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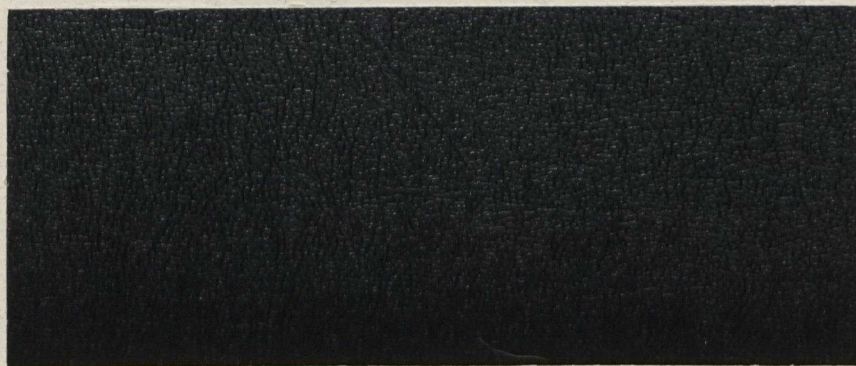
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THE LESSONS OF YUGOSLAVIA
A Report by Metta Spencer
on the
Science for Peace Conference
March 20-23, 1997





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A REPORT ON THE SCIENCE FOR PEACE
CONFERENCE OF MARCH 20-23, 1997

By Metta Spencer
Professor Emerita of Sociology
University of Toronto

July 1, 1997

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SPEAKERS, DISCUSSANTS, AND MODERATORS

- Mr. Francis Ahlert
- Professor Fred Alton
- Professor Alan Bryman
- Mr. Ian Campbell
- Professor Michael Chagnon
- Dr. William Coates
- Professor Michael Cronin
- Professor Roger Denton
- Mr. Don Doherty
- Mr. Richard Doherty
- Professor David Fisher
- Professor Howard Hanning
- Professor John Hanning
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SPEAKERS, DISCUSSANTS, AND MODERATORS

Ms. Patricia Albanese
Professor Ned Basic
Professor Aurel Braun
Mr. Les Campbell
Professor Michel Chossudovsky
Dr. Elizabeth Cousens
Ambassador Mihailo Crnobrnja
Professor Bogdan Denitch
Ms. Dasa Duhacek
Mr. Slobodan Drakulic
Professor Dietrich Fischer
Professor Donald Fleming
Professor Johan Galtung
Professor L. Terrell Gardner
Mr. Konstanty Gebert,
Mr. Andrew Ignatieff
Major David Last
Ms. Sonja Licht
Dr. Jan Oberg
Ms. Margarita Papandreou
Mr. Zoran Petrovic Perocanac
Mr. Edgarde Pisani
Professor John Polanyi
Professor Robert Schaeffer
Ambassador Darko Silovic
Professor James Smith
Professor Metta Spencer
Professor John Valteau
Professor Emil Vlajki
Ms. Dorie Wilsnack
Professor Mitja Zagar

In March 1997 some 150 persons participated in a three-day conference at the University of Toronto, sponsored by Science for Peace. It was intended to identify "lessons" for the world to learn from the tragic dissolution of the late Yugoslavia. This report will summarize some of the inferences and recommendations arising from that gathering, including its informal discussions.

The conference included people from government, humanitarian organizations, the peace movement, peacekeeping forces, journalism, and academe. Except for one large evening event, admission was by invitation only, for two reasons. First, we wanted the discussions to be well-informed, and in this we succeeded. Many of our "paying guests" were experts who might very well have been invited to speak in a formal way. Second, we wanted to avoid a public uproar, which unfortunately can be anticipated from people who see themselves as representing an aggrieved group in the aftermath of war. It is normal practice when organizing meetings in the former Yugoslavia to invite a quota of participants from each of the country's constituent ethnic groups. We chose not to select anyone on that basis; furthermore, when members of local nationalist groups requested admission, we made it clear that they were invited only as individuals and not as representatives of any community. We explained that the speakers were chosen for their expertise on particular topics, and not for their ideological commitments or ethnic identities. Nationalists of all sides were present but not numerous in the audience. As some of them complained bitterly, they were not represented at all at the podium; all the speakers seemed to be united in regretting the break-up of Yugoslavia.

The speakers did not all agree about the causes of Yugoslavia's crisis. Indeed, they gave significantly differing accounts. All those who had been Yugoslav nationals emphasized domestic factors, whereas some foreigners attributed the country's problems primarily to external geopolitical factors — either the hegemonic maneuvers of great powers, or economic pressures originating in the Bretton Woods institutions. Still other speakers pointed out that it was not necessary to choose among these causes; all of the factors that were listed could hypothetically have played a part.

Of course, a complete list of causes would be infinite. We want to identify only the factors that, if they appeared in the same combination again, might reproduce the same outcome. I shall list factors that were identified either in speeches or during informal conversations at the conference. After each possible causal factor, I shall suggest

certain "lessons" from the Yugoslav experience that seem to deserve further reflection.

Many mistakes have been made in that country, causing untold suffering. The most suitable memorial to the unfortunate victims is to learn from those mistakes and respond better in the future to similar crises as they arise elsewhere.

I THE CAUSES OF YUGOSLAVIA'S CRISIS

After its break with Stalin and until the end of the Cold War, Yugoslavia, as a socialist country, enjoyed an unusual degree of support from the West, which held it up as an example of independent development for other East European countries and appreciated its position as a barrier to Soviet access to the Mediterranean. The country was also politically stable, prosperous, comparatively free, and apparently successful as a multi-ethnic society. It was recognized as influential on the international stage as a leader of the Non-Aligned Movement. Why did it come, seemingly so quickly, to its disastrous end in the 1990s? I shall consider the following aspects: (a) constitutional factors, (b) economic factors, (c) international and intranational political processes and influences, (d) international law or lack thereof, (e) the curtailment of a free press and media biases, (f) Yugoslav militarism and the celebration of violence, (g) the rise of nationalism and neo-conservatism, and (h) the weakness of democratic political culture and of civil society.

Constitutional Factors

Professors Mitja Zagar and Robert Schaeffer provided complementary historical overviews of Yugoslavia's post-World War II constitutional problems and political economy. As Zagar explained, the Yugoslav constitution of 1974 defined the republics as "sovereign nation states" so long as they did not violate the federal constitution. Though formally extremely decentralized, in reality there was considerable integration at the federal level because of the dominant role of President Tito and the highly centralized Communist party.

Tendencies toward centralization and decentralization are simultaneously present in every society; these trends always have to be kept in balance. With the death of Tito in 1980 and the dismantling of the single party, the balancing mechanisms were broken. The federal constitution did not provide for new formal structures capable of reconciling political disputes or the ethnic conflicts that came to be associated with them.

Throughout the 1980s, conflict increased between the proponents of a centralized and a decentralized federal system. Much as in the Soviet Union, but contrary to most Western assumptions,

democratization was widely believed to entail a commitment to decentralization. According to Zagar, as the idea of democracy became increasingly popular, more and more people tended to favor the notion of decentralization (or even separatism, which could be seen as the ultimate degree of decentralization), while the ideology of centralization remained associated with traditional Communists.¹ In the 1980s, said Zagar, it would be the more liberal republics — Slovenia and Croatia — that would demand further decentralization or full independence, while Serbia and Montenegro would demand a more unified federation and a stronger Communist Party. It became clear that a new federal constitution was required, but there was no mechanism for amending the one of 1974 and no will to compromise and develop new mechanisms.

Tito had defined Yugoslav politics for many years, establishing self-determination and nonalignment as the cornerstones of his foreign policy. These principles would increasingly reinforce the domestic claims for self-determination on the part of the republics, which were guaranteed a right to secede by the 1974 constitution. Tito, lacking a successor with charisma approaching that of his own and having created no democratic federal institutions capable of filling the political void he would leave behind, divided his legacy by devolving power to the republics. With the debt crisis mounting at the time of his death and afterward, this decentralization legitimized even greater demands for autonomy on the part of the republics' political leaders, and also provided them the means to struggle for power on their own terms. The road to their independence had been paved by the central government and the head of the Yugoslav communism.

We can see now that the country's final² disintegration had begun at the end of the 1980s, during the ongoing unsuccessful attempts to reform the federation. A compromise solution was adopted

¹Professor Zagar's analysis of this matter is not universally accepted. An alternative explanation is that the Serbs were more in favor of a strong federation because they were spread all over Yugoslavia, which they therefore perceived as their national state more than did others. This alternative view does not attribute their federalist allegiance to communism (which some observers discount as largely mythical anyway) and does not consider Slovenia and Croatia as leaders of any trend toward liberal democracy.

²Indeed, earlier signs of disintegration began as early as the 1960s, with the 1974 constitution being one of its expressions and instruments.

in 1988 that made some democratization possible and enabled Prime Minister Markovic to launch economic and political reforms, but there was too little support for them to be realized. Because the republics took different positions with respect to the constitutional conflict over centralization or decentralization, this dispute came to be seen as an ethnic one — particularly as the resurgence of old conflicts between Croats and Serbs.³ No formal mechanisms existed within the constitution for addressing ethnic disputes; in much of the postwar period, Tito had suppressed ethnic conflict as illegitimate and encouraged his countrymen to identify themselves simply as "Yugoslavs." Some ethnic disputes had been mediated informally by local figures, but their influence eroded over time. Consequently, as the political conflicts over local versus federal authority became associated with ethnicity in the 1980s, tension was exacerbated and there were fewer means of resolving disputes locally.

Yugoslavia had a rotating collective presidency, in which the president of each republic would be president of the collective Presidency of Yugoslavia for one year. In May 1991 it was Croatia's turn, but Slobodan Milosevic, who represented not only Serbia but also his allies in Serbia's two autonomous provinces, Kosovo and Vojvodina, plus Montenegro, blocked the election of a Croat secessionist, Stipe Mesic, to the presidency. Thus the top of the state became paralyzed. Eventually the major European foreign ministers forced the election of Mesic, but by then the system could no longer reach any decisions. Fighting had been going on in Croatia since the end of March, and it soon intensified in Vukovar and Dubrovnik.

Constitutional Lessons

Politicians and scholars who wish to preserve the unity of a country may disagree as to whether a centralized federal system serves that objective more effectively than a decentralized system. Nor is that debate merely based on theoretical assumptions, for empirical comparisons yield quite different conclusions. Thus Switzerland and Canada are both highly decentralized states, but Switzerland remains stable while Canada faces a separatist movement. Those attempting to forestall Quebec's secession often recommend further decentralization and differentiation among the provinces — a policy of "asymmetrical federalism" in which Quebec would be recognized as a "distinct" society, possibly with greater autonomy than other provinces.

³Actually, conflict between the Serbian and Slovenian politicians was more pronounced until 1990.

If we take our instruction from Yugoslavia's experience with this question, we may regard decentralization, not as a preventive, but rather as the first step on a slippery slope toward disintegration. By conceding the right of all republics to secede and to form their own economic policies, Tito made it impossible for his successors at the federal level to take necessary but unpopular measures toward economic or constitutional reform. (Indeed, some of his critics even accuse Tito himself of abetting Croat and Slovenian separatism.) The conference participants would perhaps agree in recommending that no federal government should permit irreversible decentralization changes to be introduced into its constitution, such as those made by Tito in the 1974 Yugoslav federal constitution.⁴

Economic Factors

Conflicts between republics and regions were also intensified by widening economic disparities. As Robert Schaeffer noted, the Tito regime had lacked hard currency to pay for imports but had mitigated these problems by exporting "guest workers" to Western Europe and importing tourists. This approach succeeded, in part also because of abundant aid from the West, which rewarded Tito's assertion of independence from the Soviet Union.⁵

Still, the country was incurring debt and after 1980 the West began to demand structural adjustments away from socialism or (as some prefer to call it) state capitalism. The economic gaps between the republics widened, with Croatia in particular benefiting from tourism and the remittances of Yugoslav guest workers in Western Europe, and Slovenia enjoying a privileged position as the industrial and technological centre of Yugoslavia, with the federation as its captive market, as it were, due to import limitations. Fights intensified over redistributive policies. People in

⁴For example, the "Notwithstanding Clause" in the Canadian constitution can be seen as a dangerous instrument in this sense, because it allows a province that has not accepted the Constitution to invoke the same Constitution in order to ban one of the official languages of Canada from public use within its provincial boundaries. That is already a degree of separation built into the system.

⁵Tito may in fact have been fighting for his life at the time. There are indications that his choice was either to clash with Stalin, liquidate Yugoslav Stalinists and sink or swim on his own — or be ousted by Stalin, and most likely be liquidated physically.

the wealthier republics resented transfer payments made (as in Canada) to the poorer ones — Kosovo, Bosnia and Herzegovina, Macedonia, and Montenegro — and the latter complained that they were not getting enough. The foreign debt crisis constrained the federal budget and increasingly reduced the federal government's ability to continue transfer payments in the 1980s. This not only aggravated the uneven development but restricted the powers of the central federal state and its usefulness to the republics. The resulting socioeconomic crisis exacerbated the country's political crisis.

One of the most conspicuous debates in the conference concerned the relative primacy of *domestic versus foreign* political and economic determinants of Yugoslavia's collapse. Michel Chossudovsky and Margarita Papandreou blamed the political and economic factors in the West far more than did the others speakers. Chossudovsky even claimed that the collapse had been deliberately engineered from the West.⁶ He said,

Despite Belgrade's political non-alignment and extensive trading relations with the US and the European Community, the Reagan administration had targeted the Yugoslav economy in a "Secret Sensitive" 1984 National Security Decision Directive (NSDD 133) entitled "United States Policy towards Yugoslavia." A censored version of this document declassified in 1990 largely conformed to a previous National Security Decision Directive (NSDD 54) on Eastern Europe issued in 1982. Its objectives included "expanded efforts to promote a 'quiet revolution' to overthrow Communist governments and parties"... while reintegrating the countries of Eastern Europe into the orbit of the World market.

Chossudovsky showed that the International Monetary Fund and World Bank imposed austerity on Belgrade and froze its allocation of transfer payments to the republics in 1990. It was this move, more than anything that was to come later, that destroyed the federal system. He explained,

"The "economic therapy" (launched in January 1990) contributed to crippling the federal-state system. State revenues which should have gone

⁶The Yugoslav speakers did not accept this theory. It also seems inconsistent with the account Warren Zimmerman gave of the U.S. state department's attitude toward Yugoslavia. Zimmerman was U.S. Ambassador to Yugoslavia from 1989-92. See his, *Origins of a Catastrophe* (New York: Times Books, 1996).

is transfer payments to the republics and autonomous provinces were instead funneled towards servicing Belgrade's debt with the Paris and London clubs. The republics were largely left to their own devices, thereby exacerbating the process of political fracturing. In one fell swoop, the reformers had engineered the demise of the federal fiscal structure and mortally wounded its federal political institutions."

At the same time, other drastic economic rules were imposed on the government. The currency was devalued, prices were liberalized, but wages were frozen to prevent inflation. There was a collapse in the standard of living. Half the industries were targeted for foreclosure or sale to private foreign capital. As a result, the GDP has collapsed by more than half in all former Yugoslav republics except Slovenia. Imports are replacing the domestic economy, and few new resources are being injected. Chossudovsky denies that the Western interests behind these "reforms" ever intended for them to constitute genuine help. Whatever the case may be on that issue, it is a fact that the second half of the '80s was marked by a widespread wave of strikes, walkouts and clashes between the workers and the regime, including mass violent clashes with the police in Slovenia, Croatia and Serbia.

Economic Lessons

Economic disparities must be minimized between the different federal entities (provinces, republics or regions) of a state. When the economic gap becomes too wide, efforts must be undertaken to redistribute the wealth — and (as in Yugoslavia) these measures are likely to be divisive political issues.

Whether or not the West was deliberately attempting to destroy the economy of Yugoslavia, it is clear that the country faced serious debt problems at a time when its economic support was waning because its strategic importance to the West had declined. The stringent demands of the Bretton Woods institutions no doubt exacerbated the political problems of the federal government. With hindsight, probably everyone can agree on this lesson: When a country is facing separatism movements, it is important to support the federal government by sustaining economic support at recent levels or possibly even increase them. To do otherwise is objectively supporting secessionism — regardless of one's intentions, which then become more or less irrelevant.

Michel Chossudovsky pointed out another mistake to avoid in the future, though he claims that Canada has already replicated it: Do not reduce transfer payments from the federal government

to the republics or provinces, for any effort to make the local government fiscally independent of the centre will contribute to the break-up of the federal state. In other words, economic autonomy is a step toward separation, with all the dangers that accompany it.

Political and International Influences

Margarita Papandreou's comments meshed neatly with Chossudovsky's, though she referred as often to political determinants as to economic ones. Thus she too blamed the IMF for its extreme austerity measures, while emphasizing even more the U.S. policy as intended to bring Yugoslavia into the West by promoting decentralization and dependence. She pointed to U.S. Operations Law 101513, which in 1990 specified that aid credits and loans to Yugoslavia must be cut off within six months unless elections were held in the six republics. The republics were pressured to hold elections at a time when the federal government was unable to do so (Croat and Slovene politicians refusing to allow legitimization of the federation, Serbian politicians refusing to allow legitimization of political pluralism as well as of the republican separatism), thereby hastening the disintegration of the federation.

Some participants noted that ethnic conflict was instigated and exploited by such candidates as Franjo Tudjman, whose campaign was funded substantially by expatriate Croats, including many in Canada. Tudjman's new government started firing ethnic Serbs from public service, which at that time included the state-controlled economy, while ethnic Serbs and their property were exposed to a rising wave of violent attacks, including the blowing up of homes and cottages. The new Croatian government also used propaganda and control of the press to influence Western public opinion, whereas the Serbian government made no such attempt. Papandreou attributed to the success of this propaganda effort much of what she regarded as the Western press's bias in favor of the Croats, Slovenians and later on Muslims. She placed much of the blame for the splitting of the country into small states onto Western influences, reasoning that fragmentation multiplies the mini-states and gives the great powers more chance to gain hegemonic sway in the region. She — and especially Chossudovsky — portrayed Western powers as the real beneficiaries of Yugoslavia's collapse and as the new colonial rulers of the region. However, they were alone in claiming that the West wanted Yugoslavia to break up. None of the other speakers depicted the situation in conspiratorial terms.

Indeed, no one else saw foreign influences as decisive in determining the South Slavs' fate.

Instead, most of them seemed to see Western Europe and the United States as constructive influences, though less effective or interventionist than they should have been. Mihailo Crnobrnja, who was Yugoslavia's ambassador to the European Community during those difficult days, explained that the EC (now EU) had accepted the obligation of solving Yugoslavia's crisis, but had chosen the wrong instruments. "The EU," he said, "is an economic giant and a political pygmy. It tried to build up its political strength. Its economic strength probably would have been more effective as an instrument to pacify." In 1990 Prime Minister Markovic went to Brussels and talked with the EU chief, Jacques Delors, requesting economic support. Although Yugoslavia had passed all its economic conditions with ease, Markovic returned home empty-handed, having failed to meet the political conditions imposed by the European Union, which was itself divided and immobilized by the conflict between Germany versus Britain and France.

The two main political problems in 1990 to which the EU had objections were Kosovo and the need for federal elections. Serbia was accused of violating the human rights of Albanians in Kosovo.⁷ Everywhere there was a rising ethno-nationalism which the European Union expected the Yugoslav leaders to reduce somehow. This daunting political obligation was further complicated by the fact that it was already impossible to hold free multi-party federal elections: Slovenia was on the road to secession and would no longer accept any central Yugoslav government stronger than a confederation, to which there could be no direct election of government officials.

The EU expected to reward Yugoslavia economically *after* it had handled this array of political problems, whereas Markovic was doomed unless he *first* secured the EU's aid for use as leverage against ethno-nationalist leaders. Eleven months later, said Crnobrnja, the EU officials realized they had made a mistake. They came to Yugoslavia offering economic aid, stipulating as a condition only that the factions settle their issues in a democratic way. By then it was too late.

Still, Crnobrnja stated, the EU attempted to stop the mounting violence and hold Yugoslavia together by political means. This effort was welcomed by Markovic and also by the Serbs who were led by Milosevic because they too wanted to maintain the "territorial integrity of Yugoslavia." The Slovenes and Croats had to accept the EU's

⁷The allegations have been well-documented, showing, for example, that the Albanian majority were and are denied equal access to education and health services.

belated involvement (grudgingly so, because they wanted outright recognition) which for about six months included a military embargo, suspension of trade agreements to Yugoslavia, economic concessions to the republics that were seceding, diplomatic peace missions and conferences, and the monitoring of cease-fires.

The first free multi-party elections in all the republics were held between April (in Slovenia and Croatia) and December 1990 (in Serbia) in a country that was already politically divided. Though they were not fair, the West accepted them, and even if they had been fair, Tudjman and Milosevic would have been elected. Anti-Communist coalitions won everywhere except in Serbia, though everywhere (including Serbia) the winners were nationalistic parties only masquerading as anti-communist. Since elections on the federal level were not held (hardly anyone wanted them), these results were seen as a vote for the break-up of the country and legitimized the demand for secession by the new leaders in Slovenia and Croatia.

Although there were varying opinions in different countries and some leaders were ambivalent, for a long time there was little overt pressure from the international community either to encourage or discourage the break-up of the country. Quietly, however, Austria and Germany had been supporting Croatian separatists during the eighties. Finally U.S. Secretary of State James Baker visited Belgrade for one day, June 21, 1991, meeting representatives of all sides. Darko Silovic claims that Baker could not understand the problem, and left everyone there confused by appearing to agree with them all. He was against independence and secession, but also against the use of force. He said the United States would not intervene. The Federal government and Presidency of Yugoslavia concluded that federal army could intervene because the U.S. did not want the country to break up.

Western diplomats, including Baker, evidently believed that it might be possible to find a mutually acceptable solution to the problem through mediation. They did not comprehend that some Yugoslav leaders wanted war and were preparing for it throughout all negotiations.

On June 25 1991, four days after Baker's visit, these two republics declared independence and at last the West began to take the situation seriously and respond. Against the wishes of the Serbians, the European foreign ministers forced the election of the Croatian representative, Stipe Mesic, as president of the Federal Presidency and brokered a three month suspension of independence of Slovenia and

Croatia in July 1991. This only gave all the parties a period of time in which to prepare for war.⁸

In August the EU convened a conference in the Hague under the leadership of Lord Carrington. That conference established the Badinter Commission to arbitrate the dispute, but its assessment of the situation differed from that of Carrington and forced him to acknowledge the imminent possibility that Yugoslavia was dissolving.

Initially the United Nations was unable to deal with the crisis because the charter prohibits interference in internal problems. It gradually became clear, however, that Slovenia and Croatia would be recognized internationally and that there existed a real threat to international peace and security. This gave the Security Council grounds to take up the problem, but by then civil war was on and peacekeepers were sent to Croatia.

When Slovenia and Croatia declared independence, old alliances re-emerged as if they had only been held in abeyance since the 1940s: Germany and Austria enthusiastically supported the new assertions of independence, while Russia took the side of Serbia. Large quantities of arms were acquired without difficulty (\$320 million worth of weapons went from Berlin to Zagreb and \$390 million from Moscow to Belgrade). Germany exercised great pressure within the European Union in favor of secession. The United States was to hold out briefly against Germany, then to reverse its position by recognizing the breakaway republics.

By early 1992 the United Nations were invited by the parties in conflict to station troops

⁸Not all the conference participants were convinced of the EU's intentions. Slobodan Drakulic, for example, doubted that the Europeans had any intention of saving Yugoslavia. They saved Yugoslav secessionists, he said. Only at the moment when the secessionists were losing the war did the European "Troika" of leaders come to Yugoslavia to mediate between the embattled Slovene and Croat secessionist governments and the federal authorities that still existed. They asked Croatian and Slovenian governments to suspend their acts of secession, not to revoke them. Drakulic adds that the arms embargo which they imposed was a sham that was respected by almost no one who had arms to sell, including Switzerland.

Drakulic suggests that the Canadian government should beware of the EU's playing similar role in the possible separation of Quebec. Mediation between secessionists and federal authorities as political equals — and that is what Europeans did in July of 1991 — inevitably legitimates secessionists and delegitimizes federalists.

between the Serb and Croat forces in Croatia, as a part of the peace plan brokered by Cyrus Vance.

As soon as Slovenia and Croatia became independent, it became virtually inevitable that Bosnia and Herzegovina would also ask for recognition as a sovereign country, and this happened in December 1991. All Yugoslav republics were in fact directly asked by the European Union to seek recognition as separate states. The EU was thus instigating the breakup of the country.⁹ Serbia and Montenegro refused the EU offer, arguing that both of them had been internationally recognized at the Berlin Congress of 1878, and were therefore in no need of international recognition. They saw themselves as the remaining Yugoslavia.

The legitimacy of Bosnia-Herzegovina's claim was ambiguous. Constitutionally, the republics had a right to secede. However, since Bosnia is a society comprising three main ethnic groups, the Bosnian constitution required that a majority of voters within all three groups was required for any legislation to be enacted. Perhaps as a self-fulfilling prophecy, Badinter Commission, which expected Yugoslavia to come apart, hastened it by proposing a referendum, but not one requiring concurrence of all three communities. Predictably, the 63 percent of Bosnians who were Muslim or Croatian voted predominantly for secession, while the Bosnian Serbs boycotted the referendum in protest. They argued, as had Serbs in Croatia, that if their republic had a right to secede, they had an equally strong moral claim for seceding from it, preferably to join Serbia, or if not that, at least to maintain a small independent state of their own. This dispute became the precipitating cause of the Bosnian war. By March the republic declared independence and ethnic civil war immediately broke out.

In the formal presentations of papers at the conference there was no discussion of this referendum but one did hear private conversations on the matter. There were expressions noting the prima facie legitimacy of the basic grievances of those groups who suddenly found themselves minorities in Bosnia and Croatia. More than one person commented, for example, that if the Croats and Bosniaks had a right to secede from Yugoslavia, then the Serbs in Eastern Slavonia, the Krajina, and Bosnia-Herzegovina should equally have the right to secede from Croatia and Bosnia. Further, when the Bosnian Serbs boycotted the referendum, they had a constitutional basis for protest: namely, all decisions of constitutional import had to be made consensually

⁹A parallel situation can be seen in the actions of French politicians who have openly promised to recognize Quebec should it secede from Canada, thereby encouraging secessionists.

according to the then still valid Constitution of Bosnia and Herzegovina.

All the separatists were basing their demands for independence on a belief that ethnic groups are entitled to sovereign states of their own — an undemocratic, racist doctrine that led to genocide, atrocities, and "ethnic cleansing." None of these assertions of independence should have been treated as acceptable by the international community. However, since no such line was drawn, then there was little basis for rejecting any of the separatist states, including Republika Srpska.

Having gained their independence, Croatia and Bosnia-Herzegovina insisted, on the basis of the "territorial integrity" principle, that their borders must be unchangeable; that was what the fighting was all about.¹⁰ The West, having recognized those states, also accepted this principle, which normally prevails in international relations. The Serbs inside those breakaway republics, however, did not see this principle as acceptable and some of the participants in the conference (especially peace activists) agreed with them. At the same time, almost all the conference participants (except probably the Serbian nationalists in the audience) regarded the Serbian militias, especially in Bosnia, as disproportionately responsible for military aggression and especially for war crimes. That their initial grievances may have been well-founded certainly did not exonerate them from blame.

Some participants noted that the United Nations abrogated its responsibility under the Charter when it transferred its peacekeeping operations in Bosnia over to the control of NATO. This happened because the United Nations was unable to act decisively because of the divisions among its Western members. In his paper, Johan Galtung argued in favor of the three simple principles which he said had been upheld by Secretary General Perez de Cuellar: (1) Don't recognize any breakaway republic or region in Yugoslavia before making absolutely sure that the minority problem there has been solved. (2) Offer "symmetric recognition" — not just recognizing your favorite groups while denying recognition to others. (3) Have a plan for Yugoslavia as a whole. Galtung claims that secession was delayed until Perez de Cuellar's term ended in December 1991. The solution would have been much easier if the West had followed Perez's principles.

Lessons in Politics and International Affairs

¹⁰See Mihailo Crnobrnja, *The Yugoslav Drama*, second edition. (Montreal and Kingston: McGill-Queens University Press, 1996) p. 182.

All our speakers seemed to agree that it was a mistake for the republics to hold separate free elections before the federal government did so. The local elections tended to legitimize separatism. Unfortunately, the devolution of power had proceeded so far that it was impossible for the federal government of Yugoslavia to hold the necessary elections by the time the republics started doing so and the Western foreign ministers did nothing to remedy that problem. They did force Milosevic to allow Markovic's successor, Mesic, to take office, but did not insist on a direct democratic election at the federal level, nor did they demand that the necessary constitutional changes be made to support the federal government.

The West and the United Nations can do little as long as the divisions exist within the West, with each major power pursuing its own agenda, paralyzing the European Union and the United Nations actions. The great powers of the West bear a heavy responsibility for the failure of the Yugoslav federal state. However, among the speakers only Papandreu complained that the West intervened inappropriately in Yugoslav foreign affairs. Some other commentators pointed out that strong responses had been required to the human rights violations that the Serbian government was inflicting on the Albanian population of Kosovo. The same relationship exists in Kosovo between Serbs and Albanians today, years after the break-up of the country. It is not clear what the international response should have been then, or should be now. However, the importance of intervening appropriately in defence of human rights (but how?) is an urgent lesson for the whole world.

The speakers all seemed to agree that international recognition of Slovenia and Croatia was premature, if indeed it should ever have been extended at all, given the lack of commitment in those new states to the protection of internal minorities. The participants also agreed that the early, illegal and widespread sale of arms by all parties constituted a violation of the UN Charter (though only Yugoslavia was suspended) and contributed directly to the onset of warfare.

The West also bears a heavy responsibility for the war in Bosnia and Herzegovina, which resulted from its acceptance of the verdict of a simple majority of those voting in its referendum.

Lesson: No separatist state should be recognized by the international community until all constituent minorities are satisfied with the terms of the partition, or until an impartial body accountable to the United Nations has ascertained that the minorities'

human rights will be secure within the new regime.

On one topic it is impossible to say what lesson should have been learnt, since the speakers held widely diverging views. There was no consensus within the conference as to whether the international community should resist demands that borders be changed. Some speakers maintained that any attempt to change borders either in the pre-secession federal state or in the post-secession Croatia and Bosnia-Herzegovina would be a "Pandora's box," and that the importance of territorial integrity should be defended strongly at both points in time. Other speakers saw the matter differently, arguing that, while it had made sense to defend the territorial integrity of the federal state of Yugoslavia, the breakaway republics, Slovenia, Croatia, Macedonia and Bosnia-Herzegovina, had abandoned that principle when they seceded. Therefore they cannot logically treat their own borders as inviolate, or reject the secessionist demands of dissatisfied minorities within the newly independent states. "What is sauce for the goose is sauce for the gander," proclaimed one speaker.

International Law

Theoretically, international law could have been invoked to rule on the legitimacy of the separatist republics' claim for independence. In fact, however, international law is a weak instrument for that purpose, since it is self-contradictory. There are obvious incompatibilities between the declarative position that supports "self-determination" — the right to secede — and the "territorial integrity" of states that are already recognized members of the international system. In practice, the United Nations has almost invariably supported the latter principle whenever it has clashed with the principle of self-determination. In the Yugoslav situation, authoritative bodies such as the Badinter Commission were created for the purpose of arbitrating the dispute and determining whether the breakaway republics had provided the minimum standards of human rights (especially for their minorities) required to merit acceptance as a sovereign state by other countries. Though the Badinter Commission was not satisfied on these matters (except in Macedonia) Germany nevertheless demanded that other states recognize Slovenia and Croatia after they unilaterally declared independence. In fact, Germany offered some financial concessions related to the implementation of the Maastricht Treaty as an incentive to induce other European countries to recognize Slovenian and Croatian independence.

It is far from certain that a clearer set of international laws would have been accepted, since

sovereign states jealously protect their right to recognize other states as they see fit. Nevertheless, the legal ambiguity was among the reasons why the Yugoslav crisis turned into the tragedy it subsequently became. This issue, which is often expressed as a conflict between the principles of "self-determination" and "territorial integrity," can also be seen as a conflict between alternative — and profoundly different — understandings of democracy. One understanding assumes that a democratic assertion of self-determination requires only that a republic's parliament declare independence, grounding its decision in a referendum showing that the majority of citizens favor secession.

An alternative concept of democracy is based, not just on the principle that the majority rules, but no less importantly on a guarantee of equal rights and legal protection to citizens who constitute a minority. Without some such protection of minorities, for example, the majority in a supposedly democratic state might legally vote to expropriate an ethnic minority group's property, say, and force them into slavery.

What is in question is *how* minority rights shall be protected, and what those rights shall be considered to be. In states comprising sharply polarized communities, such as the former Yugoslavia, what is sometimes required is that a majority of voters in *each* of those communities accept a decision in order for it to be valid. There is no universal agreement as to which type of democracy is fairer. However, international law almost always rejects the right of a simple majority of voters in a referendum to secede. Of course, if all major interest groups in a society do agree to partition their state, outsiders have no right to object unless that act would affect their neighbors in an obviously unfairly detrimental fashion. Generally, however, there are internal minorities who bitterly oppose efforts by the majority to deprive them of citizenship in their native country. What is legally ambiguous until today is how far *their* rights should be protected by international law.¹¹

Moreover, within any federal system there are people outside the separatist republic who may have much at stake, having made investments in the development of jointly held resources which will be appropriated by the breakaway state in the event of secession. The division of assets and liabilities is always problematic in cases of secession and such questions are normally handled in an ad hoc way, not

¹¹In a similar precedent, the Supreme Court of Canada has ruled that the government of Canada is obliged to protect the rights of federalists in Quebec to remain Canadian.

necessarily to the satisfaction of all stakeholders. The international community should re-examine these problems seriously, standardizing the principles and minimum conditions to be met before any state should recognize the sovereignty claims of a separatist movement. Such a standardization would have the merit of providing a firm basis for early and realistic calculations of the material advantages and disadvantages of separatist projects.

The problems of Kosovo were less often discussed in the conference than the conflicts that had resulted in warfare in Slovenia, Croatia, and Bosnia-Herzegovina. However, Kosovo actually illustrates the necessity of establishing basic principles of international law. There, as in all other separatist conflicts, there is a clash between the irreconcilable claims of ethnic groups (Albanians, Serbs, Montenegrins and possibly others) for ownership of the same land, with each group arguing in terms of a different rationale. The Albanians have a strong and obvious basis for asserting their rights, since through normal migration and demographic changes they gradually became the majority of Kosovo's population. The Serbians and Montenegrins, on the other hand, once were the predominant population there — and indeed, Kosovo is the symbolic heartland of the medieval kingdom of Serbia. It remains so, just as Palestine remained the ancestral homeland of the Jews throughout the diaspora. For that reason, few Serbs today would accept the outcome of a democratic plebiscite in Kosovo, which would show that the Albanian majority wants to secede.¹² An "illegal" plebiscite was in fact held, and from many Albanians' point of view they have already seceded from Serbia. Most Serbs and Montenegrins, as well as the Serbian and Montenegrin governments ignore this issue.

¹²Strong separatism is relatively new for Albanians in Kosovo. Until 1988, when Milosevic dissolved the provincial governments in Kosovo and Vojvodina, the government of Kosovo had been led predominantly by Albanians, who were not secessionists. The aspiration had not been to quit Yugoslavia, but rather to be elevated to the status of an independent province. Such a change would have weakened the position of Serbs and was therefore not permitted by Tito or his immediate successors, so as to balance ethnic claims. However, the compromise solution had been to permit Albanians to dominate the independent provincial government. Dissolving that government was a major element in Milosevic's rise to power, and it resulted in the rise of separatist sentiment in Kosovo.

As the international lawyer Lea Brilmayer has noted,¹³ the right to secede is at bottom a dispute over land claims and should be adjudicated on those terms. She illustrates the point by comparing refugees to separatists, noting that almost all states allow their discontented citizens to emigrate as refugees, whereas they do not permit such citizens to secede. In other words, groups are free to leave, but not to take their land with them. To detach part of the territory, they must show that their rights have been violated and that their group had once rightfully owned the land, which was taken from them illegally and unjustly.¹⁴

The international law of secession needs to be clarified, and the most pragmatic approach to that issue may be to specify the basis on which territory may be properly claimed. Presumably the current population distribution should count as one important factor, and a group's ancestral ties to the land might properly count as another factor. The conditions under which the population transfer took place may be a third crucial factor. It should make a difference, for example, whether the former inhabitants had been expelled or their numbers reduced through genocide and the government's importation of other groups, rather than through a normal history of migration, fertility, or mortality.¹⁵ A record of human rights violations by a government or a rival ethnic group may also count as an important factor to be considered when adjudicating a separatist group's land claims.

¹³Lea Brilmayer, "Secession and Self-Determination: A Territorial Interpretation," *Yale Journal of International Law* Vol. 16, 1991, pp. 177-200.

¹⁴This was argued by the Bosnian Serbs, when Karadzic claimed that they can prove their ownership of about 64 percent of Bosnia-Herzegovina's territory, which appears to be the reason why the Bosnian Serb army held onto about that much of Bosnia-Herzegovina until the last months of the war.

¹⁵Voting alone cannot answer such disputes. For example, Tibetans' claim on their original homeland would perhaps be strengthened by showing that the Chinese conquerors brought in large numbers of Han Chinese to replace the Tibetans who fled. The Tamils in Sri Lanka and the Chechens in the Transcaucasus were reduced to minorities within their traditional homelands as a result of forced migrations. The Baltic peoples experienced the same thing, and in addition were fraudulently deprived of their political autonomy by the infamous Molotov-Ribbentrop pact that deceptively showed that they had voluntarily joined the Soviet Union.

On the other hand, no land claim can remain valid indefinitely; many patches of territory have been stolen time after time by different groups over the centuries, making a mockery of the principle of prior ownership. Thus the aboriginal populations of the Americas have no prospect of regaining their lands from the European invaders who have been settled there for centuries. For this reason systematic, rational criteria need to be developed that will put an end to the ambiguities of these claims.

All the aforementioned factors plus many others may be identified and weighted as factors in a legal equation that will allocate ownership rights to contested territories. Ordinarily, international law advances slowly. If it continues to develop at today's rate, perhaps the world may have answers to these questions within a century or two. Unfortunately, we cannot wait that long.

The French political philosopher Edgar Pisani spoke briefly during the conference as a discussant, focusing on the symbolic importance of land in all separatist and nationalist struggles. He pointed out the declining salience of geographical proximity in matters of work and the economy, especially with the expanding importance of electronic information technologies. While territory and the borders around territories are no longer crucial determinants of what people can *do together*, territory remains highly meaningful in what people can "be" together — i.e. how they identify themselves collectively. Pisani proposes a new way of thinking in which *doing and being* would become disentangled.¹⁶ However, it is not clear what practical implications may flow from his analysis for international law or the constitutions of states.¹⁷

Lessons Regarding International Law

The participants in the conference agreed without exception that the following lesson is of

¹⁶Pisani did, however, comment privately that his suggestions are consonant with an article he had read: Metta Spencer, "How to Enhance Democracy and Discourage Secession," in *World Security: The New Challenge*, edited by the Canadian Pugwash Group. (Toronto: Dundurn Press, 1994), pp. 161-180.

¹⁷Two books that point to a new, non-territorial form of electoral constituency are Jean-Marie Guihenno, *The End of the Nation-State* trans. from French by Victoria Elliott (Minneapolis: University of Minnesota Press, 1995), and David J. Filkins, *Beyond Sovereignty: Territory and Political Economy in the Twenty-First Century* (Toronto: University of Toronto Press, 1995).

unique importance. Clarification of international law is urgently needed to standardize the conditions of legitimate secession. Although sovereign states probably will continue to decide for themselves whether to recognize the assertion of independence by a separatist movement, certain basic minimum criteria should be established by international agreement, and a procedure should be established for determining whether those basic criteria have been met. Had such standards been fully codified and recognized before 1990, Yugoslavia would not nearly as likely have broken up, for all separatist politicians would have known that their breakaway country would not win international recognition or financial or military support from abroad.

The participants in the conference recommend that Canada take the initiative in clarifying international law by asking the United Nations to convene a conference to codify a set of minimum conditions for recognizing new states. The participants further suggest that such a document must assure protection of the human rights of minority populations. One (though not the only) way of providing that guarantee is to require the consent of a majority of voters belonging to each minority group within a separatist state as a minimum condition for recognizing its independence. The proposed conference may further authorize the United Nations to conduct the referendums that may be required for this purpose and manage the process of partition in order to avoid the human suffering and destruction proceeding from chaotic breakups of states.

Curtailed of a Free Press

Yugoslavia had barely begun its democratization when it broke apart. Many institutions that are taken for granted in democratic states had not yet developed there. For example, the communist state had always controlled the press, and there remained a presumption that, even if elections were free and fair (which has never yet been the case), the winning party would continue to control the media. Such control allowed the newly nationalist leaders to vilify their opponents and distort reportage in their own favor. Practically no assistance had come from the West to develop professional standards of journalism, to provide technological resources for disseminating unapproved ideas, or (least of all) to protect journalists from private recriminations and official punishments. The vulnerability of news sources to political pressure allowed the flagrant manipulation of the press by powerful hate-mongers.

It was only with great difficulty that a few institutions remained which spread information and interpretations contrary to that of the state. These included Radio Zid in Bosnia and Herzegovina; Radio B92, and papers such as Vreme, Nasa Borba and Republika of Belgrade, Serbia; and, papers such as Novi List of Rijeka and Feral Tribune of Split, Croatia.

Lessons Regarding Freedom of the Press

Without free media, it is impossible to have free elections. All too little was done by the international community to strengthen the autonomous press. This is the lesson: Whenever a state is seen to be manipulating the press, democratic states and non-governmental organizations should organize to assure the diversity of news sources and political debates throughout the country, especially to opposition parties. This can be accomplished, for example, by funding powerful short-wave broadcasting stations of the kind that penetrated the Eastern bloc during the cold war, and by using diplomatic and economic pressures to protect freedom of speech and the rights of journalists. Another less expensive way of providing information in repressive states is to provide funding and technical assistance to independent organizations who wish internet access.

Militarism and the Celebration of Violence

Another significant factor, pointed out by Schaeffer, was the regime's prolonged celebration of the Partisans' victory in the civil war of the 1940s. This glorification of war not only legitimized violence, but perpetuated the bitterness of those citizens who had been defeated, as well as of those victims whose suffering was never recognized. Moreover, the country continued to rely on a military system that kept the populace armed and ready to wage war on their own initiative in defence of their own local areas. The army, which comprised many Serbs who had been targets of Croatian, Muslim, and Albanian fascists, remained loyal to the central government in Belgrade. As communists they had followed Tito because they were communists and Partisans, opposing ethnic conflict and directing their struggle against the Nazi-fascists instead. This loyalty enabled Tito's successors in Belgrade to resist any dissolution of their authority, even while various factions remained in a state of readiness for civil war. The price was that the Yugoslav army became a Serbo-Montenegrin armed force, and thus part and parcel of an ethnic civil war, instead of being a barrier against it, as the Partisans had been half a century before.

Yugoslavia maintained one of the ten largest armies in Europe, a military-industrial complex, and a political culture to support it. The memory of the Partisan guerrillas remained vivid and the new generation was ready for a similar war. The United States had been a major supplier of weapons since Tito's break with Stalin; some of those howitzers and fighter planes would be used in the wars in Slovenia and Croatia in 1991, and Bosnia and Herzegovina in 1992-95

During the 1980s, the notion of "non-provocative defence" became popular among peace researchers, who argued in favor of short-range weapons that could be disseminated quickly throughout the countryside. Such weapons were supposed to make it difficult for an invading force to conquer the country. Yugoslavia's armed forces were mainly of this type. Unfortunately, the disadvantage is that such a military structure can easily be appropriated by factions and used for fighting an internal war.

Lessons About Militarism

Possible lesson: More effort should go into teaching reconciliation, conflict resolution, and civic cooperation than into glorifying warfare or preparing for it. Possible lesson for foreign countries: Beware of expressing favor or appreciation to another country by supplying it with weapons; you may not have any influence over the uses to which these weapons will be put.

Nationalism

There was much discussion in the conference of the resurgence of ethno-nationalism — hostile rivalries between the various populations of South Slavs inhabiting the region. It is well-known that there are culture "fault lines" in the area where several old lines of cleavage coincide, piling one basis for social differentiation upon another: distinction on the basis of religion (Muslim, Orthodox, Catholic), of dialect (but not of language, for the Slavic languages are mutually intelligible, especially the Serbo-Croatian linguistic variants¹⁸), of script (Cyrillic or Latin), and of history (boundaries between the old Ottoman and the Austro-Hungarian Empires). These fault lines have sometimes been described as the place where the "tectonic plates" of three civilizations meet. Whether or not that is accurate, it is true that some of the bloodiest fighting of World Wars I and II took

¹⁸Non-Slavic minority languages (notably Albanian and Hungarian) are not mutually intelligible.

place there, often confounding transitory political differences with ethno-nationalism.

As soon as the World War II fratricide was over, Tito insisted that his people adopt (or at least feign) a spirit of brotherhood and unity. As Konstanty Gebert noted, the lingering hostilities were covered up, not healed. There was no Croat leader comparable to Willy Brandt to kneel and apologize for the atrocities Ustasha Croats had inflicted on Serbs, and indeed it became impermissible even to discuss who had perpetrated war crimes against whom.¹⁹

While acknowledging the significance of these long-term historical factors, several speakers insisted that there is nothing uniquely acrimonious about ethnic relations in the Balkans. Those who had been Yugoslav nationals agreed on that point, noting that in many areas Croats, Serbs, and Bosniaks had lived together harmoniously for generations, frequently intermarrying; this would not have been possible, had their conflicts been over-determined by cultural history. Instead, the speakers agreed that politicians had recently stirred up nationalistic hatred for their own malevolent ends, using the press in a purposeful way. It worked. For example, in the few parts of Serbia where there was continuous access to the free media, support for Milosevic never became as complete as where the state-controlled media were the only source of information.

However problematic it may be, nationalism is so widespread as to be considered a normal phenomenon. That in Yugoslavia it led to such extraordinary violations of human rights must be explained, not just in terms of nationalism itself, but by its combination with the political legacy of totalitarianism. Formerly communist politicians in Yugoslavia, unfamiliar with pluralism, evidently could not assimilate the idea of democratic compromise. As their party, the League of Communists, lost its monopoly on power, they simply sought an alternative basis for monopolizing power and reached out for ethnicity. The creation of a state with only one ethnic group seemed to be a natural substitute for the previous state with its one party. Each

¹⁹Noting the parallel, most speakers saw little prospect that the crimes of the current war will be fully exposed, despite the tribunal taking place in The Hague. Some participants went further, asserting that they would not be satisfied by having a man here or there charged with war crimes; every Yugoslav who did not oppose the war is guilty, and especially all the Yugoslav presidents (except Kiro Gligorov of Macedonia) should be taken to The Hague for the crime of starting a war against one's own people.

ethnic group and its leader wanted its own state. "Ethnic cleansing" was not just an incidental side effect of the break-up of Yugoslavia; it was the *whole point* of breaking up the country. As Bogdan Denitch put it, "Any society that defines the ethnic group as the political nation cannot, by definition, be a democratic state because that creates two classes of citizens. It is anti-democratic even if it has majority support; majority support does not make it democratic. There are moments when the majority in a community is in favor of violence."

Lessons about Nationalism

It is probably impossible to formulate a general recommendation that offers much prospect of preventing the spread of nationalism. However, it should be possible to keep politicians from successfully whipping up nationalistic hatred for their own purposes. Bogdan Denitch suggested an approach that should have been taken seriously. He complained that the West had treated "those bandits" as legitimate political leaders, whereas the whole world should have refused to have any dealings with the republics' nationalist leaders (e.g. Tudjman and Milosevic, but others as well) or the war criminals who served them (e.g. Mladic and Karadzic, but others as well). Some other participants stated that only the prime ministers of the federal state (e.g. Markovic) should have been treated as the legitimate leaders of the country. The elections and referendums that were held in the republics were not fair, and the international community should not have treated them as valid.

Weakness of Civil Society

Totalitarianism begins when a government takes control of many aspects of social relations — not only dispensing jobs and access to food and social services, but even regulating private clubs, churches, and charitable organizations. As Alexis de Tocqueville pointed out in his early analysis of democracy in America, political pluralism depends on the flourishing of such independent institutions. Accordingly, those who are now trying to establish democracy in the formerly communist countries are placing great emphasis on supporting the non-governmental realm, designating it as "civil society."²⁰

²⁰The main private source of such support comes from the financier George Soros, whose money one of our speakers, Sonja Licht, is in charge of disbursing in Belgrade for a wide array of private humanitarian and cultural initiatives and to projects promoting a free press. Soros spends more money

David Last and Konstanty Gebert both pointed out the importance of civil society in impeding the spread of violence. The war did not sweep like wildfire across the country. On the contrary, it had to be re-kindled again and again in different places. Sometimes the sparks fell on "wet wood" that resisted the war for a year or more at a time. For example, a factory staffed by a harmonious group of ethnically mixed workers was able to take care of its members and protect them from being "ethnically cleansed." The strength of the independent non-governmental sector is a direct measure of the possibility for individual citizens to control the circumstances of their lives. The legacy of communism was the weakness of civil society. Nationalism in power fully embraces that weakness as its strength.

Lessons about Civil Society

Governments and the non-governmental sectors of democratic societies can encourage the transition from totalitarianism or authoritarianism in such places as Yugoslavia by supporting and heartily recognizing the movements of citizens who carry on public activities independently from the state. Investment in peace-building activities is far cheaper and more effective than military intervention. Encourage civil society; it is the best hope for the future of democracy and human rights. Local non-governmental organizations should affiliate to transnational organizations, for they can offer support from abroad beyond the reach of totalitarian governments.

II EFFORTS TO STOP THE WAR AND REBUILD PEACE

Two schools of thought were represented at the conference concerning how the war could have been stopped earlier. Some argued for early military intervention, while others (notably Jan Oberg) expressed a conviction that violence never solves a conflict — that the only true and lasting solution involves reconciliation and mediation in which the needs of all sides are respected. I shall first report the pacifist views expressed by professional mediators, NGO activists, and humanitarian workers.

The Conflict Resolution Approach

Many non-governmental groups foresaw the crisis and tried to avert it. For example, Sonja Licht led a group of 500 Yugoslavs and citizens of 13 countries on a peace caravan through her country in

on these projects than does the United States government.

September 1991, as the fighting in Croatia was about to reach its peak. Although under-reported, domestic anti-war protests continued throughout the whole war. Activists organized inter-ethnic dialogues, struggled for civic pluralism, and supported conscientious objectors. They proposed the establishment of a U.N. protectorate over Bosnia and Herzegovina, and opposed the recognition of nation states based purely on ethnic identities. They argued within the international peace movement that principles of democracy should not be subordinated to the principle of self-determination.

Serbian activists collected 80,000 signatures on a petition demanding that nobody should be mobilized to fight outside the Federal Republic of Yugoslavia, which was by then reduced to Serbia and Montenegro. When the shelling began in Sarajevo in May 1992, 100,000 citizens demonstrated in Belgrade demanding that the Bosnian Serb Army cease firing on the city. There were public candle-lighting ceremonies throughout the war, and a variety of groups persisted, such as the Women in Black of Serbia, the Civic Forum of Tuzla, the Center for Cultural Decontamination in Belgrade — groups which Licht calls "islands of civility." An internal peace movement cannot develop, she said. To be successful the peace movement needs a transnational framework.

Licht also pointed out that the comprehensive economic sanctions that were imposed on Serbia have only supported the status quo and the power of the ruling elite. The sanctions cut off those people who were struggling for change, isolating Serbian civil society from the rest of the world.

Yugoslav peace activists tried to mobilize international public opinion and the international media. They failed. For example, the international press barely mentioned the anti-war rock concerts and massive demonstrations that took place in Belgrade.

Besides the Yugoslav anti-war dissidents, there were foreign humanitarian organizations that came to bring relief supplies and to offer inter-ethnic community-building services. Some were more successful than others. Dorie Wilsnack reviewed some of these projects and concluded that the most important factor influencing success was whether they were invited by, and maintained a continuing partnership with, local people. Even humanitarianism is not appreciated when it appears to be imposed.

Jan Oberg expressed a similar view. As a conflict-resolution expert, he insists on addressing the conflicts that underlie wars. He maintains that it is no good to impose solutions on people against their will. Not only did he criticize foreign

humanitarian groups who do so, but also diplomats who make decisions without regard to the expressed wishes of those affected by them. Oberg noted that the professional diplomats were totally untrained in the arts of mediation and conflict resolution and seemed not to realize there is anything they need to learn in this field.

Yet the military and pacifist positions did not contrast as sharply as one might have expected. For one reason, the United Nations was the most prominent of the outside organizations that came in to perform humanitarian service — in this case to "keep" a peace that no longer existed. Unfortunately, UNPROFOR's mandate was so vague that General Lewis MacKenzie in Sarajevo had to invent a role for his troops²¹ — that of keeping the airport open for the delivery of medical supplies and to protect the humanitarian teams that distributed them.²²

Major David Last, the peacekeeping officer who spoke about protecting civilians, did not exemplify any tendency for the U.N. forces to impose solutions on unwilling citizens; quite the contrary. As an officer responsible for (but actually unable to provide) protection to civilians in zones that had been declared "safe," Last addressed the problem of maximizing the limited resources available in situations of intermediate level danger. His suggested approach is to develop "islands of supervision" which rely in part on civilian-based measures of defence and surveillance. This method uses nonviolent techniques that particularly emphasize support groups, solidarity, hotlines, and the building of community. If Major Last's intervention is a fair indication, it would be a mistake to contrast the policies of military people against those of peace activists. The two may — under proper circumstances — not contradict each other, working for peace as a two-pronged effort.

On the other hand, the areas of convergence between the military and the nonviolent approaches are limited to situations of medium danger in which civilians may be able to influence the situation. Such are not the conditions under which the military

makes its largest impact. Unfortunately, proponents of nonviolence cannot claim great success in preventing or limiting the war in Yugoslavia. If hundreds of thousands of foreign civilian monitors and humanitarian workers had been present in all the battle zones, there might have been a noticeable effect. In particular, the presence of film crews with video cameras tended to prevent atrocities from taking place; some observers have suggested that a corps of foreign witnesses wielding camcorders might have prevented many of the war crimes that took place.

But whatever might have worked in an ideal situation, one must admit that in reality peace workers failed to prevent this war, whereas military force (NATO and U.S. air power) did bring about a cease-fire when it was finally applied vigorously.²³ Whether it finally ended the war has yet to be established.

The Case for Early Military Intervention

There was surprisingly muted criticism during scheduled speeches concerning the failure of the international community (as the European Union, the United Nations, or the United States) to intervene militarily and stop the warfare before it cost so many lives. The great majority of writers on the Yugoslav wars regard this inaction as shameful²⁴ and we may assume that most of the participants shared that opinion, even if they were too tactful to say so in a debate with the conflict resolution specialists.

In any case, no one blamed the peacekeepers for their own paralysis. The UNPROFOR troops lacked any mandate to defend citizens with arms, and when given such a mandate, possessed inadequate resources to do the job. Deterrence does not work unless the intervening military force is impressive. "Go big or stay home," Major Last offered as one of the lessons of Yugoslavia. "If you go big, you don't have to use your force." With hindsight, most analysts are sure it would have been better to "go bigger and go earlier."²⁵ It may be true, as some

²¹Lewis MacKenzie, *Peacekeeper: The Road to Sarajevo* (Vancouver: Douglas and McIntyre, 1993).

²²Some humanitarian workers have since complained that by providing this support, the military did them no favor. In some cases, it had been safer for them to provide health care without the assistance of an organization that many local people regarded with great suspicion. See the interview by Metta Spencer, "A Doctor Without Borders: James Orbinski," *Peace Magazine* March-April 1997, pp. 20-23.

²³One dismal effect of this was that of helping the Croat and Muslim ethnic cleansing of about 400,000 Croatian and Bosnian Serbs, in effect employing NATO in the service of one side in the war.

²⁴See most conspicuously David Rieff, *Slaughterhouse: Bosnia and the Failure of the West* (New York: Simon and Schuster, 1995).

²⁵See Warren Zimmerman's book, *Origins of a Catastrophe* (especially Chapter Eight) for a first-hand account of an American diplomat's mounting disapproval of his country's weak response to the Yugoslav crisis.

speakers maintained, that if there had been intervention in 1991, as many as 100,000 lives would have been saved.

Yet there were two arguments against military intervention. The first one was the view of the conflict resolution specialists who assert that any solution imposed by force can never be a true resolution of the conflict, and that any unresolved conflict will reappear in a different, but equally pernicious, manifestation. I have already discussed this argument above.

The second argument was advanced in a private conversation by a man who blamed the Serbs for the preponderance of the war crimes, but who nevertheless would not have sent troops to protect their victims. He claimed that the world should not have permitted the break-up of Yugoslavia. The politicians who asserted these claims of independence were criminals, he said, who inflamed nationalist antagonisms in their republics and incited people to vote for secession. Furthermore, he continued, all those who illegitimately declare independence must bear the consequences of their own reckless actions, even if one unfortunate consequence is to be victimized. The world must show separatists that if they declare independence unilaterally, they cannot call upon the United Nations or NATO to come and defend them or fight a war of "national liberation" for them. Only if a state is partitioned legitimately, properly protecting the rights of minorities and other stakeholders, may its leaders invoke the support of the international community if then they need help in defending themselves against an aggressor.

Probably only a few of the conference participants would have accepted this tough-minded argument but, right or wrong, it does buttress a position that virtually all participants endorsed: that henceforth all partitions of states must be conducted under the auspices of the United Nations and within a better-codified framework of international law than exists today: No more support for unilateral secessions!

Lessons in Preventing War and Restoring Peace

Among the speakers arguing for a conflict-resolution perspective on the Yugoslav conflict, several suggested ways in which ordinary citizens can help build peace. Combat hate speech everywhere and at all times, not just sometimes, at some places, and against only some peoples. Train local citizens in civil disobedience. Send in "armies" of social workers and peace brigades wearing white helmets, some of them carrying camcorders. We need conflict journalism — analyses of the conflicts underlying the fighting

— and not just war reporting. Consult the people on the ground. Give people a voice so they can express themselves and allow for self-regulation. Act early. Once blood has flowed it is harder to resolve conflicts. Early mediation costs thousands of dollars, as compared to billions later for a war. Work with local groups at their invitation. Learn the language, preferably before arriving there. Commit to stay for one or two years. And, above all, listen and talk to all sides!

It is instructive to recognize the long-term failure of Tito's methods of imposing unity on his country. No "truth commission" or war crimes tribunal was set up to establish facts about the atrocities of the 1940s.²⁶ No formal mechanisms were created for conflict resolution between the country's ethnic communities. In fact, people were not permitted to mention their bitter memories of the civil war. Consequently, the repressed guilt was left unacknowledged, unforgiven, and unhealed. Probable lesson: at some point after a war, the tragic history of violence and injustice should be described fully and publicly as a lasting record in the society. Another lesson may be this: Having confronted the past, the state and non-governmental organizations should set up institutions led by well-trained mediators to cope with new ethnic conflicts as they continue arising in the future.

Economic sanctions, which are meant to restrict the options of rulers, usually tend to keep them in power while harming mainly ordinary citizens, including activists who are trying to bring about change.

Turning now to the participants who believe in military intervention, the most widely accepted lesson seems to be this: Intervention in local conflicts should be undertaken swiftly, with a credible threat of force, and the resolve to use it. A lack of decisiveness by the great powers is a contemptible failing that costs more lives than it saves.²⁷

Finally, a third lesson was proposed by a minority of those who do not necessarily oppose military intervention on principle but did oppose it in the Yugoslav wars: Separatists who declare

²⁶Yugoslav communist courts were inconsistent, though often hard on former Nazis.

²⁷This lesson was rejected by many participants in the audience, of course. The main argument against it seemed to be that intervention in favor of one side in conflict destroys international organizations' credibility and makes regimes reluctant to admit them to their territory.

independence unilaterally, over the objections of minorities and other legitimate stakeholders, thereby forgo any claim for the subsequent intervention of the international community on their behalf, even if they become the victims of aggression and war crimes perpetrated by those who reject their secessionist aspirations.

III DAYTON AND BEYOND

Several speakers shared a doubt that the Dayton Accord will become the basis for a lasting peace. There are at least three conventional grounds for this doubt: First, from the outset Dayton was patently a less satisfactory solution than other proposals (e.g. the Vance-Owen plan) for ending the war in Bosnia which the West had rejected years earlier. Second, Dayton will soon result in the breakup of Bosnia into ethnic states, which is exactly what the Western democracies rejected all along. Third, the Dayton provisions were grossly under-financed and even the promised funds have not been disbursed to aid resettlement, reconstruction, and recovery on the ground. Fourth, therefore, as soon as all NATO troops leave Bosnia, and perhaps even before, the antagonists will resume their warfare. In view of this possibility, NATO (including the United States) should develop realistic plans to remain in Bosnia for a long time.

If asked, probably all our speakers would have acknowledged believing these four points. Beyond these, each one also had other special worries about Dayton. Bogdan Denitch was the most vociferous, charging that every expert on Yugoslavia had been excluded from the Dayton process, along with all members of democratic opposition parties and all NGOs. Dayton solely "recognizes the bandits in power." Instead of disarming all the parties, Dayton will actually permit them to rearm. And Dayton called for elections prematurely before proper preparations could be carried out, thereby lending legitimacy to criminal politicians who should never be accepted, even if they were fairly elected — which they were not.

Still, said Denitch, it is impossible to put Yugoslavia back together again. The best we can hope for is to create democratic societies from the fragments of that country. That will require guaranteeing stable, secure, but soft, borders.²⁸ All countries in the region should permit dual citizenship. Also, the most urgent thing is to make citizens safe wherever they are now. For this they need good police. It is dangerous to have war

²⁸This will hardly happen so long as "ethnic cleansers" are in power. Soft borders would enable refugees to return home, defeating the whole purpose of the fighting.

criminals as police chiefs. Solving that is more important than holding elections. "Americans have a touching belief," said Denitch, "that holding an election cures problems. Alas, that is not well-documented."

Several speakers expressed some doubt as to the value of the war crimes tribunals in The Hague — not because they want the guilty to remain unpunished, but because they want a more comprehensive process. So far, NATO has not used its troops to apprehend those accused of war crimes and deliver them to The Hague for trial. Moreover, these speakers argue that ordinary soldiers should not be punished for crimes unless their leaders and the people who sold them their weapons are also punished. The current regimes, despite having been elected, should be ostracized, for their presidents even now deserve to be identified as war criminals. It was Germany who insisted on recognizing these countries prematurely, and therefore the international community should hold Germany responsible for the atrocities that have resulted. All Western states should demand that Germany exercise more pressure on these protégé regimes, especially the Croatian government.

The Lessons of Dayton

There are many possible lessons to be drawn from the Dayton experience. I shall mention only the most accepted ones. Make citizens as secure as possible; this means that good police services need to be managed by people who are not war criminals. Provide stable, but soft borders that people can cross readily. Disarm instead of rearm the fighters. Do not hold elections until a free press has been functioning for some time, to cover the positions of democratic opposition parties. Do not permit war criminals and nationalistic demagogues to run for office. If they do run, and are elected, do not accept them as legitimate on that basis alone.

There are strong disagreements over some of the possible lessons — especially the question of whether borders should ever be changed. Galtung would open that possibility. Denitch would not. Both might agree, however on this: The peacekeepers who are present in Bosnia must expect to stay there a long time if the Dayton Accords are to become the basis for a permanent peace.

IV CONCLUSION: WHAT SHOULD CANADA DO?

It is not useful to conclude by recapitulating the whole list of lessons that have already been proposed. Two lessons stand out, both of which are endorsed, so far as I can see, by all the speakers.

What are the Key Lessons?

The conflicts in Yugoslavia, Somalia, and Rwanda have broken an international taboo against intervening in the domestic affairs of sovereign states. It is no longer acceptable for the world to watch passively as atrocities are perpetrated. Yet war crimes tribunals, both in The Hague and elsewhere, have dropped charges whenever they have reached the conclusion that this is not an international war. Justice requires that people who are prevented from seceding from an oppressive regime must have recourse to other means of protecting their human rights. Recourse must be allowed, whether their war is an international or a civil war. But if the world is to intervene (either with force or sanctions or in some other ways) to protect human rights, we must codify the world's standards and procedures, thereby enabling potential violators to know what to expect. It is necessary for interventions into domestic disputes to be carried out with "due process" of law through non-discriminatory, predictable, standardized rules, in proportion to the gravity of the violations perpetrated by the various countries. The ambiguity of international law on this matter must be resolved so that human rights can be protected in both international and internal wars.

Lesson: Canada can contribute by asking the United Nations to re-examine international law regarding intervention in domestic crimes against humanity and other violations.

There is a second, even more urgent, lesson, which is both an obligation and an opportunity. Every expert in international law who came to the conference strongly endorses this plea, which is not at all novel. In fact, *Unfinished Peace: The Report of the International Commission on the Balkans*, issued virtually the same appeal. It urged the development of an international tribunal to elaborate on the meaning of the right to "self-determination of peoples" as expressed in the U.N. charter. It noted the "inherent tension between that principle and the no less important international commitment to the inviolability of borders."²⁹

We would expand that proposal to go beyond the process of definition and develop specific

criteria and principles that nations should take into account with regard to recognizing separatist claims of sovereignty. Some speakers suggested that the best approach to this might be for the General Assembly to request that the International Court of Justice give its advice on these questions. Whether carried out through this mechanism or some other, this process could be undertaken in conjunction with (or separately from) the review mentioned above concerning the legal conditions for intervening in defence of human rights.

Separatists frequently believe mistakenly that international law is on their side. Unfortunately, the only way to find out whether that is true is to declare independence and see what happens. Regularly, the outcome is violent. In 1994, for example, there were wars in 39 countries. In fully 19 of those countries, these were wars of secession, in which more than 2.5 million people had been killed. Nothing could serve world peace more effectively than to clarify international law concerning the criteria and procedures for legitimate secession. Of all countries, Canada is the most suitable nation to rise to that challenge. Not only is Canada a respected member of the international community, one that contributes generously to peacekeeping and peace-building, but Canada may be the next country to need an authoritative verdict on this issue.

For the future stability of Canada and of many other countries, we propose that Canada's government request the UN to ask the advice of the International Court of Justice to set specific minimum conditions that must be met before any state should recognize the claims of any separatist movement. Further, we propose that Canada ask the United Nations to empower a body (existing or new) to adjudicate any future separatist claims within the framework of these international laws and oversee the process of any secession which meets that body's newly standardized criteria.

²⁹Leo Tindemans, et al. *Unfinished Peace: Report of the International Commission on the Balkans* (Berlin: Aspen Institute and Carnegie Endowment for International Peace, 1996) p. 162. This particular proposal was accepted by all the conference participants who addressed the subject, including many who would surely not accept the entire analysis of Tindemans's group or many of the other recommendations that they developed.

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