phases. The first was led by the very moderate President of the newly-formed Serb Democratic Party ("SDP"), the late Professor Jovan Raskovic, who had been educated in Croatia and had worked and lived there with his wife, a Croat, and their children. Then, as the Serbs were not offered even minimal autonomy, but only a *unitary* Croatia, they determined to establish the SRK by force with the help of Serbia and the YA, and unfortunately moderate men such as Raskovic were pushed aside.

The fissure between the Muslims and the Serbs, long suppressed and concealed under a layer of civilized behavior, opened up to its full width and depth as soon as Bosnian Muslims expressed their intention to separate Bosnia-Herzegovina from Yugoslavia. Namely, a not-so-small member of Bosnian Muslims assisted the Ustashi authorities and even actively participated in their genocidal crimes perpetrated on Serbs.¹¹

When, at the beginning of the 1990's, Yugoslavia began to disintegrate, it was completely unrealistic to expect that such a "statequake" would halt at the "borders" of Bosnia-Herzegovina. It should, after all, have been expected that Serbia and Montenegro would assist the Serbs in that Yugoslav Republic no less ardently than those in Croatia. It was also already visible that Bosnian Serbs were successfully drawing entire units, armaments, and equipment from divisions of the Serb-dominated YA that had previously been stationed in Bosnia-Herzegovina or had withdrawn into it from Slovenia and Croatia. This development, among others, explains why the Serbs entered into the conflict with the Muslims with a large military advantage.

In 1945, the communists did not grant Bosnia-Herzegovina a republican status within the Socialist Federal Republic of Yugo-

11. While on the subject of the unhappy history of Muslim-Serb relations, it must also be acknowledged that a number of Serbian Royalist Chetnik units killed not a small number of innocent Muslims during the Second World War in retaliation for those Muslim acts during the war. Further, throughout the long Turkish occupation, Muslims were a privileged and ruling population that treated Serbs (and Croats) as Christian Turkish subjects without any rights whatsoever. In 1878, the Congress of Berlin gave those territories to Austria-Hungary, which formally annexed them thirty years later. That act was to arouse the anger of the Serbs, culminating in the assassination of the archduke Franz Ferdinand in Sarajevo on June 28, 1914, and setting into motion a series of reactions and counter-reactions that led to the First World War.

slavia ("SFRY") for it to be dominated by Muslims, but rather in order to avoid a conflict between Serbs and Croats over this territory and the national identity of the Muslims ("Serbs of Muslim faith or Croats of Muslim faith?"). Yugoslav communist rulers knew well that a political balance had to be maintained in that republic among the three national groups. Of course, consensus, as a form of decision-making in Bosnia-Herzegovina, did not have a democratic character. Rather, consensus involved only agreement of the national communist oligarchies.

As soon as multiparty organization was allowed, at the beginning of the 1990's, the huge majority of Muslims, Serbs, and Croats in Bosnia-Herzegovina formed different political parties. These were, in fact, three mass national and nationalistic movements. These groups won at the elections and formed a new government that continued to function for a time according to the principle of the consensus among the three national representations.

When Slovenia and Croatia made it known they were seceding from Yugoslavia, however, the Muslims found themselves faced with a grave dilemma: to remain part of Yugoslavia despite the fears of possible Serb domination or to try to separate Bosnia-Herzegovina as a whole with the help of the Croats, the Muslim world, and the "international community" in general. As a demographic projection indicated a forthcoming majority over Serbs and Croats taken together, the Muslims decided, by a huge majority, on the latter course of action.

The first large-scale battles for mutual territorial demarcation in Bosnia-Herzegovina erupted, in fact, between Croats and Serbs, in Herzegovina and the Sava valley. The newly-created Croat-Muslim alliance was, however, only temporary in character. It is surprising that the Muslim leaders relied on the Croat alliance to the extent they did, since they were aware that many Croats considered them only religiously islamized members of their own nation.¹² The primary objectives for the leaders of the Bosnian Croats and their supporters in Croatia were to break up Yugoslavia as much as possible with the help of Muslims; to cut off the Serbs west of the Drina River from Serbia and Montenegro; and to cut off the SRK from the newly-proclaimed Serb Re-

12. After all, that is the way they were officially treated in Pavelić's so-called Independent State of Croatia.

public ("SR") in Bosnia-Herzegovina, which the Serbs there established after Muslims and Croats separated Bosnia-Herzegovina from Yugoslavia. After these goals were attained, they would attend to the separation of the territory they call Herzeg Bosnia from Bosnia-Herzegovina, and perhaps subordinate the Muslim part of Bosnia-Herzegovina to Croatia.

There is one thing about which there can be no doubt: in Bosnia-Herzegovina, no less than in Croatia, it is a question of fratricidal wars in the literal sense of the word. The official unitarian ideology of the first Yugoslavia was based on the assumption of "one nation consisting of three tribes." This concept was not quite erroneous, as Serbs, Croats, and Slovenes do originate from the same people — Southern Slavs. This is also true of the Slav Muslims in Bosnia-Herzegovina, who were first recognized by atheist communists as a separate nation primarily defined by religion.

In the fratricidal war in Yugoslavia, Muslims have, to date, fared the worst. Their losses deserve great regret and sorrow, as indeed do the losses of the other two national groups. Nonetheless, such losses do not give Muslims the right to cast the blame on others completely, nor the right to refuse to recognize the catastrophic mistakes that their leadership has made and that they themselves have made when they supported their leadership en masse.

Of course, each side, secessionist and anti-secessionist, exploited the possibilities of a Yugoslav combination of federalism and confederalism in conflicting ways. If the Serbs had really dominated Yugoslavia, as Sloven, Croat, Muslim, and Macedonian separatists claim, then the secession of these groups from Yugoslavia would have been thwarted. On the other hand, if Yugoslavia had been a confederation only, as their Serb opponents bemoan, then those republics would have seceded more easily and even taken with them the Serbs west of the Drina. In any case, the greater part of the YA would not have passed so quickly into the control of Serbia and Montenegro.

As it has turned out, the Serb question in some sense proved more fateful than the Croat question, both in the context of the creation and seventy-year-survival of Yugoslavia, and in the way in which it was to finally break up. It is unlikely that Yugoslavia would have been created and that it would have broken up so

tragically if there had not been so many Serbs on the other side of the Drina River. As demonstrated by the Serbs' "life-and-death" struggle to preserve it, the integrity of Yugoslavia was also in their national interest, despite the fact that many Serbs are convinced that their forefathers decided on a common state first and foremost out of generosity to their Southern Slav brothers.

It is self-evident that the Serbs' right to state self-determination in Croatia and Bosnia-Herzegovina cannot justify war crimes and robbery; the torturing and killing of prisoners; rape; or "ethnic cleansing" — acts which, incidentally, the other two warring sides have also committed. Not even in a civil war are people allowed to do absolutely everything they want, although in a civil war it is undoubtedly far more difficult to control the participants, comprised partially of paramilitary groups, people seeking revenge, criminals, foreign fanatics, mercenaries, and psychopaths, than is the case in a war between states.

IV. THE ROLE OF THE YUGOSLAV ARMY

Analysts of the Yugoslav tragedy do not devote sufficient attention to the fact that since the beginning of the break-up of Yugoslavia, a war for control over the YA has been waged. Even less attention has been paid to the fact that the YA was a factor *sui generis* that was waging war for its own survival, a survival that depended increasingly on Serbia and Montenegro, as well as on Serbs in Croatia and in Bosnia-Herzegovina. This struggle was also fought to ensure the integrity of state territories to which YA members and their families could withdraw from hostile and seceded regions. The extent to which this struggle was decisive is shown by the case of Macedonia, where not a single bullet was fired because the secessionist authorities agreed to the YA withdrawing peacefully to Serbia and Montenegro.

If we consider the YA in isolation from other state institutions, we can freely say that it did not have any major confederal characteristics. The Yugoslav Republics and Provinces, and the Communist Party organizations governing these federal units, had nothing to do with the YA's organization, functioning, and system of command. The YA had its own Communist Party organization formally subordinated only to the federal Communist Party leadership. This is one reason the YA not only broke up

later than other federal institutions, including the Communist Party of Yugoslavia, but did so in an entirely different way.

Recognizing these facts about the YA, after Tito's death the separatists did everything in their power to bring about the YA's confederalization. Slovene circles became "prominent" once again, and they demanded that Slovene and Macedonian, in addition to Serbo-Croatian, be introduced into the YA as languages of command; that recruits should perform their military service in their own republics and autonomous provinces exclusively; that strict national parity should be practiced in the officer corps; and, finally, that the massive territorial defense, which the YA had organized, trained, and armed, should be placed under the sole authority of republican and provincial bodies, which in any case already had sovereign authority over huge police forces.

While the separatists attacked the fact that the YA did not have major confederal characteristics as evidence of Serb domination, the facts are as follows:

(1) At the time of the proclamation of the independence of Slovenia and Croatia in the summer of 1991, the composition of the YA taken altogether — recruits, officers, and civilians — was as follows: Serbs - 32.9%, Croats - 17.5%, Muslims - 13.4%, Albanians - 10.4%, Yugoslavs - 9.7%, Macedonians - 6.9%, Slovenes - 5.4%, Hungarians - 1.3%, etc.

(2) To serve as a comparison, the following are the results of the census of the SFRY population in 1981: Serbs - 36.31%, Croats - 19.75%, Muslims - 8.92%, Slovenes - 7.82%, Macedonians - 5.98%, and others (Yugoslavs, Hungarians, etc.) - 18.64%.

(3) It is also important to note that at the time of the secession of Slovenia and Croatia, by far the greater number of their recruits (93% of Slovenes and 77% of Croats) were fulfilling their military service on the territories of those Republics.

(4) At that time, the ten most important positions in the Ministry of Defense, the General Staff of the YA and the military district commands, the Airforce, and the Navy were held by: one Yugoslav (the minister of defense with a Serb father and a Croat mother), three Serbs (the head of the General Staff, the commander of the Skopje military district, and the naval commander), two Croats (the assistant minister for the rear and the airforce commander), two Slovenes (the Deputy Defense Minister and the commander of the Zagreb military dis-

trict that covered the territory of Slovenia and Croatia), and two Macedonians (the commander of the Belgrade military district and the head of a department in the General Staff).

(5) It might be useful as well to recall that at the time of the break-up of the SFRY its President, Prime Minister, and Foreign Minister were Croats.

I do not have the data for officers possessing ranks below the rank of general, but I assume that Serbs were by far the most numerous, doubtless an important factor in the outcome of the break-up of the SFRY. After all, Serbs accounted for nearly 40% of the population; took proportionally greater part in the People's Liberation Struggle in the Second World War, a position which they passed on to their children in the choice of profession; and, furthermore, the military tradition and the renown of the warrior is greater among Serbs. Nevertheless, even when all this is taken into account, it is still not clear why and how Slovenia and Croatia, after their separation from the SFRY, "managed" to obtain only a small part of the airforce and navy, those specialized branches of the YA in which national composition and tradition went in their favor at least as much as it did in that of the Serbs.

In advancing their ambitions, the confederalists-separatists first relied on the fact that the eight-member SFRY presidency,¹³ according to the Constitution, made decisions by simple majority, as the collective commander-in-chief of the YA. Those state-breakers had previously wholeheartedly supported Serbia's de facto partition into three parts. This weakness of Serbia was to turn into its advantage as soon as Serbia succeeded in imposing compliant leaderships on its two autonomous provinces, Kosovo and Vojvodina, thereby also changing the ratio of forces in the SFRY presidency. While up to that time the majority had outvoted Serbia, there occurred a stalemate position (4:4) on the issue of introducing confederal changes in the YA. Significantly, there was no majority for proclaiming a state of emergency to thwart the secessionists.

The YA was a *Yugoslav*-communist oriented army that followed Tito unconditionally, and after his death transferred its loyalty to the Constitution and the collective commander-in-

13. The presidency was comprised of representatives of the six Republics and the two autonomous provinces.

chief. Not only were Serbs thus disposed in the YA, but many others were as well. That army was not politically, psychologically, morally, or professionally prepared for war among Yugoslav nations, but for the defense of the country against an external enemy. Few of the key military officers were willing to make use of all available resources against the secessionist republics, especially without the consent of the SFRY presidency. The YA did not, of course, have to seek its permission to defend itself when the secessionists began to surround and attack its garrisons. Some people, especially among Serbs, condemn the YA for not preventing the break-up of the SFRY. But was it really worthwhile keeping any nation in Yugoslavia by force? What kind of a state would that have been, and how long would it have lasted? I even consider that the YA made a mistake when it agreed to intervene in Slovenia and that it would have been far better if it had warned that it would immediately withdraw from that Republic if it was not allowed to reestablish federal control on the Yugoslav border in a *peaceful way*.

When the secessionist Republics of Slovenia and Croatia withdrew their representatives from the Presidency of the SFRY, followed by the withdrawal of representatives of Bosnia-Herzegovina and Macedonia, the YA continued to implement the decisions of the diminished, four-member presidency that continued to pass decisions, now upon the instructions of Serbia and Montenegro.

The separatists conducted a counterproductive policy towards the YA. They called too early on their compatriots to refuse to do their military service, and on officers and soldiers in the YA to desert. They then started to surround and attack the YA barracks and mistreat officers' families. During that time, the Serbs cooperated fully with the YA. The secessionists' policy, as illustrated in these events, stands as an excellent example of a self-fulfilling accusation against the Serbian domination in the YA.

In the first phase of the break-up of the SFRY, the YA defended the territorial integrity of the State and itself. When the Serbs took up arms to oppose the secessionist authorities, first in Croatia and then in Bosnia-Herzegovina, the YA for some time did actually come between the conflicting sides, which de facto favored the Serbs. As the breakup of the SFRY progressed ever

more, the YA became irrevocably Serb due to its national composition and consciousness.

V. INTENTIONS, ELEMENTAL POWERS, AND CIRCUMSTANCES

There is a great deal of rashness, simplification, lack of objectivity, and evil intent in the interpretation of the Yugoslav catastrophe among both foreign and domestic commentators. Instead of entering into a complex analysis of causes and intents, there is usually mention of one or two factors. Some overaccenuate the importance of the leaders and their inter-activity, while others claim that the *violent* break-up of SFRY was inevitable. There are many who put the main blame on foreign countries. There are also a number of commentators who do not see any major foreign interference.

It is heard frequently that the main cause of the secession of Croatia, and of other republics, should be sought in Slobodan Milošević's inflexibility. Not only is this inaccurate, it is insulting to the Croat nation if the protracted and deep-seated separatism in their ranks is in the final account to be interpreted as resulting from the conduct of Serbs. This is particularly true in light of the fact that Milosevic was a newcomer on the Yugoslav political scene. He was nowhere in sight when the mass movement rose up in Croatia nearly a quarter of a century ago, a movement in which Franjo Tudjman played a role that was to ensure him future incontestable leadership in Croatia's secession from the SFRY.

The allegation is widely heard that Yugoslavia would not have broken up, and certainly not so drastically, if Milošević had accepted Croatia's and Slovenia's offer on complete confederal reorganization. But, what is a confederation if it is not an alliance of independent states that maintain sovereignty over their own territories and can withdraw from it at any time? Even if he had wanted to, Milosevic would not have had the power to impose such a solution, especially on the YA.

As we are speaking of leaders, why should a Milan Kucan, and especially an Alija Izetbegović, be neglected? There is no doubt that Kucan's leadership in Slovenia blazed the trail in separatism. How did Izetbegović succeed in presenting himself to the world as a fighter for civic democracy, and not for Muslim

rule? As the author of *THE ISLAMIC DECLARATION*,¹⁴ for which he was imprisoned under the communists, Izetbegović was not acceptable to the Serbs and Croats. He wrote in that text, and he has never renounced, the following: "The first and the most important of these conclusions is certainly the one on the incompatibility of Islam and non-Islamic orders. There can be neither peace nor coexistence between the Islamic faith and non-Islamic social institutions"; and, "[t]he Islamic movement can and should take over power as soon as it becomes morally and numerically strong enough—not only to destroy non-Islamic rule but also to create a new Muslim rule." Could there be greater proof of Izetbegović's Muslim fundamentalism? In my opinion, his option, together with the Croats, to outvote the Serbs in Bosnia-Herzegovina was even more fatal, although he well knew that despite the contribution of some Muslims to the People's Liberation Struggle the Serbs still had vivid memories of Muslim participation in Ustashi genocide and of the Muslim SS "Handzar" division during World War II. Why, then, does he wonder out loud at the renewed outbreak of so much evil among the inhabitants of Bosnia-Herzegovina since 1992?

The politically naive who adhere to the myth, which Tito shared, concerning an "internationalist people" and "nationalist leaders" are still large in number. It is high time to face the bitter truth: powerful national and nationalist, and in the majority also secessionist, movements developed in the Republics of the SFRY, movements that we cannot understand if we overestimate the extent to which leaders can animate and manipulate "the common man." Horizontal conflicts among nations have erupted in Yugoslavia, not a vertical rebellion against power holders. It is true, however, that the mass of the population had such a low level of political experience and political culture that they quickly succumbed to radically nationalistic and separatist influences. This does not, of course, mean that the role of na-

14. For his national and nationalistic activities Alija Izetbegović was twice imprisoned under Tito. His text, *THE ISLAMIC DECLARATION*, was circulated secretly in 1970 and published legally in 1990 in Sarajevo. That year, he became leader of the Muslim political movement, the Democratic Action Party, and President of the collective presidency of Bosnia and Herzegovina. One of the presidency's members was Radovan Karadžić, who was later elected President of the Serbian Republic that separated from Bosnia-Herzegovina when it separated from Yugoslavia. In 1992, when Bosnia-Herzegovina declared independence from Yugoslavia under Izetbegović's leadership, he was elected President of the collective presidency of the Republic of Bosnia-Herzegovina.

tionalist leaders can or should be negated, but only that their influence is not comprehensible without historical factors of "long duration," favorable domestic and international circumstances, and the support of their nations.

National and state communities know little of their own destructive and self-destructive potential until circumstances are ripe for it to show itself. After Tito, and especially after the fall of communism in Eastern Europe and the first signs that the Soviet Union itself was disintegrating, hitherto suppressed nationalities' ambitions and energies came to the fore. The break-up of the Soviet Union, one of the most powerful empires in history, can help us to weigh various factors at work in the break-up of the SFRY and to test the claim that the SFRY could have been preserved only if its leaders had wanted to do so. The enormous violence that has taken place could probably have been avoided if we had had statesmen of international caliber at our head, and not provincial functionaries. But there was no room for such figures in the shadow of the charismarch¹⁵ Tito.

In a state entity such as the SFRY, ridden by a history of inter-nationality problems, conflicts, and extermination, when mass movements erupt that violate the hitherto-governing rules of the game and even consciously break up the state, it is no wonder that chaos ensues. The philosophical description of a war of "everyone against everyone" in a "natural state" is not, here, very far from the truth. Philosophers who speak of the "natural character" of the historical process could point to what is happening in Yugoslavia today as an illustration and argument. An avalanche of fear, panic, fury, and revenge has destroyed the connective tissue in the SFRY.

VI. WESTERN TRIUMPHALISM AND THE YUGOSLAV TRAGEDY

The sudden and harsh eruption of nationalisms, chauvinisms, and separatisms in Yugoslavia at the beginning of the 1990's took Western politicians, intellectuals, and mass media by surprise, as it did us in Yugoslavia. It is almost as if everyone had taken Tito's propaganda about the final solution of the nationalities question in Yugoslavia at face value.

15. This term originates with the author, and is used in scholarly texts concerning Yugoslavia. Its meaning is analogous to "monarch."

Following temporary support for the Yugoslav Government of Ante Markovic,¹⁶ which believed that by means of market-oriented economic reforms it would be possible to eliminate the paralysis of the federal government, prevent the disintegration of the country, and bring about its integration into the European community, the West briefly played the role of a neutral mediator between the opposing Yugoslav Republics and their leaders. The final result, however, was the active support of the break-up of Yugoslavia.

By stirring up nationalisms, chauvinisms, and separatisms throughout the world, the Third Communist International tried to break up capitalist states. Capitalism later turned that weapon against communism. In fact, due to successful resistance against Soviet hegemonism, Yugoslavia was for a long time considered an exception by the West in that regard. Nevertheless, as soon as the Soviet Union began to fall apart, Yugoslavia became no longer useful to the West. Consequently, here, too, the West showed disregard for the Helsinki Accords¹⁷ that guaranteed existing state borders within Europe.

In an imaginary world of equal rights, the official Western characterization of the break up of Yugoslavia would have been construed as only one among several competing persuasive definitions, and would not have been taken as a *sui generis* factual statement, much less a "divine utterance" creating facts. But in the world such as it is, the Western *fiat* was sufficient for Slovenia's and Croatia's, and, then, for Bosnia-Herzegovina's, unilateral secessions to be proclaimed the "democratic outcome of the disintegration of the Socialist Federal Republic of Yugoslavia." The West *recognized* the breakaway Republics as sovereign states, while it *defined* the anti-secessionist intervention on the part of

16. Ante Markovic was a reform communist in Croatia, who became Prime Minister of Yugoslavia in 1988. His political career came to an end some time after Slovenia and Croatia became independent states.

17. See Conference on Security and Cooperation in Europe: Final Act, Aug. 1, 1975, 14 I.L.M. 1292 [hereinafter The Helsinki Accords]. The Helsinki Accords was agreed to on August 1, 1975 by the Governments of Austria, Belgium, Bulgaria, Canada, Cyprus, Czechoslovakia, Denmark, Finland, France, East Germany, West Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Turkey, the Soviet Union, the United Kingdom, the United States, and Yugoslavia.

the remnants of the Yugoslav Government, the YA, Serbia, and Montenegro, as "aggressors."

The West acted in the same manner with regard to the war between Serbs and Croats in the Yugoslav Republic of Croatia, and later with regard to the conflicts in Bosnia-Herzegovina between the Serbs on the one hand and the Slavic Muslims and Croats on the other. The West *decided* not to treat these wars as civil wars inside Yugoslavia, but rather as "defensive wars" of Croatia and Bosnia-Herzegovina against "external attack." Accordingly, the participation of regular military units from Croatia in the war inside Bosnia-Herzegovina has been tacitly approved as the allegedly legitimate military cooperation of two sovereign states or, at the least, as the establishment of a Muslim-Croat military balance vis-à-vis the Bosnian Serbs and their allies in the YA, Serbia, and Montenegro.

Nonetheless, prior to the outbreak of armed conflicts in Bosnia-Herzegovina, even were we to suppose that the West, through the "preventive" recognition of Bosnia-Herzegovina on April 6, 1992, produced a quasi-legal international basis for its characterization of that war, the same could in no way be applied to the wars in Slovenia and Croatia, since those broke out six months prior to the recognition of these Yugoslav Republics as independent states in December and January of 1990-91. Actually, all these have been wars literally among the citizens of an internationally recognized state: the SFRY.

Naturally, the definition of our wars as civil could not and would not conceptually prevent anyone from denouncing the warring sides and their allies. The West, however, did not want to accuse Serbia, Montenegro, and the YA merely of aiding the Serb faction in the civil wars in Croatia and Bosnia-Herzegovina, since the West itself had intervened countless times in civil wars far and wide. Moreover, the Muslim and Croat sides have also received military and other aid elsewhere, even from very distant countries. Finally, that definition itself could not have provided a sufficient legal-international basis for the imposition of a trade blockade and other sanctions against Serbia and Montenegro.

Rather than putting the Western Governments on their guard in Bosnia-Herzegovina, the war in Croatia prompted the West to go so far as to recognize the secession of Bosnia-Herzegovina from Yugoslavia as well. The Western Governments have

even sought to impose a *unitary* state arrangement on the Bosnia-Herzegovina Serbs and Croats.¹⁸

Aside from those mentioned above, other important contradictions in which the West has become entangled in its support for dividing up Yugoslavia should be noted:

A) The West has violated the principle that state boundaries can be changed solely by way of agreement, not unilaterally or by means of force. The first step down that unprincipled path was made by promoting the notion of "internal borders," a concept that international law does not cover or recognize. The second step was putting such internal borders on a par with "external borders," the only borders that are covered and recognized under international law. The final step was giving priority to the former over the latter. The world is somehow asked to believe that international law is not violated by those who have unilaterally seceded from Yugoslavia, nor by the West that has supported them, but rather by those who have opposed their secession.

B) The secessions from Yugoslavia were recognized as the expression of the right of *nations* to self-determination, but, in practice, this was interpreted as the "right" of *entire territorial units of Yugoslavia, i.e., republics*, to separate from the state of which they were composite parts. It is well known, however, that such a "right" does not exist. The United Nations has recognized only the exclusive right of nations to self-determination, and this only when they are resisting foreign occupation, colonial government, or apartheid — which, in any event, was not the case in Yugoslavia.

C) The right to self-determination was recognized with respect to the Slovenes, the Croats, the Slavic Muslims, and the Macedonians, yet denied to the Serbs in those territories in Croatia and Bosnia-Herzegovina where the Serbs constitute a majority. Self-determination was deliberately interpreted as the right to secede from Yugoslavia, but not as the right to remain part of it.

D) The West has, after decades of support for Yugoslav communism, rejected it as illegitimate, but has insisted that the internal territorial divisions of the communist Yugoslavia be transformed into international borders. Yugoslavia was

18. One is flabbergasted that it could have even occurred to Western Governments that Bosnia-Herzegovina could become a unitary state, when federal-confederal Yugoslavia was unable to survive as Bosnia-Herzegovina's state framework.

not, however, consistently divided into republics according to national or historical criteria. Instead, the Yugoslav communist party state was made to reflect the organizational structure of the CPY as a state party. Tito himself, on the occasion of the introduction of these administrative divisions in 1945, declared, and subsequently repeated several times, that they were not genuine borders. Since the Politburo of the CPY implemented these divisions dictatorially following the Second World War, one cannot escape the impression that the West supported the principle of self-determination in 1991-92, but only on condition that the results of the original, fundamental, non-self-determination be respected.

The apologists of Western policy point to the fact that such territorial divisions were constitutionally ordained in Yugoslavia. Yet, they keep silent about the fact that, in keeping with that same Constitution of 1974, no federal *law* could be adopted without the consent of all the Republics, a principle that is particularly important vis-à-vis the eventual decision of any republic to secede from the common state. After all, in any country in the world the secession of any part thereof without an agreement between the central government and the remaining constituent parts represents *casus belli*.

E) The European Union initiated its diplomatic-political intervention in Yugoslavia's internal disputes promising impartial good services to all sides, but it was quick to start imposing secessionist solutions. The members of the European Union, for example, did not punish Slovenia. They instead recognized it as a sovereign state, although that recognition represented a violation of Slovenia's obligation to the European Union undertaken in the summer of 1991, that it allow on its borders the Yugoslavian army, police, passport, and customs control.

The European Union formed an arbitration commission of lawyers, the so-called Badinter Commission, to set up the legal pretext for intervention in the internal affairs of Yugoslavia. But when that commission proposed the recognition of Macedonia and not that of Croatia, the European Union, pressured by Germany, acted to the contrary. By recognizing Croatia and, somewhat later, Bosnia-Herzegovina, the European Union violated the Montevideo Convention of 1932, which conditions the recognition of a state on the existence of an effective central government, total territorial control by that government, and a clearly defined populace.

The break-up of a state like Yugoslavia hardly represented so insignificant an international danger that the West should have dared to act with such a lack of prudence and principle, particularly when by so doing, they also expunged the results of two world wars. History usually punishes such arrogance.

The United States and other Western countries have actively supported the emergence of six new small states from the six Yugoslav republics. I was present when, at the beginning of March 1992, at the Institute of International Politics and Economics in Belgrade, the then-American Ambassador, Warren Zimmerman, openly presented that plan. The two of us argued a little on that occasion, and the Ambassador finally "conceded" somewhat, acknowledging that Serbia and Montenegro could remain in a unified federal state, though by no means in the role of a successor to the SFRY.

The U.S. Administration has failed to sufficiently take into account that the manner in which a state was founded is bound to exert significant influence over the manner of its eventual dissolution. Since Yugoslavia was not created in 1918 by the linking of the six territorial-political entities alluded to above, it was not realistic to expect that it would break up precisely along those lines.

With regard to the U.S. policy toward Bosnia-Herzegovina, I must again mention Ambassador Zimmerman.¹⁹ When I asked him what the next U.S. move in Bosnia-Herzegovina would be, the Ambassador answered that the West would recognize it as an independent state on April 6, 1992. I replied that the consequences would be very serious since the local nationalities had not resolved a single essential issue. I added that I saw a chance for a peaceful settlement only in some type of cantonization or confederalization. I also cautioned that Alija Izetbegovic, emboldened by any such recognition, would probably withdraw his agreement to the recently attained Lisbon Accord²⁰ regarding a tripartite cantonization and that the Serbs would, in response, take up arms in fear for their own survival — not merely in the

19. Ambassador Zimmerman gave a dinner party in Belgrade for my wife and me, along with one other couple, three weeks after the encounter with him just described.

20. On February 23, 1993 in Lisbon, Alija Izetbegovic in the name of the Bosnia-Herzegovina Muslims, Radovan Karadžić in the name of the Serbs, and Mate Boban in the name of the Croats endorsed a plan for Bosnia-Herzegovina to poetically become a confederation of the three nationality groups and their state entities.

name of national self-determination. With respect to the Croats, I stated that they would continue supporting the Muslims, but only tactically and temporarily. I reminded him that on April 6, 1941, Hitler began his punishment of the Serbs by means of the barbaric bombing of Belgrade and the all-out attack on Yugoslavia. For that reason, the greatest possible insult that the United States could convey to the Serbs would be to choose precisely that date for the recognition of Bosnia-Herzegovina.²¹ I also explained that on April 10, 1941, the Nazi puppet state of Pavelić was set up in Croatia, to which was subsequently incorporated Bosnia-Herzegovina, where the anti-Serb genocidal collaboration of Croat and Muslim Ustashis occurred. Zimmerman didn't agree with my "pessimism," convinced that the West, through an "authoritative recognition" of Bosnia-Herzegovina, would avert war among the nationalities there.

VII. CONCLUSION

It is highly unlikely that Yugoslavia could have been saved. This is primarily due to the internal reasons I have outlined. Since the SFRY was not the victim of external attack, occupation, and dismemberment, as was the case with the Kingdom of Yugoslavia in 1941, it is fitting to search for the main reasons for the present-day destruction, exactly fifty years later, within Yugoslavia itself.

The principal Yugoslav fissures did not follow the "boundaries" between the Republics that the "international community" sought to impose as international borders. They followed the lines that divide nationalities, religions, cultures, histories, and civilizations. Consequently, the list of necessary and sufficient conditions for the tragic disintegration of Yugoslavia cannot exclude the catastrophic omissions and errors of the most powerful foreign nations. The break-up of the SFRY did not have to be bloody, at least not as bloody as it turned out to be, and it probably would not have been had the international community acted more cautiously, more objectively, more constructively, and more wisely.

If Yugoslavia as a whole had been linked in a constructive manner to Western European integration, the tragedy of war

21. As if to spite the Serbs, that recognition was declared on April 6, 1992.

could probably have been averted. In the mid-1980's, the SFRY expressed the desire to become an associate member of the European Economic Community, but this was never seriously taken into consideration. Several years later Slovenia and Croatia would come to believe that that Community could hardly wait to have them as members as soon as they declared their independence. That illusion played an important role in their effort to secede, suddenly and at any price, from Yugoslavia.

The West has expressed: ample understanding of the presence of the former Soviet central military in some of the former republics of the Soviet Union; patience with its gradual withdrawal from the breakaway Baltic republics; and even patience with the Soviets' several-year-long pullout from Eastern Germany. Why, then, did the same Western countries pressure the Yugoslav Army to withdraw instantly, and at any price, from the separatist republics of Yugoslavia? As a matter of fact, did not the West thereby encourage separatist republics to lay siege to and attack the garrisons of the YA, and bring about an increase in human victims and material destruction? Attaining their agreement with the YA on the unhindered relocation of its personnel and armaments from its territory, Macedonia showed how it was possible to avoid bloodletting on the occasion of Yugoslavia's collapse.

As soon as the first symptoms of the Yugoslav state crisis and collapse became apparent, the United Nations and not the European Union should have called a conference on Yugoslavia, with the task of defining the rules for the Yugoslav republics' peacefully seceding from the state, as well as for peacefully remaining within it. The leaderships of Yugoslavia's republics should have been informed that they would not be granted international recognition (preventive non-recognition) unless they first reached a mutual agreement, and that U.N. sanctions would be applied against those that attempted a policy of *fait accompli*. It is self-evident that the fate of the YA would have had to occupy the central place in that inter-nationality accord. When such a conference was not convened prior to armed conflicts in Slovenia and Croatia, why was it not organized to at least prevent the war in Bosnia-Herzegovina?