

Towards a Stable Peace in the Former Yugoslavia

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While many territorial, political and legal issues remain unresolved, there seems to be finally an opportunity to create a more stable peace in Southern Eastern Europe. This opportunity has emerged primarily as a result of military developments on which international political efforts by the United Nations, the European Union and especially the United States to resolve disputes have been based. The recent history of the conflict in the former Yugoslavia suggests that neither political nor military actions alone can settle an intractable conflict, but an appropriate and acceptable combination of them both is needed.

The interdependence of military and political actions should be retained, but in a reversed form, in the transition from war to peace. This means that the objective should be a principled, negotiated peace which will mitigate the causes of violence and constrain the capabilities of the parties to return to the use of military force. In other words, an overarching political strategy, comprising both national and international efforts, should guide the peace process. This strategy should be based on a single vision; the establishment in the region of a stable peace by means of peaceful, mutually beneficial interstate relations. If the parties do not share this vision, the diplomatic endgame of peace negotiations will hardly produce lasting results.

The role of the international community is pivotal; it is unrealistic to think that without it a workable peace in the former Yugoslavia can be created. True, both the OSCE, the European Union and the United Nations, and their member states, failed to prevent the outbreak and escalation of violence and may have by their hesitant, stop-and-go policies contributed to its deterioration. However, without the international diplomatic efforts and the peace enforcement by NATO, based on a UN mandate, in the final phases of the conflict, the protracted violence would most likely continue. On balance, the role of international community in former Yugoslavia has been both necessary and useful.¹ On the other hand, one should not be blind to unilateral interests, sometimes at crosspurposes with each other, that the permanent members of the UN Security Council have in the region.

This policy paper argues that the war(s) in the former Yugoslavia can be resolved only if normal interstate relations can be established between Bosnia, Croatia and Serbia. In a larger context this principle should be applied to at least Albania, Bulgaria, Greece and Macedonia. This model of interstate relations deviates, for example, from proposals which aim to restore the old Yugoslavia (minus Slovenia) in a looser, confederal form.²

Naturally the political and diplomatic relations between the new states in the former Yugoslavia must be underpinned by economic cooperation, arms limitation, solid constitutional arrangements as well as adequate and credible minority rights. The achievement of these goals requires long-term commitments; without them efforts at a stable peace are bound to be futile. Naturally, such goals can be criticized for being too rational or idealistic, but the fact remains that the approval of these general goals, rather than the distribution of guilt and the feelings of vengeance, should inform the political processes towards peace.

Naturally, the reaching of these goals will not be easy, and they may even contradict each other. Especially vexing are the relations between the recognition of states' independence and their borders, the principle of self-determination and the effective protection of minority rights. Because in the former Yugoslavia self-determination has been granted on the basis of established republic and provincial borders, the minority rights and their protection gain particular urgency. Otherwise massive movements of people, topping the ethnic cleansing during the war, would be needed to achieve the correspondence between territory and ethnic identity.

Although social and ethnic identities are not an item on the negotiation agenda, they are a key issue in the peace process in the former Yugoslavia. Moreover they are interlinked; the satisfaction of the identity needs is associated with entitlements, the right of people to employment, income, land, housing and other socio-economic titles but also to democratic and human rights.³ In the Balkans a mixture of identities is especially pronounced. Historically, religion,

¹ Therefore, the tendency to blame the international community on its failures is not particularly useful. For example, Jan Oberg states that "The extremely counterproductive European and U.S. handling of former Yugoslavia has aggravated the original situation almost beyond the point of recognition. They turned a situation from bad to worse and have no moral right to set things right with or against any party"; see his "Conflict Mitigation in Former Yugoslavia", 1994, Rober Elias & Jennifer Turpin, *Rethinking Peace*. Boulder: Lynne Rienner, pp. 145-46. Such a conclusion implies, probably mistakenly, that without the international political and military presence the conflict would have been resolved or at least its escalation avoided by local efforts.

² See, e.g., Flora Lewis, 1995, "Reassembling Yugoslavia". *Foreign Policy*, no. 98, pp. 132-44.

³ The importance of identity and entitlements in ethnic politics is stressed in Raimo Väyrynen, 1994, "Towards a Theory of Ethnic Conflicts and their Resolution". Joan B. Kroc Institute for International Peace Studies, University of Notre Dame, Occasional Paper OP:8:2, pp. 5-8, 14-19.

imposed by the outside empires, has been the key criterion of identity. During the second half of the 19th century the emerging nationalism and the competition for material entitlements helped in Bosnia to convert Catholics into Croats and Orthodox into Serbs, starting to yearn for an association with Croatia and Serbia, respectively. In this process of transformation the Bosnian Muslims were left without a clear national identity, the construction of which has only recently been started.⁴

The historical experiences in the Balkans seem to revolve around one important imperative; try to avoid a minority status within a state as it spells disaster to you, especially during the periods of turmoil.⁵ As a result, you have to seek for shelter by seceding from the state ruled by an alien majority and associating with your ethnic ilk. Unless this syndrome, fostered both by genuine fears and unfounded prejudices, can be alleviated, there is little hope for a stable peace in the former Yugoslavia. In policy terms this means that even though the 1991-95 war has resulted in much more pure ethnic states, the principles of multiculturalism and minority right cannot be looked over in the peace settlement.

The legacies of warfare

The relationship between Croatia and Serbia is the key to both conflict and cooperation in the former Yugoslavia. The takeover by the Yugoslavian National Army (JNA) of Krajina and Eastern and Western Slavonia in 1991-92 created a permanent territorial crisis between them. To Croatia these territories were under foreign occupation, temporarily under the UN supervision, while to the Croatian Serbs they were the building blocs of a new independent state which might one day join Serbia. These positions were diametrically opposed and could not be resolved by negotiation. Building peace from below, within the communities is an important strategy for peace,⁶ but in an intractable conflict it can hardly function unless there is stability created from above.

In 1991 the United Nations brokered a ceasefire in Croatia, established the UNPROFOR and divided the territories into four demilitarized zones. Such a situation was unlikely to last and by the early 1995 it became obvious that Croatia, which had systematically strengthened its military muscle by purchasing weapons from Russia and elsewhere, was prepared to use military force to regain the territories. In May and August 1995 Croatia recovered by the force of arms first Western Slavonia and then Krajina. The position of oil-rich Eastern Slavonia remains still open.

In Bosnia the Serbian attacks on the UN declared safe havens, including Sarajevo, and the takeover

Srebrenica and Žepa in summer 1995 prompted NATO, under a mandate from the United Nations, to carry out more than 4000 air strikes against the positions of Bosnian Serbs. Weakened by these strikes and internal political disputes and pressured by Belgrade, the Bosnian Serbs finally agreed in September 1995 to withdraw their heavy weapons behind the 20 kilometer exclusion zone around Sarajevo.

The conventional wisdom is that the military operations in 1995 have created a new political situation in the former Yugoslavia. The Bosnian Serbs have been weakened, but not defeated. The Muslim government has enlarged its territorial control in Bosnia, but is not strong enough to seek for a military settlement.

The clear winner in the military endgame has been Croatia which has significantly strengthened its position both within its own borders and in Bosnia. This has created new tensions in the relations of the Croats both with the Muslims and the Serbs. While hostilities continue, the threat of a large-scale war has been thwarted, however, by stopping the recent Croat-Muslim advances short of conquering Banja Luka, the Serbian stronghold in northern Bosnia.

The policy of the United States and the European Union has consistently been that Bosnia, Croatia and Serbia should be recognized within their established borders. Now these states have reached these borders, with the significant and difficult exceptions of Eastern Slavonia and the distribution of territories between the parties to the Bosnian peace settlement. There are also potential territorial disputes in other parts of the former Yugoslavia, in particular in Kosovo and Macedonia.

It is pivotal that both of the problems of Eastern Slavonia and the territorial division of Bosnia can be resolved without further resort to military force. At the same time an adequate legal and political basis has to be created for stable future relations between the states in the region. In this effort several political and legal principles should be honored, pertaining to at least the following issues; territorial divisions, arms limitations, political institutions, minority rights, and economic reconstruction and cooperation.

Territorial issues

The importance of territorial control can be seen in the nature of warfare in which the destruction of multiethnic urban life by artillery and sniper fire and the elimination by murder and imprisonment of young male as potential soldiers gained a notorious role. The siege of Sarajevo and the conquest of and military pressure on the UN declared safe havens by the Bosnian Serbs provide

⁴ The processes of identity transformation in Bosnia are historically traced by Robert J. Donia & John V.A. Fine, 1994, *Bosnia and Herzegovina: A Tradition Betrayed*. London: C. Hurst & Co.

⁵ This attitude is underpinned by strong historical myths specifying and sustaining strong enemy images between Croats, Serbs and Bosnian Muslims; see especially Paul Mojzes, 1994, *Yugoslavian Inferno. Ethnoreligious Warfare in the Balkans*. New York: Continuum.

⁶ For such a proposal for Western Slavonia, see "An Experimental Peacebuilding Zone in Western Slavonia. Peace from the Ground Up". Copenhagen: The Transnational Foundation for Peace and Future Research, 1995.

concrete examples of this. On the other hand the Bosnian government forces used safe heavens and the weapons-exclusions zone around Sarajevo to prepare for military operations against Ratko Mladic's Serb forces and derive economic benefits from smuggling and the black market operations.⁷

The politics of territorial control is also visible in the recent conquests of land by the Croatian-Muslim federation in Western and Central Bosnia both because it brought its share of the territory controlled close to 51 per cent and gave a bargaining chip to get back territory around Sarajevo. On the other hand the military success has created new tensions between the federated partners. The Muslims feel that the Croats control too much of the Bosnian territory (22 per cent) and that their own share should be increased from 29 to 34 per cent. The Croatian counterargument is that the expansion of their territorial control is justified as they did most of the fighting.

The territorial map of Bosnia is naturally one of the most complicated issues in the ongoing peace negotiations. Probably different national groups should have as compact territorial domains as possible to reduce fears and make their political and economic administration easier. The territorial coherence of national groups in Bosnia would be desirable even if people have to be transferred from one region to another.

To make Bosnia territorially viable and to underpin the unity of the state, Sarajevo should be made its capital. This means that the undivided, multiethnic nature of the city should be restored. However, the Muslims should probably have, because of their numerical strength, a strong say in the local administration. A critical and most difficult issue is whether Goražde should remain in the Muslim control. This seems to be a likely outcome. One possible solution would be a *guid pro quo* between Goražde and Sarajevo in which both cities would remain multiethnic, but the influence of the Serbs in Goražde would be permitted to increase to compensate for the Muslim power in Sarajevo.

In any case, the Muslims and Serbs in Goražde and Sarajevo should have unhindered access to each other. The corridor at Brčko should be broadened to permit a safe connection between the two parts of the Serbian-dominated territories. In redrawing the ethnic map of Bosnia the use of military force should be stopped immediately and a ceasefire declared.

As mentioned earlier, today there is hardly any other possibility than to build the official relations within the former Yugoslavia on the basis of the emerging state units. This principle leads to the conclusion that, in addition to assuring the coherence of Bosnia, the Croatian sovereignty over Eastern Slavonia should be restored by a negotiated, peaceful arrangement instead of Croatia capturing it by military means. The principle further means that Zagreb does have no right to incorporate Croat-

inhabited areas of Bosnia to itself. Although a somewhat artificial creation of the Western powers, the Croat-Muslim federation in Bosnia has to be kept together as its dissolution would open the door to the dismemberment of the entire Bosnia. Hence it is inadmissible until the normalcy is restored to the country.

Similarly, Serbia should give up any plans to integrate Republika Srpska into Serbia proper and it should accept the return of Eastern Slavonia to the sovereign sphere of Croatia. The Geneva Accord of September 8, 1995 is quite clear in that regard: "Both entities will have the right to establish parallel special relationships with neighboring countries, consistent with the sovereignty and territorial integrity of Bosnia and Herzegovina".⁸

Arms limitation

Croatia and Serbia have acquired an increasing amount of weapons to fight each other. Though the worst is over, the eruption of fighting, especially in Eastern Slavonia, cannot be entirely ruled out. In Bosnia the Croat-Muslim forces, which have also their mutual tensions, are standing against the Serb forces and in many places tensions are tangible. Stable peace in the former Yugoslavia is difficult to imagine without constraining the size and employment of military forces.

Without going into technical details, it may suffice to say that the military balance between Croatia and Serbia has been heavily skewed in Serbia's favor, especially in hardware such as tanks, artillery and air force which it inherited from the JNA. During the last three years or so the Croats strive for rearmament on the one hand and Serbia's deep economic problems on the other hand have rectified the balance somewhat. In any case, it is clear that a potential war between Croatia and Serbia would be much more destructive than what we have seen in Bosnia.

The Serb forces in Western Slavonia and Krajina were too weak to be able to provide a match for the advancing Croatian forces which failed to get support from Belgrade. In Bosnia, the military balance, which originally favored the Serbs, has been shifting to the direction of the Muslim government and especially the Croat forces. This shift has been more visible in military manpower and morale than in heavy weaponry, i.e. tanks, armored personnel carriers and artillery, in which the Bosnian Serbs still outnumber their adversaries as much as 8 to 1.⁹ Clearly, the Bosnian Serbs have been recently much more on the defensive than in the earlier phases of the war.

What can be done to alleviate military tensions in the region? Croatia and Serbia should negotiate ceilings on their military forces that would be consistent with the principles of the Treaty on the Conventional Forces in Europe (CFE). They should also start following the rules,

⁷ For further details, see, e.g. Charles Lane, 1995, "The Fall of Srebrenica". *The New Republic*, August 14, pp. 14-17 and Charles A. Boyd, 1995, "Making Peace with the Guilty. The Truth about Bosnia". *Foreign Affairs*, vol. 74, no. 5, pp. 29-30.

⁸ I have followed the text of the Accord published in *New York Times*, September 9, 1995, p. 4.

⁹ For details, see *The Military Balance 1994-95*. London: IISS, pp. 83-87, 105-106. See also "The Military Balance in Bosnia and Its Effects on the Prospects for Peace". Special Report. *The United States Institute of Peace: Washington, D.C., August 1995*. Understandably, some of its policy recommendations are somewhat outdated.

principles and procedures agreed upon in various OSCE documents concerning confidence- and security-building measures (CSBMs). Their application would increase information and openness and introduce mechanisms by which potential emergencies can be handled. In general, the reliance on the OSCE procedures would mean that the Croatian-Serbian relations would gradually become more normal and thus comparable with other interstate relations in Europe. Naturally, military CSBMs should be complemented by their non-military counterparts.

In Bosnia, the first task is to restore the monopoly of military power to the hands of the government(s). It is unrealistic to believe, at least in the short term, that a unified Bosnian army could be set up. Therefore, the military power should be concentrated in the first place to the hands of the official bodies of the three national groups. In the first phase cooperation between the Croat and Muslim government forces should be improved and in the second phase this process should be expanded to the relations with the Serb troops. The disarmament of the warlords would clarify the political responsibilities and improve the centralized control of the armed forces. To facilitate this control, the excess troops, and in particular the heavy weapons, should be moved to specific locations where they would be under the surveillance of the international enforcement forces.

The borders between Bosnia's national regions should be as open as possible and supervised by only lightly armed patrols rather than by military forces. This suggestion is consistent with the agreement reached at the United Nations on September 26, 1995 in which, the freedom of movement of the people in Bosnia is assured.¹⁰ This agreement does not, however, deal yet with the role and the relationship of various military forces in Bosnia which is a sure sign that they are politically very contested issues.

The external powers should refrain from arming the parties to the Bosnian war. While military training programs may be appropriate to increase the professionalism and democratic control of the armies, the extensive delivery of new arms would undermine the negotiated peace process. It is estimated that the United States might be ready to spend anywhere between \$ 1 to 5 billion to train and rearm the Bosnian government military.¹¹ The decisions on issues like this are a yardstick whether the United States will have a reasonably balanced attitude towards the parties of the Bosnian crisis or whether it opts to tilt the political and military balance in the favor of the Croat-Muslim federation.¹² The continued heavy attack by the federation forces around Banja Luka suggest

that the governments of Bosnia and Croatia count on the U.S. support.

Minority rights

The multiethnic nature of the former Yugoslavia has been largely destroyed by the war. The big question is whether multiethnicity should be restored or whether ethnically purer communities would make better neighbors. Concretely, this raises questions about the return of Croats to Eastern Slavonia, of Serbs to Krajina and the complex resettlement of Croats, Muslims and Serbs in Bosnia. The answer is difficult, but it seems unavoidable that the contested territories in Croatia will be ethnically more pure and in Bosnia the social boundaries between three ethnic groups will be more clearly demarcated than before the war.

This ethnic demarcation does not mean, however, that the people should not have a right to return or that the minority rights of the minorities should not be respected. In fact the Framework Agreement recognizes "the right of displaced persons to repossess their property or receive just compensation". In Eastern Slavonia the Croats seem to be ready to accept an arrangement that would restore, after a transition period, the ethnic composition that prevailed before the war (43 per cent Croats, 26 per cent Serbs and 15 per cent Hungarians). However, a precondition for starting this transition process is that the Serb soldiers will either leave or be disarmed.¹³

The restoration of the ethnic balance solves only a part of the problems. In addition, the respect for all the basic human rights should be guaranteed. Self-determination is associated with the territorial integrity of the state, but they should be realized only in the compliance with human rights and democratic norms.¹⁴ Therefore, sovereignty cannot be an excuse for suppressing human rights and democracy; to the contrary, in the modern conception they reinforce each other. To achieve this objective, the tight connection between the state and the nation has to be relaxed. The territorial integrity of the state can be retained, but new, flexible regimes can be developed to affirm the pluralistic nature of multinational societies. It is also possible to think in terms of functional territorial arrangements to soften sovereignty and improve interethnic relations.¹⁵

The plans for the peace in Bosnia contain several references to human rights, mostly in the context of the internationally monitored multiparty elections. Thus, the Framework Agreement calls for the "protection of speech

¹⁰ The text of the Framework Accord is published in *New York Times*, September 27, 1995, p. A8.

¹¹ Thomas E. Ricks, "Bosnia Talks Make Progress on Some Issues". *Wall Street Journal*, September 27, 1995, pp. A3-4.

¹² A strong plea for a more knowledgeable and balanced U.S. policy in Bosnia is made by Boyd *op. cit.* 1995, pp. 22-38.

¹³ Florence Hartmann, "La Croatie offre un compromis sur la Slavonie orientale". *Le Monde*, September 16, 1995, p. 2. It is doubtful, however, that Croatia would accept the restoration of the prewar ethnic composition in Krajina.

¹⁴ Rein Millerson, 1994, *International Law, Rights and Politics*. London: Routledge, pp. 58-64.

¹⁵ These possibilities are further explored in Gidon Gottlieb, 1993, *Nation Against the State. New Approach to Ethnic Conflicts and the Decline of Sovereignty*. New York: Council on Foreign Relations Press. See also Väyrynen *op. cit.* 1994, pp. 26-29.

and of the press ... and of all other internationally recognized human rights in order to enhance and empower the democratic election process". Over a short term the human rights provisions of the agreements should be monitored by the OSCE representatives. After the transition to peace the only viable strategy is that the states ratify appropriate human rights instruments and incorporate them into their national legislation. Human rights provisions should apply equally to all national groups and be underpinned by arrangements that grant reasonable autonomy to regions that are heavily populated by the minorities.

These principles are easy to enunciate, but difficult to implement, especially if they contradict the basic interests of the parties involved. According to one observer, "solutions to civil conflicts which grant special guarantees to minorities almost always ask those minorities to accept less than they want", while they often demand that "the majority accept far less than it wants and, indeed, less than it already has".¹⁶ In Bosnia, no national group has a majority and, therefore, compromises may be even more difficult to make. That is why the integration of human rights and democratic norms in other aspects of the peace process and their international enforcement are particularly important.

Political and constitutional issues

Democratic constitution and practices restrain the resort to military force and mitigate tensions within and between societies. Therefore, the newly independent states of the former Yugoslavia should create electoral, legislative and executive systems which comply with the basic democratic standards and in which the opposition has a fair chance to gain power. In Croatia and Serbia there is no external enforcement of the democratic norms, therefore it has to be done internally.

In Bosnia, the Framework Agreement contains surprisingly specific provisions on the composition, tasks and procedures of the multinational parliament, the presidency and the constitutional court. The agreement is much more scant on the composition and the powers of the cabinet. It makes clear, though, that the tasks of these institutions may be confined only to foreign policy and they can be expanded only if a mutual agreement is reached.

It is vital that the parliament, the cabinet and presidency will develop basic standards and procedures for the state of Bosnia. Standards can concern both civil and human rights, economic legislation and administrative coordination. It is clear that the Bosnian Serbs, Croats and Muslims will in reality have an extensive internal autonomy to decide on such issues as education, religion and local administration. It would be

counterproductive, however, if the relatively small, underdeveloped and resource-poor Bosnia cannot create a viable framework for economic exchange within and across its own borders. The central government should also have a limited capacity to collect taxes by which common infrastructure and other necessary projects could be financed.

Economic reconstruction

The economic reconstruction of wartorn societies is a multifaceted challenge. It requires the demobilization of soldiers, their retraining and integration with the society. In addition, to the reconstruction of political institutions, also the economy of a wartorn state is badly in need of repair. The economy may have been damaged by the sanctions, hyperinflation, unemployment and non-market operations such as smuggling and black markets. In addition, the economy may have become overly dependent on the international flow of funds for humanitarian relief and peacekeeping weakening local self-reliance.

The most effective strategy for a long-term reconstruction is the transition to a market economy which also encourages crossborder economic interaction and mutual interdependence. One of the first priorities in all the states of the former Yugoslavia is to draw up a realistic economic strategy which sets the integration with the world market as the main goal. Such a strategy cannot be based on the protection of special domestic interests, overvalued currencies or large-scale external borrowing. Rather the objective should be a domestic production for basic needs and the development of vigorous export industries on the basis of the available resource endowment.

However, international assistance is needed to help to form the war to a peacetime economy. Especially in Bosnia extensive international assistance, benefiting all ethnic communities, is a necessity. In economic assistance priority should, indeed, be given to Bosnia at the expense of Croatia and Serbia. While in Bosnia the limited deliveries of humanitarian relief, in particular to refugees and displaced people, will be needed, the emphasis should be on the rebuilding of the transportation and industrial infrastructure in the manner that would permit the country to function as a single economic entity.

Economic discipline in a crisis-ridden society is a precondition for the future growth. The multilateral financial institutions, such as the IMF, should avoid, however, conditions that would stifle economic initiative, increase social and regional disparities and, in the worst case contradict the international support to Bosnia's reconstruction. ■

¹⁶ Benjamin Schwarz, 1995, "The Diversity Myth: America's Leading Export". *The Atlantic Monthly*, May, p. 65.