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INDEPENDENCE AND THE FATE OF MINORITIES (1991-1992)

◆ Gale Stokes ◆

The question of what status minorities might have in the successor states to socialist Yugoslavia was one of the central issues that informed the Wars of Yugoslav Succession, especially for many Serbs.¹ This chapter does not lay out a narrative of the early years of that conflict, nor is it a general discussion of minority rights throughout the 1990s or for all of the Yugoslav republics. It confines itself to the period 1991-1992 and assumes that readers will have a reasonably good grasp of the basic narrative. Instead the chapter focuses on why the minority issue was so important, asks how real the threat was to certain minorities, analyzes the impact of Alija Izetbegović's commitment to Islam, discusses the question of leadership, and evaluates the significance of the Badinter Commission's rulings.

Socialist Yugoslavia dealt with minority issues in an original way but was never completely successful in removing nationalism from politics. Communists in Tito's Yugoslavia (Socialist Federal Republic of Yugoslavia—SFRY) did not accept the notion that majorities and minorities could be determining factors in political decision-making, nor did they use the concept of ethnic or religious minority.² Instead, they recognized the country as consisting primarily of six Yugoslav nations (*narodi*): Serbs, Croats, Slovenes, Macedonians, Montenegrins, and since 1968 Muslims (as an ethnic category/nation, now calling themselves Bosniaks). These six peoples were in principle equal, so that the Serbs, constituting between 35 and 40 percent of the country's population, were considered formally equal to the Montenegrins, at less than 3 percent. All six nations were considered constitutive peoples, that is, peoples with their "own" republic, even if they happened to live outside of that republic. With minor exceptions, Yugoslavia's numerous other peoples were classified as nationalities (*narodnosti*), although they enjoyed specific rights associated elsewhere with minority rights.³ The originality of the Yugoslav socialist framework was that no one in Yugoslavia was a minority, regardless of the actual size of a population or territory. Indeed, the concept of "minority" lost its neutral meaning and acquired negative—and occasionally insulting—connotations. Careful wording of Yugoslav

constitutions, and of constitutions in the republics and provinces, made sure that the word disappeared from polite usage.

Tito's regime condemned prewar Yugoslavia for its unitarism, centralism, statism, and bureaucratism, and dismissed the underlying principles of parliamentary government on which it had been founded. In its place the communists offered a decentralized system of workers' self-management that they claimed offered dignity to all peoples, both *narodi* and *narodnosti*, under the overarching banner of socialism. Tito believed that ethnic groups could take pride in their identity and cultivate their culture more effectively in the Yugoslav socialist system than under either "bourgeois" democracy (i.e., prewar Yugoslavia) or Soviet style communism. Even more important than the cohesion this rejection of the past achieved was the contrast Yugoslav communists drew between self-managing socialism and Soviet style communism. Yugoslav communists were convinced, as were people in many parts of the world, that there was no going back from socialism to previous socio/economic systems—the direction of history was forward and socialists were progressives who were in tune with that world-historical direction. But there were different types of socialism. The Yugoslavs believed that worker self-management was significantly superior to the state socialism they associated with Stalin and his conservative successors. Because they considered the ethnic and national tensions lurking under the surface of Yugoslav society obsolete throwbacks to a discredited past, they did not assign a level of importance to these tensions that events later proved they deserved. Instead, Yugoslav theorists emphasized the threat from bureaucratic centralism. When the Soviet Union went out of existence, therefore, their assumption that socialism was a progressive force collapsed and their definition of themselves in terms of contrast with the Soviet Union became meaningless. The Yugoslav Communists were left with no levers of legitimacy. As Jović puts it, "the Yugoslav elite was totally unprepared and surprised when the Soviet system collapsed and liberalism, contrary to their expectations, entered the Yugoslav identity-making arena and emerged victorious."⁴

When communism went under, the carefully constructed Yugoslav political vocabulary disintegrated. Previously "incorrect" concepts now became favored by new (anticommunist) elites, while verbal markers of socialism, including *narodnosti* in its old sense, became obsolete. At least some members of almost every ethnic group in the former Yugoslavia suddenly became frightened that they would be permanently relegated to the demeaning status of "minority," outvoted in elections, pushed out of jobs, and otherwise discriminated against. Indeed, at least one scholar holds that this fear was "the greatest determinant of ethnic nationalism throughout the region."⁵ This reaction had some basis in fact, but both Slobodan Milošević and Franjo Tuđman, the leaders of Serbia and

Croatia respectively, purposely exaggerated the negative aspects of becoming a “minority,” making them the basis of their public justifications.

The lack of moderating leadership certainly made the minority situation much more difficult than it might have been, but the underlying problem lay in the contradiction at the heart of nationalism. The idea of nation is not possible unless there are those who are not part of the nation. There must be an “other,” or the idea of nation makes no sense. Given the mixed populations of Eastern Europe, the creation of nation-states there in the 1870s and at the end of World War I simultaneously created minorities. The question of minority status was not a side issue, but grew out of the fundamental structure of the nation-state system into which the former republics of Yugoslavia suddenly emerged as newly independent states. Minority issues arose in the former Yugoslavia not because of Balkan peculiarities, therefore, but as part of the continuation of a long European process of redrawing state borders along ethnic lines.⁶ Just as the collapse of the multi-national Austro-Hungarian Empire created a volatile situation for both new nations and new minorities in post-World War I Eastern Europe, so the collapse of the multinational Yugoslavia created a difficult situation for its peoples in the 1990s.

When the Yugoslav republics suddenly became independent sovereign states, members of the formerly constituent peoples (*narod*) who did not live in their home entity became instant minorities. Deprived of their status as “constituent peoples,” they all were told repeatedly that their new condition was a demotion in status and rights. Both Serbia and Croatia specifically defined their own people as the rightful owners of “their” state, while classifying other peoples living within their borders as simply citizens of that state. The *narodnosti* lost their status too, but with the exception of Kosovar Albanians, the change was considerably less violent and disruptive than the change experienced by formerly constituent peoples.

The three most difficult minority issues raised when Yugoslavia disintegrated concerned the mixed populations of Bosnia-Herzegovina, the sizeable Serb minority in Croatia, and the Albanian population in Kosovo, which was legally part of Serbia.⁷ The last of these constitutes a special case in its own right. Even before Yugoslavia broke apart Albanian Kosovars, who constituted perhaps 90 percent of the population of Kosovo, had decided that they could not continue to live as a minority in Serbia but had to form their own independent state. This complex issue, which is yet to be resolved even though Kosovo is recognized by many as an independent state today, is discussed in detail in chapter 8 of this volume. The issue of Croatian minorities, which was a smaller but still significant aspect of the overall problem, is not a primary concern of this chapter either. Tens of thousands of Croats in Eastern Slavonia, Vojvodina, and parts of Bosnia suffered greatly and ended up having to flee for their lives. Despite these tragic

events in northern Bosnia and in Sarajevo, where Croats constituted 7 percent of the population, they “tended to support a unified Bosnian state and a strong alliance with the Muslims as the best guarantee for their communities’ survival.”⁸ Other Croats, living in compact Croat communities in Hercegovina, disagreed. But these Croats were not so much concerned about becoming a minority as they were in attaching themselves to Croatia proper or, at the very least, of creating their own autonomous region. With the support of Franjo Tudjman they attempted this latter solution by proclaiming the Croat Union of Herceg-Bosna in July 1992. The brutal warfare that ensued between Herceg-Bosna and Muslim forces lasted until the Washington Agreement of 1994 created a federation of the two elements that constitutes half of the country of Bosnia-Hercegovina today.

It was primarily Serbs who justified their aggressive policies by refusing to accept minority status. As the Bosnian Serb Nikola Koljević put it early in 1992, “I can understand the Muslim need or fear, if you wish, of Serbian or Croatian domination, . . . But you cannot make up for that by placing Serbs in the position of a minority.”⁹ Not all Serbs felt that way, of course. In the election of 1990, for example, Croatian Serbs cast the majority of their votes for the coalition that came closest to standing for the principles of civil democracy. More than half of the Serbs living in Croatia lived in the developed urban parts of the country and, according to Drago Roksandić, many of them had become culturally “Croatized.” Roksandić argues that even if war may not have been preventable, at least it would have been significantly shortened “had it been possible in some way to create a working Croato-Serbian coalition to defend the territorial integrity and sovereignty of the republic of Croatia.”¹⁰ But this would have required both time and a cadre of Serbian and Croatian politicians willing to work together. Neither of these requirements was at hand in 1990-1991. Thus, even before Croatia and Slovenia declared their independence in 1991, disaffected Serbs from the less developed areas of Croatia announced their unwillingness to lose their status as a constituent people. In the Krajina, as well as in Eastern Slavonia, militant Serbs, threatened by what they claimed was a return to the genocidal policies of the Ustasha regime of World War II, and supported by a nationalizing leadership in Serbia itself, established their own autonomous regions. In Bosnia, similarly militant Serbs, alleging that they were about to be submerged in an Islamic state, and with arms supplied by the collapsing Yugoslav National Army, also rose in revolt. Four years of vicious warfare led to widespread ethnic cleansing, massacres, and massive movements of refugees. Eventually, in 1995, international intervention and a successful Croatian offensive in the Krajina and northwest Bosnia stopped the fighting.¹¹

One of the most consistent claims Serbs in Bosnia used to justify their fear of Muslim domination was that the Bosnian leader Alija Izetbegović was a religious

fundamentalist who sought to establish an Islamic dictatorship over Bosnia. All outside observers agree that this was a false charge, but because it had a good deal of resonance among Serbs, a closer look at Izetbegović's views is warranted.¹²

Two years after Izetbegović was born in 1925, he and his family moved to Sarajevo, which remained his home until his death in 2003. Izetbegović attended the best gymnasium in Sarajevo and as a teen-ager during World War II he joined a group called Young Muslims. This organization of youthful enthusiasts could be compared to the Serbian Omladina of the nineteenth century, or to Mazzini's Young Italy, both of which used the term "young" to mean that their nation, in this case Bosnian Muslims, was still at a formative stage but had a bright future. The group's primary interest was the regeneration of Islam, and for this reason its members were strongly anticommunist. Izetbegović himself had been interested briefly in Marxism as a teenager, but he could not accept communism's atheism. "A universe without God seemed to me unthinkable," he said in his memoirs.¹³ When the activities of the Young Muslims sparked a modest interest among young anticommunist Bosniaks at the end of the war, the new communist regime imprisoned several of the organization's members, including Izetbegović. After his release, he studied agronomy for a while, eventually taking a degree in law and working for several years on construction projects in Montenegro.

The primary document on which Bosnian Serbs based their fears of Izetbegović was his *Islamic Declaration*, a programmatic statement about the regeneration of Islam that began to circulate among Bosnian Muslims in 1970. The *Declaration*, which fell within a tradition of liberal Islamic writing, sought a way for Muslims to recover from both the sterility into which Izetbegović felt Islamic education had fallen and the stagnation that he saw throughout the Islamic world. In the way of many religious reformers of all faiths, Izetbegović saw the purity of Islam sullied by "its discrepancy between word and deed; with its debauchery, filth, injustice and cowardice; with its monumental but empty mosques; with its large white turbans without ideals and courage; with a hypocritical Islamic phrase and religious pose; with this faith without faith."¹⁴ One of the reasons for this state of affairs, Izetbegović thought, was that progressives in Islamic states—Turkey, for example—had adopted many of the superficial ways of the developed world without understanding the essence of Western success. What was that essence? Not fashionable styles of living in a consumer society, but work: "diligence, persistence, knowledge, and responsibility."¹⁵ "The survival, strength, or weakness of Islamic societies is subject to the same laws of work and struggle as are other communities," he wrote. "Miracles do not exist, except those created by work and knowledge."¹⁶ But work and knowledge would not be enough if they were not informed by Islam, Izetbegović argued. Only a moral regeneration through a return to the basic insights of Islam would restore dignity to Muslims. Despite his criticism of the Muslim progressives who copied

from Europe, Izetbegović's notion of dignity put him squarely in the twentieth-century world, where the notion of honor, growing out of the hierarchical medieval standards, has been replaced by the notion of dignity, which emphasizes the worth of every individual.¹⁷ His critics often called Izetbegović a fundamentalist, and in a sense he was. He wished to return to the sources of Islam.¹⁸ But he was also a modernist who criticized authoritarian regimes, sought improvements in education, and advocated protection for the rights of minorities. Whatever else he sought, Izetbegović wanted his people, Bosnian Muslims, to be able to hold their heads high in a contemporary world into which they had not yet entered in an authentic way.

The *Declaration* was very much a document of its time, both in Islamic and European thought. In the *Declaration*, and indeed in his entire oeuvre, Izetbegović was following a common strand of modern Islamic thought, namely, how to reconcile the precepts of Islam with the challenges actual life presented in the modern world. In the 1950s, stung by the Israeli successes, many Muslim authors sought similar answers. For example, in Egypt Qustantin Zurayq wrote, "A progressive, dynamic mentality will never be stopped by a primitive, static mentality."¹⁹ Izetbegović's writing, therefore, was consistent with the efforts of Muslims elsewhere to come to grips with modernity.

His work was also embedded in the milieu that produced antipoliticians elsewhere in Eastern Europe. In his moral and ethical precepts, Izetbegović was trying to think his way to an authentic reaction to the bureaucratized regime under which Bosnians and Yugoslavs lived. Despite the originality of its nationalities policies, the Yugoslav communist regime ruled over an authoritarian system that brooked little criticism. In his belief that this kind of regime actually deprived human beings of their true nature, Izetbegović agreed with the *Praxis* philosophers. "To reduce a man to the function of a producer and a consumer, even if every man is given his place in production and consumption, does not signal humanism but dehumanization," he said in the mid-1980s. "To drill people to produce correct and disciplined citizens is likewise inhuman." Writing within an entirely different discourse, the *Praxis* author Mihailo Marković said this in the mid-1970s: "The basic purpose of critical inquiry is the discovery of those specific social institutions and structures which cripple human beings, arrest their development, and impose on them patterns of simple, easily predictable, dull, stereotyped behavior."²⁰ Like the antipoliticians of the 1970s and 1980s in Czechoslovakia, Poland, and elsewhere, Izetbegović sought hope in internalizing an ethical and moral life. He did not seek to found a political movement that would seize power to implement its goals, thereby creating its own Bastille, as Adam Michnik put it. "Our prime means are personal example, books and words," Izetbegović wrote.²¹ Václav Havel argued that the power of the powerless lay in living in truth. Izetbegović agreed, albeit in the context of Islam. "Every form of

power in the world begins as a moral truth. . . . That is why a movement, which has Islamic order for its main goal, must before all be a moral movement.”²²

Clearly Izetbegović sought an ethical and moral change in Islam. But did this imply domination over others? At first glance, yes. Much in the same way that many Christians believe that they have a moral duty to Christianize others, so Izetbegović believed that a harmonious world was possible only under Islam. But this did not mean imposing that faith on others or rejecting the best of Western inventions, especially science and the kind of cooperative interaction that created the European Economic Community. Nationalism, he believed as early as 1970, had “become a luxury, a thing too expensive for small and even medium-sized nations.” Instead, “the creation of the European Economic Community . . . constitutes the most constructive event in 20th century European history. And the establishment of this supranational structure was the first real victory of the European peoples over nationalism.”²³

In 1984 Izetbegović published a more thorough analysis, *Islam Between East and West*, although because of the hostility of the communist regime it had to be published initially in North America.²⁴ This later book was not a pamphlet designed to be spread underground to encourage believers, but an extended set of comments he had already begun as early as 1946. The book was divided into two parts. Part I dealt with secular issues indicated by chapter titles such as “Creation and Evolution,” “Culture and Civilization,” “The Phenomenon of Art,” and “Morality.” Part II concerned religion, especially how Islam mediated between the materialist view of the world and the religious view. Izetbegović argued that there are three basic kinds of world views: the religious, the materialistic, and Islam. The materialist asks how do I live, the answer to which evolves through history, whereas the religious point of view asks why do I live, the answer to which is eternal and does not evolve. That is, the religious truths of Judaism, Christianity, and Islam are as appropriate for human beings today as they were when they were created. In the West there is a separation between the religious and the secular. The strength of Islam, Izetbegović believed, is that it “is a synthesis, a ‘third road’ between the two poles that mark all that is human.”²⁵ In 1983, partially because of this manuscript, and partially because of a regime campaign against “clerico-nationalism and Pan Islam in Bosnia-Herzegovina,” Izetbegović was arrested again and sentenced to fourteen years of prison. He was released in 1988 after serving, as he puts it, two thousand and seventy five days.

During the more than five years Izetbegović spent in jail in the 1980s, he managed to write more than 3,500 aphorisms, comments, and observations, which were later published as *Notes from Prison* (the original title in Bosnian was *Moj bijeg u slobodu*). These comments, written fifteen years after the *Islamic Declaration*, show how much continuity his thought retained. Even though he speaks often in these notes about religion, about his book *Islam Between East and West*,

and about Islam, the overwhelming source of his comments are Western authors, not only the classics, such as Rousseau, Nietzsche, and the like, but even such relatively obscure observers such as Bruno Bettelheim and Alvin Toffler. His remarks reveal a highly intellectualized mind and reinforce his strong interest in ethics, morality, and good sense. He is tolerant (“God forgive me if I am wrong, but I respect a good Christian more than a bad Muslim”) and continues to admire the work ethic to which he ascribes the success of capitalism (“At the foundation of all the progress and power of the West in the last five centuries is the cult of work”). He again cites the EC as the model of cooperation for the Islamic world, and, presumably, for Yugoslavia, and reiterates his distrust of nationalism (“The true patriot is not the one who puts his homeland above others, but the one who acts so that it would be worthy of that praise. More than glory, he cares about the dignity of his homeland”). In important ways Izetbegović was a conservative, opposed to abortion and in favor of limiting women to the home and the family. And he is Muslim; but as the body of work accumulated over his adult life demonstrates, he was not a fundamentalist in the way we have come to think of them today. Indeed, he opposes ideological solutions: “The perfect man is not our aim, the perfect society even less. All we want are normal people and normal society. God, save us from any ‘perfection.’”²⁶

In 1994, when a German reporter characterized Izetbegović as a “Muslim in the European tradition of tolerance, open to the entire world,” he replied, “My tolerance is not European but Islamic in origin. If I am tolerant, I am that first as a Muslim, and only then as a European. . . . I value Europe, but I think that it has far too high an opinion of itself.” But it was not his intention to create an Islamic Republic. As he put it early in 1994 in a speech to the board of the political party he headed, “To be quite clear, I don’t want an Islamic Republic, but I want Islam to survive in this part of the world, whether anybody likes it or not [*pa kome pravo kome krivo*]. . . . We don’t want to be assimilated. . . . We want to stay what we are, and we can say that with pride. We illustrate a European Islam here, a modern Islam. . . . Just maybe it is our mission to show Islam in a new and genuine light.” In the Bosnia he hoped for, therefore “no one will be persecuted for their religion, nationality or political conviction. That will be our fundamental law.”²⁷

After Izetbegović became president of Bosnia in 1990, this body of work, especially the *Islamic Declaration*, became fodder for the Serbian propaganda mills. In the political struggles that preceded the outbreak of actual fighting in Bosnia, Bosnian Serbs in particular repeatedly used claims that Izetbegović was a fundamentalist Muslim bent on placing Serbs under Islamic jurisdiction. Serbian writers plucked sentences and phrases from the *Islamic Declaration* to “demonstrate” that Izetbegović was “Ayatollah Khomeyni’s right hand man,” and even, not too logically, that the *Declaration* was his *Mein Kampf*.²⁸ This cam-

paign, however, smacked more of political mudslinging than of accuracy. Not that Izetbegović distanced himself from his Islamic views. Of the several factions that existed in the party he founded, the Party of Democratic Action (SDA), Izetbegović led the more religiously oriented wing. This led one of the early members of the SDA, Adil Zulfikarpašić, to form his own, more secular party.²⁹ Also, Izetbegović did some foolish things that played directly into the hands of his Serbian opponents, such as visiting Turkey in July 1991, where he asked that Bosnia join the Organization of Islamic Countries.³⁰ Izetbegović often spoke of creating a civil society in Bosnia, but when he spoke to Muslim audiences abroad, he liked to stress “the need for the Muslim nation in Bosnia to have its own state,” which is just what the Serbian nationalists accused him of trying to do.³¹ In 1993 he received the King Faisal Foundation award for services to Islam and in the next year he visited Mecca.³² On the other hand, it was Izetbegović, along with Kiro Gligorov of Macedonia, who led an effort to create a reorganized Yugoslavia along the lines of a civil state. This effort to counter Slobodan Milošević’s drive to Serbianize Yugoslavia failed, but it did provide a marked contrast to the intense nationalism of both Serbian and Croatian leaders in 1990 and 1991.

A telling argument against the view that Izetbegović sought to create an Islamic republic is that when such an opportunity presented itself, he did not take it. As Steven L. Burg and Paul Shoup point out, the most critical prewar moments came in the year 1990, when the Croatian and Slovenian republican governments took the position that Yugoslavia should be a confederal union of sovereign states, in other words, when those two states presented an option that only independence would satisfy. This put Bosnia on the spot with what appeared to be two choices: either opt for letting those two countries go and staying in a Yugoslavia that would be dominated by Serbia, or for creating an independent state consisting of three increasingly divided ethnic groups. Izetbegović characterized this choice as one between leukemia and a brain tumor.³³ The first option was unacceptable to much of the non-Serbian population of Bosnia, but not to some Bosnian leaders. In June 1991, Adil Zulfikarpašić and Muhamed Filipović negotiated an agreement with Radovan Karadžić and other Bosnian Serb leaders to keep Bosnia a sovereign and undivided state encompassing three constituent peoples. For this to happen, Bosnia would have to stay in a newly federated Yugoslavia. According to Zulfikarpašić, Milošević agreed to this plan, which also would have given Bosnia 60 percent of Sandžak and autonomy to the rest of that region.³⁴ Such a federal arrangement might have had significant long-term value for Yugoslav Muslims. Even though a newly federated Yugoslavia might be dominated by Serbs, it would nevertheless include in its various regions essentially all the Muslims living in Yugoslavia, encompassing those in Kosovo, Macedonia, Sandžak, and Montenegro, as well as in Bosnia. “Eventually,” as Burg and Shoup put it, “the Muslims would have become a political force to be

reckoned with in the new Yugoslavia.”³⁵ This would have been especially true if Izetbegović had seen himself in a similar way as the Serb and Croat leaders saw themselves, as a charismatic leader. But this is not how he thought of himself. Izetbegović considered himself a Bosnian and did not consider seriously the possibility of creating a larger Muslim entity. He feared that becoming a part of a Yugoslavia in which Milošević was the strongman would leave Bosnians second-class citizens and worried that the Croatian portions of Hercegovina, which had been part of the Croatian regional government (*banovina*) created by the royal Yugoslav government in 1939, would secede from Bosnia and join Croatia. The Croats confirmed this suspicion by reacting vigorously against Zulfikarpašić’s proposal, which they argued constituted a secret deal of two peoples, the Serbs and Muslims, against the third, the Croats. Izetbegović refused to consider the possibility of a Bosnia without Croats.

Contributing to Izetbegović’s lack of interest in a project that would have the prospect of creating a Muslim entity in a rump Yugoslavia may have been his contacts with Albanian nationalists in prison. The Kosovars he met there proved to be entirely secular. “Religion has been superseded and is unnecessary for our people and its struggle for freedom,” one of their leaders told him. Izetbegović found this lack of interest in Islam unacceptable, although, as he puts it, “we remained good friends.”³⁶ In any event, Izetbegović insisted on maintaining Bosnia as a multinational state, even though he recognized that this meant Bosnia might have to declare its independence, which could well mean war. All the evidence suggests that he did not even consider the possibility of creating a powerful Muslim entity in a restructured Yugoslavia.³⁷

One of the comments often made about Izetbegović’s political leadership was that he was indecisive, ready to be swayed by whoever provided the most recent argument. *Notes From Prison* suggests that the reason for this may be that he was too thoughtful to be a dynamic leader. This is not something that can be said about his main antagonists, Radovan Karadžić, Slobodan Milošević, and Franjo Tuđman, leaders who were never restrained by introspection. In the Bosnian elections of 1990, won by the three parties that most strongly represented the three main national groups, Karadžić, a Sarajevo psychiatrist and sometime poet, emerged as the leader of the Bosnian Serbs. As former American ambassador to Yugoslavia Warren Zimmerman put it, Karadžić was “the polar opposite to Izetbegović.”³⁸ Whereas Zimmerman considered Izetbegović a moderate and even charitable man, he characterizes Karadžić as a confrontational individual whose “single-mindedness in pursuit of the most radical Serbian agenda was matched by his deep-seated hostility, amounting to racism, toward Muslims, Croats, and any other non-Serbian ethnic group.”³⁹ Although he had not been particularly well known as a nationalist up until the late 1980s, he apparently had always tended toward violent ideas. In a 1992 film, for example, he “recounted

how more than two decades ago he had written a poem beginning: "I can hear disaster walking. The city is burning. . . . Everything I saw in terms of a fight, in terms of war, in army terms."⁴⁰ "Today [Serbs] cannot live with other nations," Karadžić told Warren Zimmerman in 1992 as the war in Bosnia was beginning. "They must have their own separate existence. They are a warrior race and they can trust only themselves to take by force what is their due."⁴¹ In contrast to Gligorov's and Izetbegović's efforts to find a solution, Karadžić and his party began to undermine the fragile structure of the Bosnian state. During 1991 they created three "Serb Autonomous Regions," began arming themselves by Serbianizing elements of the Yugoslav People's Army (JNA) in Bosnia, particularly the locally based territorial defense units, and created their own legislature.

Gojko Mišković, one of the collaborators in the Scholars' Initiative, testifies how thoroughly Karadžić's hostile approach had penetrated the discourse in Bosnia by mid-1991. In August of that year, Mišković participated in a meeting of representatives of twenty political parties from around Yugoslavia. The meeting was organized by his party, the Democratic Party [of Serbia], and took place in the Hotel Ilidža near Sarajevo. Here is how he describes the meeting:

The entire atmosphere of the meeting was electric, like before a major storm on the open sea. . . . [After the meeting came to order about thirty minutes late], Velibor Ostojić, head of the delegation of the Serbian Democratic Party of Bosnia and Hercegovina (SDS), was the first to speak. Even the delay in the opening of the meeting drew his vehement and contentious rhetoric. Probably unnerved by the fact that he had to make a presentation, he made it clear in a raised voice that the SDS and the Serb people would not accept any concessions or compromises, because they were on their own turf (*svoji na svome*). As the strongest and the most prepared they were in a position to thwart plans for the independence of Bosnia and Hercegovina. While he was speaking, the delegations of the Serbian Socialist Party . . . and the Communist Union of Montenegro showed their support by nodding their heads. Immediately Ostojić's "dearest enemies" [the representatives of the Croatian Democratic Union of Bosnia and Hercegovina—HDZ BiH—and of the Muslim Party of Democratic Action—SDA] responded in the same contentious way, after which [others] refined and supplemented the argument. The news we heard the next morning from a tearful Dr. Gordana Hajduković (SDP-Hrvatske) that the JNA and Serbian territorial troops had shelled her native Osijek dealt the final blow to efforts to conduct calm discussions. The next round of talks three weekends later was a complete fiasco and total failure.⁴²

"The main reason that predetermined the failure of the discussions," Mišković believes today, "was the hostile and contentious tone of the representatives of the SDS, which had the character of a war cry from Serbian heroic epics: either get out, or submit (*il' se skloni, il' mi se pokloni*)." Surely not by coincidence, a telephone conversation between Milošević and Karadžić taped at about

the same time as the party meeting in Sarajevo confirms that the Serbs had already decided to use force in Bosnia. “You’ll get everything, don’t worry. We are the strongest,” Milošević tells Karadžić. “Don’t worry. As long as we have the army, nobody can do anything to us.”⁷⁴³ Some in the West originally believed that Karadžić and the other Serb leaders were “rational people with whom one could argue, negotiate, compromise, and agree. In fact, they respected only force or an unambiguous and credible threat to use it.”⁷⁴⁴ As Edward P. Joseph put it, “No degree of assurance to the Serb minority in either Croatia or Bosnia could likely have deterred Milošević from deploying the arsenal of Yugoslavia for his aims.”⁷⁴⁵

Franjo Tuđman, while on some occasions more willing to listen to admonitions and advice from the Western powers than Karadžić, was almost the equal of Karadžić in his nationalism, but of course on behalf of Croats. “He has one purpose in life,” remarked Lord Owen, “to control all the territory that he believes historically belongs to Croatia—and to that end he will use any means.”⁷⁴⁶ At the first meeting of the Croatian Democratic Community (HDZ), Tuđman said ominously, “The NDH [Independent State of Croatia during World War II] was not simply a quisling creation and a fascist crime; it was also an expression of the historical aspirations of the Croatian people.”⁷⁴⁷ In the months from the time of that statement until the election of 1990 brought Tuđman to power, one of the most notable features of public life in Croatia was the vitriolic nature of Tuđman’s campaign.⁴⁸ Susan Woodward notes that this was important not because it was unique—Milošević achieved his power by similar outbursts against Kosovar Albanians—but because it played a role in defining how far in the direction of inflammatory prejudice it was permissible to go. Shortly after his election, Tuđman moved to rehabilitate those who served the fascist regime of the Independent State of Croatia; streets and squares were renamed in honor of supporters of that regime; and purges of Serbs from Croatian police forces spread even to the dismissal of Serbs in commercial ventures. Larger questions of how to approach the transition that Croatia was undergoing in its social, economic, or ethnic dimensions never became the focus of his regime. Neither did Tuđman see cooperation with educated urban Serbs who might have stood as a counterweight to the Krajina Serbs as worthy of interest, thus leaving moderate Croatian Serbs in no-man’s land between Milošević’s nationalism and Tuđman’s narrow vision of Croatia’s future.

The contrast of these moves with Izetbegović’s efforts to mediate is almost as great as the contrast between Izetbegović and Karadžić. Indeed, Tuđman never really accepted Bosnia as a state. Instead he maintained a hope that it be divided with Serbia, with at best a small Muslim enclave around Sarajevo. In other words, Tuđman’s nationalist agenda seemed to consist of two goals typical of a nationalizing regime: first, to replace Serbs in positions of authority or

of economic power with Croats; and two, to expand the borders of Croatia if possible. He succeeded in the first, but at the expense of alienating even moderate Serbs in Croatia, and he failed in the second, although he and Milošević had discussions that Tudjman hoped would lead to the partition of Bosnia. Beyond his national goals, Tudjman had ambitions to be recognized as a European leader. But his nationalist policies, as well as his bombastic style and love of pomp and circumstance, gave the impression to many of a comic opera ruler rather than a leader of substance. This reputation and appearance did not prevent him from providing hard-edged leadership for the Croats until his death in 1999.

Surely the most complex of the main players in the Wars of Yugoslav Succession was Slobodan Milošević. Subtler in his political sensibilities than Karadžić, better prepared for negotiations and discussions than Tudjman, willing to turn on a dime when maintaining his political position required betraying a friend or an ally, and personally charming when he chose, Milošević was not known in his early career for any special advocacy of nationalism, as Tudjman had been over the course of his career. But in the spring of 1987 he realized that he could mobilize broad and enthusiastic support by stressing Serbian victimhood, especially in Kosovo. From the time he seized power later that year, he perfected a vigorous nationalist agenda that served what many believe was his main goal: to achieve and maintain himself in power. His ability to generate massive public displays of support for his policy of consolidating Serbian control over Kosovo, Vojvodina, and Montenegro led him to think that perhaps he could achieve control over all of Yugoslavia. When that failed, he turned to a policy of uniting all Serbs in the former Yugoslavia, such as those in Bosnia and Krajina, under his control. In this process he demonstrated far more political horse sense than any other political figure. He knew how to coerce, how to generate public outcry suitable to his plans, and how to present bald faced lies with a straight face. At the same time he knew how to negotiate, how to promise while simultaneously taking away, and how to keep his antagonists guessing.⁴⁹

Milošević reached the peak of his power in Serbia at the moment communism was collapsing elsewhere in Europe. As socialism weakened and Milošević, excited by his discovery of the power of Serbian nationalism, strengthened, other republics in the SFRY became increasingly unwilling to play second fiddle to Serb interests. It is not clear whether Milošević understood clearly what was going to happen, but by 1990 he had mobilized Serbian society in such a way that it was not willing to countenance cooperation with the other republics in a state based on mutual accommodation. He achieved this in part by extending his control over Serbian media. Whereas smaller independent voices, such as the news magazine *Vreme*, the TV station Studio-B, and the radio station B-92, survived in Belgrade, by 1991 the Milošević-controlled RTV Belgrade had become the primary source of political information not only in Serbia, but also in

those areas of Croatia and Bosnia controlled by Serbian forces. In fact, one of the first things that Serbian forces did when they seized a territory was to remove the television responders linked to Sarajevo or Zagreb and replace them with ones that could only receive RTV Belgrade. During the time of the most heated conflicts, over 60 percent of the population of Serbia watched the principal news program from RTV Belgrade, whereas only 2 percent were reading newspapers.⁵⁰ In 1989, when Franjo Tuđman, by profession a historian, published a book entitled *Wastelands of Historical Reality* that provided significantly lower estimates of both Serb losses in World War II and Croatian atrocities than those accepted in Belgrade, the Belgrade media launched into what it called a “demystification of history.”⁵¹ Graves of World War II victims were opened and their remains shown, including explicit descriptions and pictures of mutilations and atrocities. Tuđman was referred to as “genocidal,” “fascistoid,” “heir of Ustasha leader Ante Pavelić,” and “neo-Ustasha Croatian viceroy.” Milošević, on the other hand was “wise,” “decisive,” “unwavering,” and the “man restoring the national dignity of the Serbian people.” Of course, the Croatian media, controlled in Zagreb by Tuđman’s people, reacted accordingly, characterizing Milošević as “Stalin’s bastard,” and “a bank robber,” while Tuđman was “dignified,” and “a wise statesman.”⁵² When war broke out in Bosnia in 1992, the Muslim forces became “jihad fanatics,” “Muhadjedin,” and “terrorists.” All sides used these destabilizing tactics, but as Mark Thompson, the historian of the media wars that forged the actual wars, put it, “Serbia set the pace.”⁵³

Given the misrepresentation of Izetbegović’s views and the despicable media campaigns conducted by Serbian television (matched in Croatia), it would be easy to argue that the fears felt by the Serbian minorities in Croatia and Bosnia were manufactured out of whole cloth. However, this would not be entirely correct. During the socialist period, the consciousness of national differences appears to have declined, but a good deal of awareness of difference continued to exist under the surface. One ethnic relationship in particular had never changed, and that was the hostility between Serbs and Muslims, in particular between Serbs and the Albanians of Kosovo. This hostility had a long history that the ease of self-identification through religion, language, names, and dress exacerbated.⁵⁴ In Belgrade, for example, the traditional occupations held by Albanians—nighttime street washers and deliverers of coal to basement bins—clearly suggested that even more highly educated urban Serbs held Kosovars in low esteem.⁵⁵ This explains in part why Milošević was able to rouse Serbs over the question of Kosovo. His tactics tapped a deep-seated racial chord in the minds of many Serbs. This same sense also helped Karadžić to make Serbs in Bosnia believe the worst about Izetbegović and the Muslims. Antagonism between Serbs and Croats, while not as deep seated as that between Serbs and Muslim, also had a long history, but it had decreased in saliency in socialist Yugoslavia. Nevertheless, there remained

a sufficient residue of distrust that it could be prodded back to life by political leaders for their own purposes with relative ease. For this, Milošević, Tudjman, and Karadžić bear a heavy burden of responsibility.

The international community, distracted in part by the East European revolutions of 1989, the unification of Germany in the fall of 1990, and the First Iraq War in the spring of 1991, did not provide the worsening situation in the former Yugoslavia the aggressive attention that a worsening situation there might normally have called for.⁵⁶ On the other hand, the new geopolitical situation encouraged the Europeans to feel themselves well positioned to assume responsibility for maintaining stability in the Balkans. As one European diplomat put it, "This is the Hour of Europe, not of America"⁵⁷ The United States, already beginning to look forward to a presidential election in 1992, agreed. It had no intention of getting involved in a messy situation in the Balkans where the costs were likely to be high and the payoff for American interests low. The Bush administration was perfectly willing to let the Europeans confront the worsening situation in Yugoslavia on their own.

By the beginning of the twenty-first century, the European Union had greatly refined the criteria it used to pass judgment on East European states aspiring to membership. When Yugoslavia was collapsing in the early 1990s, however, the European Community and NATO had little relevant experience dealing with the region, let alone with militant and recalcitrant nationalists. Hindered by widespread ignorance of Balkan affairs and hampered by the fact that NATO considered the Balkans "out of area" for military measures, European leaders imagined they could simply direct the unruly contestants to calm down and accept reasonable solutions to their minority problems.⁵⁸ Thus, when Serbian forces began to attack Croatian targets late in 1990 and when the violence escalated in 1991, the European Community equivocated. The first concerted action was the meeting that took place on Brioni shortly after Croatia and Slovenia declared "dissociation" from Yugoslavia. At this meeting it became clear that the head of the European delegation, Dutch Foreign Minister Hans Van den Broek, had little idea of the issues at stake. When Prime Minister of Yugoslavia Ante Marković sought to present proposals for keeping Yugoslavia together, thereby maintaining Yugoslavia's system of eliding the minority issue, Van den Broek simply ignored him and "stormed out of the room muttering, in English, according to Slovenian president Milan Kučan, 'What a people! What a country!'"⁵⁹ Without actually making a considered decision on the matter, the European negotiators from the first implicitly accepted the nationalists' view that Yugoslavia was breaking up, thereby tacitly withdrawing support from the many Yugoslavs who wanted to keep the country together. The best the European negotiators could do at Brioni was to get Slovenia and Croatia to accept a 90-day moratorium on their declarations of independence. The Slovenian case proved relatively unproblematic

because Slovenia lacked a significant Serb minority. Accordingly, Kučan was able to reach an agreement with Slobodan Milošević fairly quickly that permitted Slovenia to go its way. In fact, as Sabrina Ramet reports, as early as January 1991, “in exchange for Milošević’s assurances that Belgrade had no territorial pretensions vis-à-vis Slovenia, [Kučan] assured Milošević of his ‘understanding’ for Milošević’s interest in uniting all Serbs in a greater Serbia.”⁶⁰ Nevertheless, the Europeans took credit for the quick end of the hostilities in Slovenia, thus increasing their confidence in their ability to deal with the situation, although in fact European diplomacy had little to do with it.

Early in September 1991, as conditions deteriorated following the Brioni meeting, the EC convened a Conference on Yugoslavia and appointed Peter Lord Carrington as its chief negotiator. Despite constant meetings, occasional agreements, and many proposals, as the fall wore on Carrington found it difficult if not impossible to bring the negotiations to closure. A key moment came in October, when five of the six Yugoslav republics accepted, in principle at least, a plan that would reconstitute Yugoslavia as a federation or alliance of “sovereign and independent republics with international personality for those that wish it; a free association of the republics with an international personality, and comprehensive arrangements . . . for the protection of human rights and special status for certain groups and areas.”⁶¹ The one republic that did not accept this proposal was Serbia. Invoking the principles that had been the norm in socialist Yugoslavia, Milošević argued that such an agreement would turn Serbs living in non-Serbian republics from a “nation” into a “national minority.”⁶² He insisted that instead of national minorities, Serbs should be considered “sovereign” in those republics. Of course, he was not willing to grant the same sovereign status to the Albanians living in the province of Kosovo. Serb leaders saw nothing wrong with this illogical position. As Radovan Karadžić put it, “Serbs have a right to territory not only where they’re now living but also where they’re buried, since the earth they lie in was taken unjustly from them.” When asked if that meant Kosovars or Bosniaks should have the same right, he replied “Of course not, because Croats are fascists and Muslims are Islamic fanatics.”⁶³ The Conference on Yugoslavia gave the Serbs until November 5th to accept the plans for federation, which included “the principles of no unilateral change of borders, protection of human rights and rights of ethnic and national groups.” These “constitute universal, objective standards,” the Conference claimed, “which leave no room for compromise.” If that does not occur, the declaration continued, “the Conference will proceed with the cooperative republics to obtain a political solution, in the perspective of recognition of the independence of those republics wishing it . . .”⁶⁴ In other words, Serbia was informed that unless it gave up its demand for Serbs in Bosnia and Croatia to be “sovereign” and accepted their minority status, it could expect the

European powers to recognize the independence of the other Yugoslav republics without further attention to Serbian concerns.

Serbian rejection of this proposal shows how fundamental the issue of minority status was to the Serbs. For their part, the members of the EC felt that it would be possible to protect the rights of minorities, even substantial ones, if the new countries of Croatia and Bosnia accepted the European norms on minority rights. These norms began to emerge as aspects of international law after World War II. The Charter of the United Nations, for example, declared that its signatories were determined “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, [and] in the equal rights of men and women of nations large and small.” Members of the UN agreed to promote “respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.”⁶⁵ Between 1948 and the collapse of communism at least seven international conventions prohibited a variety of violations of human rights, such as genocide, discrimination against women, torture, and other cruel, inhumane or degrading treatment, while at the same time protecting various civil, political, economic, social, and cultural rights. Two institutions in particular, the Council of Europe and the Conference on Security and Cooperation in Europe (later the Organization for Security and Cooperation in Europe—OSCE), were responsible for tending to these rights, although neither had the ability to intervene in a sovereign country to protect the rights of minorities. Thus, even though Europeans felt that the rights of Serbs in Croatia and Bosnia *should* be protected, no mechanisms were in place to insure that they *would* be.

If we discount the rhetoric and Milošević’s willingness to resort to ethnic cleansing to establish the hegemony of Serbs, did the Serbian position have a reasonable basis? To some extent it did. For some Serbs, a proposal that made Serbs a minority rather than sovereign in Croatia—and might do the same later in Bosnia—simply perpetuated what they considered the injustices of borders established after 1945 by the communists. Why, the Serbian historian Dušan Bataković asks, was Kosovo, whose Albanian population constituted only 8.5 percent of the total population of the Serbian republic, made an autonomous region in Serbia, while the Serbian population of the Krajina, even though Serbs constituted 14.5 percent of Croatian population, was not? And why was the Vojvodina given autonomous status in part for historical reasons, while the even better established historical identity of Dalmatia was not recognized?⁶⁶ These were not entirely illegitimate questions. The thing that almost all outside observers found illegitimate, besides the unwillingness of Serbs to make the same concessions to Kosovar Albanians that they were asking for Serbs in Croatia and Bosnia, were the steps that Milošević took to respond to these grievances. Rather than insisting that the international community enforce minority rights in Croatia or Bosnia, he chose a war of ethnic cleansing to establish Serbian rights.⁶⁷ The inter-

national community believed minority issues would be answered when Croatia and other recognized states adhered to human rights standards and when they provided special status for places like Krajina. The Serbs did not think this likely.

The European Community faced several issues of international law in working through their decision to move forward with recognition.⁶⁸ The first was how to consider the breakup of Yugoslavia. Serbia claimed that Croatia and Slovenia had seceded, and therefore had no right to any assets formerly belonging to the SFRY.⁶⁹ On the other hand, other republics argued that Yugoslavia had simply disintegrated, and therefore they were entitled to their fair share of those assets. To advise it on the legal issues involved, the Conference on Yugoslavia created an arbitration commission of five constitutional judges headed by the President of the French Constitutional Council, Robert Badinter.⁷⁰ Near the end of November 1991, the commission reported and the Conference ruled that “the SFRY is in the process of dissolution.”⁷¹ The commission based its judgment on the observation that the central government of the SFRY did not effectively exercise control over parts of the country. This raised the intriguing question of whether it would be possible for any entity in a federal state to bring about the dissolution of that state by simply ceasing to participate in it, surely not a principle that other states with minority issues, such as Spain, would find acceptable.⁷² Indeed, the implication of this ruling was that unitary states, such as the Serbs were demanding, are more desirable than federations or confederations because they are less susceptible to secession, an interesting decision in the age of the European Union. The decision also deprived Serbia and Montenegro of their international legal standing. Since the SFRY had “dissolved” rather than suffered the secession of several republics, technically it no longer existed, and in fact Serbia and Montenegro had to regain diplomatic recognition in the year that followed.

How then should the members of the community proceed, especially given Serbia’s rejection of the Carrington plan and the EC’s threat to move forward with recognition? Germany’s foreign minister, supported by a significant portion of the German population, kept hinting that Germany was about to recognize both countries. Others argued that formal recognition would only exacerbate the situation. Lord Carrington, Cyrus Vance, and Javier Perez de Cuéllar, the Secretary General of the United Nations, all believed strongly that the recognition of independence should “only be envisaged in the framework of an overall settlement.”⁷³ Nevertheless, in order to paper over their differences and find a common way to proceed, a special meeting of European Community foreign ministers decided on December 16, 1991, to ask those Yugoslav republics wishing to be diplomatically recognized to petition for such recognition within one week, stating in their petitions that they accepted certain conditions, including the rights of minorities, the inviolability of frontiers, and other standard aspects of European political life.⁷⁴ Four republics responded, and in due course the Badinter Com-

mission reported that two of the applicants, Macedonia and Slovenia, had fully satisfied “the tests in the Guidelines on the Recognition of New States in Eastern Europe and the Soviet Union.”⁷⁵ In the case of Croatia the Commission found that the Croatian government had not adequately addressed the special status provisions of the Draft Convention of November 4th.⁷⁶ Special status meant that an ethnic group forming a majority in a region (Serbs in Krajina, for example) could have an autonomous status, including the right to show national emblems and to have their own educational system, administration, and police force. Given that armed Serb units had occupied about one-third of Croatia by this time and had already established their own regimes in Eastern Slavonia and Krajina by force, it came as no surprise that the Croats were not willing to accept a provision they believed rewarded their attackers.

While the Badinter Commission was receiving responses from the republics and formulating its advice, Germany simply recognized Croatia on its own on December 23, to become effective on January 15, 1992. Foreign Minister Hans Dietrich Genscher took this action despite the pleas of UN General Secretary Perez de Cuéllar, who wrote Genscher noting previous agreements that recognition could “only be envisaged in the framework of an overall settlement,” and warning “that early selective recognitions could result in a widening of the present conflict.”⁷⁷ Susan Woodward argues that Genscher’s actions had little to do with Balkan politics and a great deal to do with German internal politics and the foreign minister’s personality.⁷⁸ Nevertheless, the decision forced the hand of the rest of the EC. On January 15, 1992, following in Germany’s path and disregarding the Badinter Commission’s report on Croatia, the European powers agreed to formally recognize the independence of both Croatia and Slovenia. Despite the hopes for a common foreign policy that accompanied the creation of the European Union, the agreements for which were signed in Maastricht during this period, Germany’s ability to bring the rest of the community along put an end to the efforts of the conference on Yugoslavia to achieve a comprehensive solution.⁷⁹

The Badinter Commission answered one more important question late in 1991, namely, should the borders of the new states be the same as the republican borders of the former Yugoslavia? In arguing that they should, the commission based its decision on the principle of *uti possidetis*. This principle arose in the nineteenth century when newly independent countries were emerging from the declining Spanish Empire in Latin America. It held that when colonial states become independent, they must do so within their colonial borders. New states may not legally change these borders by force. In 1986, in a case involving Burkino Faso and Mali, the International Court of Justice ruled that this principle was linked not solely to the decolonization process, but also to the “phenomenon of the obtaining of independence wherever it occurs.”⁸⁰ The purpose of *uti pos-*

sidetis, of course, is to prevent the opposing principle of self-determination from leading to chaotic mini-secessions of every possible national or religious entity, a definite possibility in the former Yugoslavia. “Whatever the circumstances,” the commission advised, “the right to self-determination must not involve changes to existing frontiers at the time of independence (*uti possidetis juris*). . . .”⁸¹ This decision essentially extended the Helsinki accords to the Yugoslav successor states. Those accords had confirmed the long-standing standard of the European state system that borders could only be legally changed by the mutual consent of the states involved. Each country that applied for recognition, therefore, had to agree specifically that changing borders by force was illegitimate.

In considering these questions, it is important to note first that the Badinter Commission was an arbitration committee of the ad hoc Conference on Yugoslavia, and therefore not fully competent to recast international law. Further, the actual policies of the various nations making up the European Community were not decided in the Conference, but by the individual states and the appropriate organs of the European Community. Thus, despite the rulings of the Badinter Commission that Macedonia met the established standards and Croatia did not, the European Community recognized Croatia and not Macedonia. And third, despite the enormous significance of the events in Yugoslavia to the people living there, Europe’s primary attention in 1991 and 1992 was focused on the strains of the sea change in European affairs occasioned by the concurrent unification of Germany, breakup of the Soviet Union, and creation of the European Union.

Given the context in which the discussions took place, could it be said that the Badinter Commission’s decisions were appropriate? One could argue that the Badinter opinions were not consistent with international law, which “provides no right of secession, in the name of self-determination, to minorities.”⁸² Technically, the Badinter decisions were not based on self-determination, but on the right of secession contained in the Yugoslav constitution of 1974 and other similar documents. Nevertheless, Yugoslavia was clearly disintegrating. The commission had to make the best of a volatile situation and to do it in a very short time frame. The short-term results seem clear: the Badinter decisions intensified the process of Yugoslavia’s dissolution and did not slow the slide toward violence in Bosnia. They did not assist the European negotiators in finding a comprehensive solution for the Yugoslav situation, but they did provide a quasi-legal basis for the breakup and the entrance of the new countries into the international system of states.

In the long run, one of the unintended positive consequences of the arbitration commission’s work was to bring the contradiction between the right of self-determination and the necessity to maintain state borders into clearer focus. During the decade of the 1990s, the European Union, the OSCE, and the Council of Europe devoted considerable effort to defining ways in which that contradic-

tion could be resolved. When Woodrow Wilson spoke of the self-determination of peoples, he meant the creation of new states, particularly out of the Austro-Hungarian Empire. By the year 2000 or so, in significant measure because of efforts to understand and deal with problems in Yugoslavia and some regions of the former Soviet Union, Europeans had reached a new understanding of self-determination. In a world where changing borders was deemed illegitimate, self-determination could only mean self-determination *within* an established state, internal self-determination, as Antonio Cassese terms it.⁸³ People did have a right to their own language, their own schools, even perhaps their own administration—they had the right to self-determination in these senses, but not in the sense of creating a breakaway state. The 1990s saw a considerable expansion of this resolution of the contradiction between the principles of fixed borders and self-determination. For example, the Conference on Security and Cooperation in Europe (predecessor to the OSCE) created a High Commissioner on National Minorities in 1993, and in 1998 the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages came into effect. The European Court on Human Rights was restructured, and by 2009 was receiving more than 50,000 individual complaints a year.⁸⁴ The Badinter reports were an important part of a larger process that has led to reconciling the contradictory concepts of self-determination and *uti possidetis* by means of an international commitment to minority rights.

The strangest of the Badinter Commission's decisions was its suggestion that Bosnia conduct a referendum on the question of independence. In 1990, while Bosnia was still part of Yugoslavia, it had held its first open election since the imposition of communism. A poll conducted by the newspaper *Danas* in May had 74 percent of the population supporting "the decision of the Bosnian leadership to forbid the formation of nationalist parties."⁸⁵ But the main party that sought to continue Yugoslavia by means of a negotiated settlement was the renamed communist party. The overwhelming mood of the electorate was that after fifty years the communists had to go, no matter what the renovated party might advocate. During the campaign, the nationalist parties, which were in fact permitted, spoke of a harmonious relationship among the Bosnian people, but when these parties scored overwhelming regional victories in the winner take all election, purges fairly quickly left control of the Bosnian administration in the hands of three narrowly conceived parties. With no experience in democratic politics or statecraft, party leaders had neither the skills nor the will that would have been needed to implement a negotiated settlement. This was particularly true of Karadžić's Serbian Democratic Party (SDS), which, with psychological and material help from Serbia, consistently opposed Serbian inclusion in an independent Bosnia. When the war in Croatia began in earnest in the late summer of 1991, Serbian enclaves in Bosnia began to declare themselves "autonomous"

entities and called on the JNA to protect them. Milošević responded by increasingly turning over control of the JNA forces in Bosnia to Bosnian Serbs, so that by the time a ceasefire between Croatia and Serbia had been achieved in January 1992, the Serbian elements in Bosnia were well armed and in effective possession of large parts of the territory they would claim as theirs. The Bosnian state, on the other hand, had been deprived of its ability to use force to maintain its integrity.⁸⁶

It was under these conditions that the Commission noted that the “Serbian people of Bosnia-Herzegovina” had moved from a position in November of simply staying in Yugoslavia, to a vote in December to form a separate Serbian Republic in Bosnia as part of a federal Yugoslav state, and finally, in January 1992, to proclaiming the full independence of a Serbian Republic. It concluded the obvious: it could not be established that all the people of Bosnia were united in their desire for an independent Bosnian state. The Commission went on to suggest that “This assessment could be reviewed if appropriate guarantees were provided, . . . possibly by means of a referendum of all the citizens.”⁸⁷ This was a curiously technical finding, given the situation on the ground in Bosnia. One wonders how the commissioners, who had just admitted the intransigence of the Serbs, thought a referendum might stabilize the situation. In fact, what the Commission had done was to agree that the Serbian population of Bosnia had the right to prevent the creation of a unified and independent Bosnia, a ruling consistent with the earlier ruling that a part of a federal state could delegitimize that state by not participating in its affairs. In essence, the Commission, albeit probably unintentionally, accepted the Serbian position that the Serbs should not become a minority in a united Bosnia.

Despite serious misgivings about holding a referendum, Izetbegović agreed to do so. The vote, taken on February 28 and March 1, 1992, achieved a high turnout of 63 percent of the eligible voters, of whom almost one hundred percent voted in favor of independence. That is, an absolute majority of the citizens of Bosnia voted for independence. Unfortunately, the overwhelming majority of those who had voted were Bosniaks and Croats, although some Croats may have voted for independence as a first step in eventually joining Croatia. As could easily have been predicted, most Serbs boycotted the elections.⁸⁸ Nevertheless, only two days later, Izetbegović declared the independence of Bosnia and Herzegovina. The international community, noting the intransigence of the Serbs, now backed away from its earlier belief that Bosnia could be a unified country. At a meeting held in Lisbon two weeks following the declaration of Bosnian independence, the EC brokered an agreement to divide the country into three constituent units. The Serbs and Croats accepted this idea, but Izetbegović eventually did not, fearing that the Bosnian Muslims would be left an easy prey to more powerful Serbian and Croatian neighbors. By early April the “cleansing” of the Drina

Valley was under way, and within weeks Serb forces had occupied about 60 percent of the country.

Almost all observers agree that the international community handled the breakup of Yugoslavia poorly. John Gillingham, for example, has called it “a running diplomatic fiasco.”⁸⁹ The Europeans had difficulty dealing with the situation, first because they were divided among themselves not only in their ability to coordinate national foreign policies but also in the overlapping and sometimes conflicting international organizations that became involved. The United States, NATO, the United Nations, the CSCE, the European Union, and many NGOs all played their parts, not always in a coordinated way. The Badinter Commission, consisting of constitutional experts whose job was to deal with legal and technical issues in a volatile and rapidly developing situation, provided the rationales that supported a *de facto* policy of accepting the breakup of Yugoslavia, and especially by conceding the right of Serbs in Bosnia to define themselves as a constituent people rather than a minority. The West also was unwilling to use force where it might have been effective. In October 1991, when Serbian and Montenegrin forces began shelling Dubrovnik, a strike by NATO forces on the Serbian artillery positions and a rag-tag supporting fleet in the Adriatic would have sent a clear message that aggression would be met by force. The failure to do so only confirmed the conclusion already reached by the Serbian military, on the basis of its study of the First Gulf War, that overt Western, particularly American and NATO, military intervention in Yugoslavia, was highly unlikely.⁹⁰ When a military intervention did occur, with the arrival of a United Nations Protection Force (UNPROFOR), it did not come to prevent aggression or conquest, but rather to enforce a ceasefire between the Serbs and Croats, a ceasefire that temporarily left 30 percent of Croatia in Serbian hands and freed up Serb forces in Bosnia. In short, the Europeans proved inexperienced in dealing with committed, intransigent parties in an area they considered less civilized than themselves. But at least the Europeans became involved. The United States, whose participation would prove essential in the end, stayed on the sidelines. By dithering and lack of firmness, the international community ended up by exacerbating the tensions that lay at the root of the conflict.

It is vital to recognize, however, that Europe did not create those tensions and was not responsible for the acts of those who instigated or carried out the wars, or for the ethnic cleansings, atrocities, and mutilations that characterized them. For a while, it was a pastime of those involved to find the ultimate blame. Not surprisingly, each ethnic group blamed one or more of the others. In unresolved situations, such as the one in Kosovo, that continues to be the case. Of the main leaders, it seems clear that Slobodan Milošević, Radovan Karadžić, and those around them bear the largest measure of responsibility for turning a difficult situation into a bloody and destructive war. In this they were abetted by

Franjo Tudjman's nationalism and lust for territory, the ineptitude of the European governments, and the passivity of the United States. And yet, one should not overlook the larger context in which these events took place. Most of the countries now members of the European Union themselves went through bloody and violent upheavals before the map of imperial Europe as it stood in about 1850 was fully redrawn into a map of more or less ethnically homogeneous states. The Yugoslavs were left behind in this process. The historian Holm Sundhaussen has called the short twentieth century from 1914 to 1989 "the lost century" for the Balkans.⁹¹ While the rest of Europe was fighting a great civil war (1914-1945) that eventually cleared the decks for an entirely new and original structure of international interaction, the Balkan states were enmeshed in the difficult problems of establishing new states. After World War II they found themselves suffocated within the Soviet sphere, or in the case of Yugoslavia, under a dictatorship that seemed liberal only in comparison to the Soviet model. Consequently, when communism collapsed, none of the Yugoslav peoples had been through the difficult and complex process of negotiation and change that created the European Union. Instead, leaders such as Milošević and Tudjman, as well as their followers, retained ideas of national security and dignity that were at least two, and probably more, generations out of date. Milošević in particular believed he could use the issue of minority rights in a way that was consistent with the manner in which that issue was used for aggressive purposes by Germany during the inter-war years.⁹² But Europe had changed. Power based primarily on the seizure of territory was now considered illegitimate.

Clearly the kind of leadership that the Serbs and Croats received made a difficult situation not only worse, but much worse. The unwillingness of Europe and the United States to take forceful action early also played an important role in permitting a dangerous situation to careen out of control, at least until 1995. On the other hand, considering that the international system grants its legitimacy and authenticity primarily to nation-states, and given that human and minority rights have become a central tenet of that system, it is difficult to see how any leadership could have saved socialist Yugoslavia or reconstituted its republics into new states without serious conflict.

NOTES

- 1 For convenience, the terms "Serb" and "Croat" are used throughout. It must be kept in mind, however, as Drago Roksandić correctly points out, that these Yugoslav ethnic groups were not monolithic political blocks, especially before the outbreak of war.
- 2 The following is based on Dejan Jović, "Fear of Becoming a Minority as a Motivator of Conflict in the Former Yugoslavia," *Balkanologie*, December 2001, 21-26; and Dejan Jović, "Communist Yugoslavia and its 'Others,'" in *Ideologies and National Identities: The Case of Twentieth-Century Southeastern Europe*, ed. John R. Lampe and Mark

- Mazower (Budapest: CEU Press, 2004), 277-302, as well as other input. Silvano Bolčić also contributed to this section.
- 3 The glossary to the 1974 constitution of the SFRY defined *narodnosti* as “members of nations whose native countries border on Yugoslavia.”
 - 4 Jović, “Communist Yugoslavia and its ‘Others,’” 290.
 - 5 Alina Mungiu-Pippidi, “Nationalism after Communism: Lessons Learned,” East European Studies Program of the Woodrow Wilson International Center for Scholars, Meeting Report 303, 8 September 2004, <http://www.wilsoncenter.org/publication/303-lessons-learned-nationalism-to-state-building-after-communism>.
 - 6 For elaborations of this point see Gale Stokes, “Containing Nationalism: Solutions in the Balkans,” *Problems of Post-Communism* 46, no. 4 (1999): 3-10; and Gale Stokes “Can Money Buy Stability in the Western Balkans? Lessons from the Recent Past,” *Newsnet* 44, no. 1 (2004): 1-5.
 - 7 There were, of course, many other issues, such as the future of the Jewish minority in Sarajevo, the case of Istria, or the condition of the Roma. For a study of one of these issues, see Matjaž Klemenčič and Jernej Župančič, “The Effects of the Dissolution of Yugoslavia on the Minority Rights of Hungarian and Italian Minorities in the Post-Yugoslav States,” *Nationalities Papers* 32, no. 4 (2004): 853-96. Egidio Ivetić proposed a contribution for this chapter entitled “The Istrian Case, Between Yugoslavia and Post-Yugoslavia.” Silvano Bolčić also proposed a contribution entitled “‘Yugoslavs’ as a New Minority post-1990,” and Francine Friedman outlined a possible section on the Jews of Sarajevo.
 - 8 Marcus Tanner, *Croatia: A Nation Forged in War*, 2nd ed. (New Haven: Yale University Press, 2001), 285.
 - 9 Quoted in Steven L. Burg and Paul Shoup, *The War in Bosnia-Herzegovina: Ethnic Conflict and International Intervention* (Armonk, NY: M. E. Sharpe, 2000), 126.
 - 10 Drago Roksanđić, personal communication, 2005.
 - 11 For a more extended discussion of the wars in Croatia, see chapter 7.
 - 12 There are perhaps a score of biographies of Slobodan Milošević, but I am not aware of a single full-scale biography of Izetbegović.
 - 13 Alija Izetbegović, *Sjećanja: autobiografski zapis* (Sarajevo: TKD Šahinpašić, 2001), 23.
 - 14 Alija Izetbegović, *Islamic Declaration*, 15. The copy I used is an English translation obtained from the Yale University library.
 - 15 *Ibid.*, 7.
 - 16 *Ibid.*, 36.
 - 17 On modernism conceived as the replacement of honor by dignity see Charles Taylor, *Multiculturalism*, ed. and intro. Amy Gutmann (Princeton: Princeton University Press, 1994).
 - 18 “I have been attacked as a fundamentalist,” he said, “and in a certain sense I was—demanding a return to the sources” (Izetbegović, *Sjećanja*, 35).
 - 19 Albert Hourani, *Arabic Thought in the Liberal Age, 1798-1939* (London: Oxford University Press, 1962), 354.
 - 20 Alija Izetbegović, *Islam Between East and West* (Indianapolis: American Trust Publications, 1984), 38; and Mihailo Marković in Gale Stokes, ed. *From Stalinism to Pluralism: A Documentary History of Eastern Europe Since 1945*, 2nd ed. (New York: Oxford University Press, 1996), 120. Marković later became a supporter of Milošević and even appeared at The Hague as a witness for Milošević’s defense.
 - 21 Izetbegović, *Declaration*, 45.
 - 22 *Ibid.*, 43.

- 23 Ibid., 53.
- 24 Alija Izetbegović, *Islam Between East and West* (Indianapolis: American Trust Publications, 1984).
- 25 Alija Izetbegović, *Izetbegović of Bosnia and Herzegovina: Notes From Prison, 1983-1988* (Westport: Praeger, 2002), 106, describing his earlier ideas in *Islam Between East and West*.
- 26 During his stay in prison, Izetbegović numbered his notes consecutively, but in the published book he divided them into subjects for individual chapters so that the numbering is no longer consecutive. Therefore, I give citations for the above quotes, in the order in which they appear, with the page number followed by the item number on that page. Izetbegović, *Notes From Prison*, 32/1040; 71/1203; 203/2293; 79/1631; 195/712; 194/241; and 201/2013.
- 27 Alija Izetbegović, *Izetbegović: Odabrani govori, pisma, izjave, intervjui* (Zagreb: Prvo Muslimansko Dioničko Društvo Zagreb, 1995), 170, 39, 89.
- 28 These charges are taken from a Serbian website: <http://www.srpska-mreza.com/librar/facts/alija.html>, accessed 29 October 2004, but no longer available.
- 29 In fact, “Bosnian Moslems [sic] typically report not considering religious affiliation a significant part of personal or collective identity.” Scott Atran, “Genesis of Suicide Terrorism,” in *The Best American Science and Nature Writing 2004*, ed. Steven Pinker (Boston: Houghton Mifflin, 2004), 9.
- 30 Laura Silber and Allan Little, *Yugoslavia: Death of a Nation* (New York: Penguin, 1997), 213. Silber and Little are probably referring to The Organization of the Islamic Conference, of which Bosnia and Hercegovina became an Observer (i.e., not a full member) in 1994.
- 31 Burg and Shoup, *The War in Bosnia-Herzegovina*, 67.
- 32 Izetbegović, *Izetbegović*, 101. Thanks to Husnija Kamberović for comments at this point.
- 33 As reported by Jasminka Udovički and Ejub Šitkovic, “Bosnia and Hercegovina: The Second War,” in *Burn This House: The Making and Unmaking of Yugoslavia*, ed. Jasminka Udovički and James Ridgeway (Durham: Duke University Press, 2000), 175-76. This book is a revised and expanded edition of *Yugoslavia's Ethnic Nightmare* (1995) by the same editors.
- 34 Udovički and Šitkovic, “Bosnia and Hercegovina,” 204n6
- 35 Burg and Shoup, *The War in Bosnia-Herzegovina*, 72.
- 36 Izetbegović, *Sjećanja*, 58.
- 37 Ibid., 96-100.
- 38 Warren Zimmerman, *Origins of a Catastrophe* (New York: Times Books, 1999), 174.
- 39 Ibid., 175. “In his fanaticism,” Zimmerman wrote, “he invites comparison with a monster from another generation, Heinrich Himmler.”
- 40 Tim Judah, *The Serbs* (New Haven: Yale University Press, 2000), 43.
- 41 Zimmerman, *Origins of a Catastrophe*, 203.
- 42 Mišković email to Stokes, November 30, 2004.
- 43 Dusko Doder and Louise Branson, *Milosevic: Portrait of a Tyrant* (New York: The Free Press, 1999), 96. See also Josip Glaurdić, “Inside the Serbian War Machine: The Milošević Telephone Intercepts, 1991-1992,” *East European Politics and Society* 23, no. 1 (2009): 86-104.
- 44 Richard Holbrooke, *To End a War*, rev. ed. (New York: The Modern Library, 1999), 152.
- 45 Edward P. Joseph, “Back to the Balkans,” *Foreign Affairs* 84, no. 1 (2005): 118. Joseph continues: “It is hard to overestimate how essential the minority-treatment principle is for the Balkans.”

- 46 David Owen, *Balkan Odyssey* (London: Victor Gollanz, 1995), 74.
- 47 Quoted by Ejub Štitkovac, "Croatia: The First War," in Udovički and Ridgeway 2000, 156.
- 48 Susan Woodward characterizes Tudjman's campaign as full of "anti-Semitic and -Serb vitriol" in *Balkan Tragedy: Chaos and Dissolution After the Cold War* (Washington: The Brookings Institution, 1995), 133.
- 49 For an excellent discussion of the personality of Milošević and his family, especially of Mira Marković, the wife who had such an influence on him, see Louis Sell, *Slobodan M Milosevic and the Destruction of Yugoslavia* (Durham: Duke University Press, 1992), 169-94. Sell believes Milošević was a "malignant narcissist," that is, an emotionally frigid individual who was so strongly self-centered that he believed his own wants and visions to be the truth, whatever the facts. See also Slavoljub Djukić, *Milošević and Marković: A Lust for Power* (Montreal: McGill-Queen's University Press, 2001).
- 50 Slightly modified from Eric D. Gordy, *The Culture of Power in Serbia: Nationalism and the Destruction of Alternatives* (University Park, PA: Pennsylvania State University Press, 1999), 33.
- 51 A revised and updated English version appeared in 1996: Franjo Tudjman, *Horrors of War: Historical Reality and Philosophy* (New York: M. Evans, 1996).
- 52 Milan Milošević, "The Media Wars," in Udovički and Ridgeway 2000, 113.
- 53 Mark Thompson, *Forging War: The Media in Serbia, Croatia, Bosnia and Hercegovina* (Luton, UK: University of Luton Press, 1999), substantially revised from its initial publication in 1994. "Serbia Sets the Pace" is the title of chapter 4. See also, David Bruce MacDonald, *Balkan Holocausts? Serbian and Croatian Victim-Centered Propaganda and the War in Yugoslavia* (Manchester: Manchester University Press, 2002).
- 54 Bojan Aleksov argues, for example, that Serbian historiography has consistently mythologized the emergence of Islam in the Balkans as being a result of the devşirme and of coercion, rather than a complex and genuine phenomenon. In the 1990s, he writes, this tradition produced "a flood of press articles spreading hatred depict[ing] Muslims as an imminent danger." From "Perceptions of Islamisation in the Serbian National Discourse" (paper presented at the Nationalism, Society and Culture in Post-Ottoman South East Europe conference, St. Peter's College, Oxford, 29-30 May 2004), 12.
- 55 A survey conducted in 2001 showed that Serbs ranked Kosovar Albanians lowest in trust among eleven ethnic groups, and Bosnia Muslims next lowest. Both were ranked lower than Roma. See Alina Mungiu-Pippidi, "Milošević's Voters: Explaining Grass-roots Nationalism in Postcommunist Europe," in *Nationalism after Communism: Lessons Learned*, ed. Alina Mungiu-Pippidi and Ivan Krastev (Budapest: Central European University Press, 2004), 53.
- 56 For a detailed discussion of the international reaction to the dissolution of the SFRY, see chapter 5, "The International Community and the FRY/Belligerents, 1989-1997," whose primary author is Matjaž Klemenčič. Dr. Klemenčič also made significant contributions to this chapter.
- 57 Quoted by John Gillingham, *European Integration 1950-2003: Superstate or New Market Economy* (Cambridge: Cambridge University Press, 2003), 282. James Gow, *Triumph of the Lack of Will: International Diplomacy and the Yugoslav War* (New York: Columbia University Press, 1997), characterizes this statement as "much derided" (48).
- 58 Woodward, *Balkan Tragedy*, 150.
- 59 Silber and Little, *Death of a Nation*, 164-65; Woodward, *Balkan Tragedy*, 169.
- 60 Sabrina Ramet, interview with Milan Kučan, 6 September 1999, in "Competing Narratives of Resentment and Blame: Historical Memory, Revitalization, and the Causes

- of the Yugoslav Meltdown,” interim report to the Scholars’ Initiative Project, 31–32, available at http://www.avim.org.tr/icerik/Yugoslavyanin_dagilmasi.pdf.
- 61 “Peace Conference on Yugoslavia: Arrangements for General Settlement [The So-called Carrington Draft Convention],” The Hague, 18 October 1991, in *Yugoslavia Through Documents: From Its Creation to Its Dissolution*, ed. Snežana Trifunovska (Dordrecht: Martinus Nijhoff, 1994), 357.
- 62 Note that according to the Constitution of Bosnia-Herzegovina adopted in December 1995 as part of the Dayton Accords, Bosniaks, Croats, and Serbs are all considered “constituent peoples (along with Others)” of the new state.
- 63 Zimmerman, *Origins of a Catastrophe*, 175.
- 64 “[EC] Declaration on the Situation in Yugoslavia,” Brussels, 28 October 1991, in Trifunovska 1994, 368-69.
- 65 Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen*, 2nd ed. (Philadelphia: University of Pennsylvania Press, 2003), 188.
- 66 The percentages are as cited by Dušan Bataković, *Yugoslavie: Nations, Religions, Idéologies* (Lausanne, Switzerland: L’Age D’hommes, 1994), 242-43. According to the figures cited by Tim Judah, the percentage of the Albanian population of Serbia as a whole in 1991 was 16.6 percent, and of Serbs living in Croatia as a whole was 12.2 percent. Actually, of course, most Croatian Serbs did not live in Krajina, but in Zagreb and other urban areas. Tim Judah, *The Serbs: History, Myth and the Destruction of Yugoslavia* (New Haven: Yale University Press, 2000), 343-44.
- 67 James Gow argues, in fact, that “the committing of war crimes was the essence of Serbian strategy in the war” in *The Serbian Project and Its Adversaries: A Strategy of War Crimes* (London: Hurst, 2003), 2.
- 68 For thorough discussions of the legal issues surrounding recognition, see Marc Weller, “The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia,” *The American Journal of International Law* 86, no. 3 (1992): 569-607; and Roland Rich, “Recognition of States: The Collapse of Yugoslavia and the Soviet Union,” *European Journal of International Law* 4 (1993): 36-65.
- 69 Daniele Conversi has argued that in fact it was not Croatia and Slovenia who were seceding, but instead Serbia. By setting such aggressively irredentist conditions for maintenance of Yugoslavia, Serbia purposely undermined the relatively balanced structure of the state and insured its breakup. See his “Central Secession: Towards a New Analytical Concept? The Case of Former Yugoslavia,” *Journal of Ethnic and Migration Studies* 26, no. 2 (2000): 333-56, and “The Dissolution of Yugoslavia: Secession by the Centre?” in *The Territorial Management of Ethnic Conflicts*, ed. John Coakley (London: Frank Cass, 2003), 264-92.
- 70 Comments by Zoran Oklapčić have informed the discussion of the Badinter Commission, as have the critical remarks of Josip Glaurdić, “Review Essay: Charles Ingrao and Thomas A. Emmert, eds., *Confronting the Yugoslav Controversies: A Scholars’ Initiative*,” *East European Politics & Societies* 24, no. 2 (2010): 294-309.
- 71 Opinion No. 1, 29 November 1991, in *The International Conference on the Former Yugoslavia: Official Papers*, ed. B. G. Ramcharan (The Hague: Kluwer Law International, 1997), 1259-61.
- 72 See Hurst Hannum, “Self-Determination, Yugoslavia, and Europe: Old Wine in New Bottles?” *Transnational Law and Contemporary Problems* 3 (Spring 1993): 64.
- 73 “Letter from the Secretary-General of the United Nations Addressed to the Minister for Foreign Affairs of the Netherlands,” 10 December 1991, in Trifunovska, 1994, 428. The letter was to be transmitted to all twelve participants in the Conference on Yugoslavia, including (and especially) Germany.

- 74 The principles in the guidelines were directed to the emerging states of the former Soviet Union as well. By the Alma Ata Declaration of December 16, 1991, all but one of the 12 remaining unrecognized states of the former USSR agreed with the principles. The Baltic states had already been recognized, and Georgia did not sign.
- 75 Opinions No. 4, 5, 6, and 7, Ramcharan, *Official Papers*, 1265-1301.
- 76 Ramcharan, *Official Papers*, 13-23.
- 77 Javier Perez de Cuellar to Hans-Dietrich Genscher, 14 December 1991, on CD accompanying Owen, *Balkan Odyssey*.
- 78 For a spirited defense of Germany's position see Daniele Conversi, "German-Bashing and the Breakup of Yugoslavia," *The Donald W. Treadgold Papers* 16 (March 1998). For an excellent discussion of German policy, see Sabrina P. Ramet and Letty Coffin, "German Foreign Policy Toward the Yugoslav Successor States, 1991-1999," *Problems of Post-Communism* 48, no. 1 (2001): 48-64.
- 79 The recognition of Croatia, and later Bosnia-Herzegovina, was not consistent with the Badinter Commission's decision on the dissolution of the SFRY, because neither of those countries exercised effective control over their entire territory. Thus their recognition was a declaratory political act rather than a decision consistent with international law. See Thomas D. Musgrave, *Self-Determination and National Minorities* (Oxford: Clarendon Press, 1997), 200-07.
- 80 Rich, "Recognition of States," 58. Antonio Cassese holds that "it is beyond dispute that at present *uti possidetis* constitutes a general rule of international law" in *Self-determination of Peoples: A Legal Reappraisal* (Cambridge: Cambridge University Press, 1995), 192.
- 81 Opinion No. 2, in Ramcharan, *Official Papers*, 1262. The relationship between this principle and the right of self determination is far from clear. See, for example, J. Klabbers and R. Lefeber, "Africa: Lost between Self-Determination and *Uti Possidetis*," in *Peoples and Minorities in International Law*, ed. Catherine Brölmann, René Lefeber, and Marjoleine Zieck (Dordrecht: Martinus Nijhoff, 1993), 37-76.
- 82 R. Higgins, "Postmodern Tribalism and the Right to Secession: Comments," in Brölmann, Lefeber, and Zieck, 1993, 33.
- 83 Cassese, *Self-determination of Peoples*.
- 84 European Court of Human Rights, *50 Years of Activity* (Council of Europe: Strasbourg-Cebex, 2011), 4, available at http://www.echr.coe.int/NR/rdonlyres/ACD46A0F-615A-48B9-89D6-8480AFCC29FD/0/FactsAndFigures_EN.pdf.
- 85 V. P. Gagnon, *The Myth of Ethnic War: Serbia and Croatia in the 1990s* (Ithaca: Cornell University Press, 2004), 49.
- 86 For an excellent, detailed account of the formation of military forces in Bosnia, see Marko Attila Hoare, *How Bosnia Armed* (London: Saqi Books, in association with The Bosnian Institute, 2004).
- 87 Opinion No. 4, 11 January 1992, in Ramcharan, *Official Papers*, 1268
- 88 See, among others, Sabrina Petra Ramet, *Balkan Babel: The Disintegration of Yugoslavia from the Death of Tito to the Fall of Milošević*, 4th ed. (Boulder, CO: Westview Press, 2002), 206.
- 89 Gillingham, *European Integration*, 281.
- 90 Gow, *The Serbian Project*, 102-13.
- 91 Holm Sundhaussen, "Das zwanzigste Jahrhundert als verlorenes Jahrhundert: Der Balkan und Europa," *Jahrbücher für Geschichte und Kultur Südosteuropas* 3 (2001): 11-26.
- 92 This statement will raise a red flag with many readers who will accuse the author of comparing Milošević to Hitler. Milošević was several rungs below Hitler in his impact,

his racism, and his cold brutality. However, even in the 1920s, German governments justified their aggressive policies toward East Central Europe by claiming that they were protecting German minorities. Carole Fink writes, “Between 1926 and 1933, Germany [was] . . . the foremost champion of minority rights” in *Defending the Rights of Others: The Great Powers, the Jews, and International Minority Protection, 1878-1938* (New York: Cambridge University Press, 2004), 295. These arguments, as well as the ones used by the Nazis in the Sudetenland and Danzig, are functionally equivalent to those made by Serbia regarding Croatia and Bosnia in the early 1990s.