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CROATIAN-SERBIAN CONFLICTS AND THE DISMANTLING OF YUGOSLAVIA (1)

INTRODUCTION

Like in other

As is the case in some multi-ethnic societies, Yugoslav society, too, had two facets: one is of conflict, struggle and dialectics of power; the other is of interdependence, cooperation and mutual support. Indeed, with this snapshot view, conflict appears deviant, an aberration of the system. However, concensus and equilibrium, rather than conflict was the defining characteristic of the former Yugoslav society.

The evidence for such an assessment is to be found in the development of the Yugoslav idea since its inception at the turn of the 19th century. Since that time on, one can observe the following conflicts:

(1) The uprising in Bosnia and Herzegovina against Turkish rule, 1875–1878. The armed conflict was between the oppressed Serbs and the Moslems, who were the defenders of the Turkish rule. In addition, the Croatian politicians were campaigning against the Serbian insurrectionists fearing that the success of the uprising would bring about the unification of Bosnia and Herzegovina with Serbia and Montenegro.

(2) The 1902 conflict between the Serbian and Croatian political parties in Croatia gave rise to chauvinistic pogroms against Serbs in Zagreb and other Croatian cities, organized by the Franco party, namely the party which was the predecessor of the Ustashas.

(3) The period from 1919 until 1939 was characterized by permanent conflict between the Serbian, Croatian, Slovenian and Moslem elites.

(4) Since the beginning of the 19th century the relationship between the Serbs and the Albanians was one of protracted conflict. Albanians participated on the Turkish side in three wars against Serbia: in the years of 1876, 1877, and 1912. The entire period between 1878 and 1912 was hallmarked by persecution of the Serbs by the Albanians and the Turkish

(1) Canberra. Conflict Resolution In The Balkans Workshop — Saturday, July 6, 1996.

forces. From 1919 until 1924 Albanian terrorists infiltrated from Albania and local Albanian terrorist groups organized by them kept the province in a state of permanent tension. On the other hand, the Yugoslav Army (until 1924) and later the police authorities carried out reprisals against the Albanians.

(5) The conflict between the Serbs and the Moslems in Bosnia and Herzegovina was founded on religious and social differences. The Serbs, being Orthodox Christians, were discriminated against by the Moslems. In addition, the Bosnian Moslems had participated in the Turkish war against Serbia in 1813 and 1815. As mentioned above, in the year of 1875 there was also an armed conflict between these divergent religious entities.

(6) The culmination of the conflict between the various ethnic and religious entities of Yugoslavia took place during the Second World War. The massacres of Serbs in Croatia were the cause of an the ethnic and religious war. The Croatian Ustashas in the Nazi Independent State of Croatia massacred between 500,000 and 700,000 Serbs. However, the precise number of massacred Serbs is still not definitive. The Chetniks under general Mihailović liquidated about 28,000 of their Communist opponents (including 8,000 Moslems and Croats, mostly in Bosnia and Herzegovina).

In spite of all this, Yugoslavia survived WW II. However, in the post-war period, in spite of cooperation — which was the official policy — periodical conflicts surfaced, accentuating the fact that the underlying causes of these conflicts were unresolved in spite of the appearance of cooperation. The most pronounced conflicts in the post-war period were the following:

- (1) The Riots in Kosovo in 1968;
- (2) The constitutional reforms of 1968-1971;
- (3) The mass-movement in Croatia in 1970-1971;
- (4) The Riots in Kosovo in 1981.

There were also other conflicts in post-war Yugoslavia, but one should depict them rather as being disputes, because they were coupled with attempts at settling them through negotiation between the contending parties.

For the present analysis apply the following definition of conflict:

„Social conflict may be defined as a struggle over claims to status, power, and scarce resources, often involving an attempt to injure or eliminate opponents.” (2)

In addition, I have also accepted R. J. Rummel's formulation:

„Conflicts behaviour, however, is not necessarily hostile or antagonistic. It may be what is ordinarily considered helpful, cooperative, or solidary. Elites not only threaten, deprive, sanction, retort or retaliate, but also bargain,

(2) Coser, L. A., „Conflict: Social Aspects”, in — Davit L. Sills, ed., *International Encyclopaedia of Social Sciences*, Vol. 3, Free Press, New York, 1968, pp. 232 — 236.

trade, cooperate, or aid one another, or exchange with him as part of the balancing.” (3)

What are the causes of latent conflict among the nationalities of Yugoslavia? It is not possible in this limited paper fully to address and explain all these conflicts. Consequently, I shall only depict the most important conflict factors and indicators.

THE CROATIAN — SERBIAN CONFLICT

Yugoslavia was a state composed of several ethnic and religious groups which were formed and developed throughout history as separate territorial and political entities. This political and territorial division is of the same importance as the ethnic and religious one.

Serbs and Croats established their territories in the course of history. In the 19th century, the Serbs created their state through liberation from Turkish occupation. Croatia was within the framework of Austria-Hungary until the end of the First World War. Immediately after it became part of the new state of Yugoslavia, The Serbs and the Croats, as the two major nations within Yugoslavia, were intermingled in the territory of Bosnia and Herzegovina, Croatia, and Vojvodina. The Serbs settled in Croatia five hundred years ago, while fleeing from Turkish invasion. They settled along the border dividing Turkey and Austria-Hungary, forming the so-called Military Border-Land which served as a Serbian-made barrier against the Turkish raids. With the establishment of national states in course of the nineteenth century, both Serbs and Croats expressed their territorial aspirations toward territories with mixed populations. True, all the Balkan nations had their „great-national” programs, envisaging the appropriation of territories which were ethnically mixed, or which belonged historically, in the Middle Ages, to these peoples. In that respect the Serbs and the Croats were no exception. However, the element making relations between the Serbs and the Croats more complex lies in their cultural and religious differences.

In terms of culture the differences were important, and this applies not only to the general cultural level of the population, but also to the sources of culture of the individual historical entities which made up former Yugoslavia. Suffice it to mention that the Yugoslav space has witnessed the intermingling of three major religions — Catholic, Orthodox, and Moslem. Even in one does not taking into account the influence of religion in shaping culture, the system of values, moral and customary norms, one need only point to the dogmatic exclusivism of these three religions. This exclusivism naturally is even more conspicuous in places where communities of different

(3) Rummel, R. J., *Understanding Conflict and War*, Sage Publication, London, 1979, p. 182.

religions live with each other. And the arena of such contact in particular was the territory of the former state of Yugoslavia.

The essence of the Serbian-Croatian conflicts lies within the issue of the possession of territories which were ethnically intermingled. That is why it has always been, and still is, a conflict over territories. However, the cultural and religious differences played their part in contributed to the creation of animosity and hatred, which made the conflicts even more brutal. There was also a conflict between the Serbs and the Bulgarians over territories. The Serbs and the Bulgarians waged four wars during the nineteenth and twentieth centuries. However, these wars were not as brutal as the conflicts between the Croats and the Serbs. In order to explain the Serbian-Croatian conflict it is necessary also to include cultural factors in the analysis, otherwise the brutalities, massacres and hatred could not be understood. This hatred is combined with the striving to ethnically „cleanseing” the territories, after members of other ethnic and religious groups take possession of them.

The creation of Yugoslavia in 1918, provided Serbia with the possibility of establishing a domination of its political power in such a new state. The territorial remained af the root of mutual relations between the Serbs and the Croats. Thus, for instance, in 1939, in the endeavour to reach agreement of the Serbian and Croatian political elites, the claim was raised by the Croats to include Bosnia and Herzegovina, part of Vojvodina and Boka Kotorska in Croatia. A compromise was reached according to which Croatia gained part of Bosnia and Herzegovina, and the town of Dubrovnik.

Between the two world wars Slovenia played the role of a balancing factor, in the conflict between the Croats and the Serbs. The Moslems also played such a role, although more frequently they have sided with the Serbs and not with the Croats, which was the expression of their reality in politics, since the Serbian factor was stronger by all means at the time.

The conflicts between the national programs of the Serbs and the Croats have always diverged regarding the question of their borders, namerly over the territories of the states of these nations. The present-day conflict confirms that fact, representing at the same time the only key for understanding it. Consequently, I will try to depict in a summary way the principal features of both programs.

A. The Serbian National Program

The Serbian national program continually developed since the beginnings of the life of modern Serbia. The First Serbian Uprising which took place in central Serbia influenced all in 1804 the Serbian people spread over all the territories of former Yugoslavia in Bosnia and Herzegovina, Croatia and Macedonia. Serbs from all these regions have floched to Serbia, so that

by 1813 the country had twice the population as in 1804. However, it was not until 1844 that a great statesman of the young Serbian state — Ilija Garašanin, has made an integral national program. (4)

A supporter of the unification of all the South Slavs, as a realistic politician, Garašanin, introduced the creation of a Greater Serbia, as a basic goal in his plan. He defined its borders across the space settled by the Serbs under Turkish rule: Bosnia and Herzegovina, Macedonia, South Serbia, Kosovo, and Metohija. He considered that Serbia could not survive within the borders it had in at that time. The best way to extend its territories was in the areas settled by the Serbs in Turkey, because the Turkish Empire was living out its last days. Later on, he also included in his program the territories settled by the Serbs in Austria, Vojvodina and the Military Border-Land (Vojna Krajina) in Croatia, as well as in Northern Albania. At that time Garašanin made contact with the Croats, as well, although, for pragmatic reasons, he concentrated politically only on the countries situated in the Turkish Empire.

Garašanin's plan did not remain only a dead letter, since it became the basis for political action in foreign policy of Serbias. Serbias schools thus opened in Bosnia, secret-headquarters were established in Bosnia, Herzegovina and Croatia in the places settled by Serbes, as well as in Dubrovnik. After the Berlin Congress, Serbia came under the influence of Austria-Hungary, so that it temporarily desisted from its national program to unite the South Slavs. However, efforts concentrated on strengthening internal power, the economy, culture and the army. In 1903, Serbia freed itself from the influence of Austria-Hungary, while seeking an alliance with Russia and France so that it was able to take up again its political program to unify all the South Slavs. Preparations were underway war in the Balkans, an alliance was agreed with Bulgaria, Greece and Montenegro, and after winning the 1912 war against Turkey, Serbia realized the first part of its plan. However, conflict came about with Bulgaria over Macedonia in 1913, which was culminated in the cause of the war between Bulgaria and Serbia, so that the liberation war against Turkey lost some of its significance. This was the time of preparation for the great European war, too, and Serbia has aligned itself with Russia, France and England. The victory of these powers in the war opens up the possibility for Serbia to raise the issue of uniting the Serbs, Croats and Slovenes into one state.

In the newly-created state, the Serbian ruling elite was successful in imposing its conception of a unitary state. Political power was in the hands of the Serbian elite, but their refusal to acknowledge the intentions of the Croats and Slovenes who wanted a federal (Croats — a confederal) state, caused permanent political tension, so that the first Yugoslavia was never instituted by a consensus of the peoples who constituted it.

(4) See: Mackenzie, D., Ilija Garasanin, *The Balkan Bismark*, East-European Monographs, Boulder, 1985.

On the other hand, the political elite of Croatia recognised to Serbia is right only to the territories it already had prior to the First World War. Serbia had greater power in the Army and in the system of state authority so that it succeeded in imposing its concept on the Croats.

The intolerance and exclusivism of the responsible political factors of that time led to the inter-ethnic war between the Serbs and the Croats in the course of the Second World War, which involved the sacrifice of many more victims than in the war waged against fascist Germany. Between the two world wars there were many reasonable proposals passions were stronger than genuine interests. Mutual insults, the growing of old animosities and the like have contributed to an the end of that state in which it is characteristic that unheard of crimes where committed in the otherwise already bellicose Balkans. However, the first Yugoslavia still gave birth to the second Yugoslavia, and hereafter the roads became much more difficult.

B. The Croatian National Program

The national program in Croatia by the middle of the nineteenth century developed in two directions: greater Croatian and Yugoslav. Both have their origin in the Illyrian movement. (5)

The Illyrian movement originated out of the need felt by the Croatian intelligentsia within a situation of state, the social and cultural disunity of the Croatian nation which had remained divided for centuries among Venice, Austria and Hungary. „The area of Croatia was not compact also due to the migrations of the Serbian population with its deep-rooted tradition, coupled with the a rather significant role of religious difference.” (6) Because of this political and territorial division, cultural differences and the territorial mixture with the Serbs, the only way out for the supporters of the movement was the uniteing of the divided nation under a single name — Illyrians. This undoubtedly was the first movement to spread the idea of uniting all the South Slav peoples (including the Bulgarians) into one nation followed by tolerating different ethnic groups, Serbs, Croats, Slovenes, and Bulgarians. The development of this idea gave rise to a political movement which in the second half of the nineteenth century took two directions: one the Yugoslav, and the other the greater Croatian.

The Yugoslav program was politically defined into two aspects: the one expressed in the idea of transforming Austria into a threefold monarchy, where in addition to Austrians and Hungarians, the Croatian, Slovene and Serbian entity would make up the third part of the Austro-Hungarian monarchy. The second involved the uniting of all the South Slav peoples into one independent state. These ideas survived until the end of the First World War, and, in a way, in the period between the two wars.

The greater Croatian idea had also come into being the middle of the nineteenth century, and in its extreme aspect, according to which all

(5) Gros, M., *Povijest pravaške ideologije*, Zagreb, 1973, p. 22.

(6) *op. cit.*, p. 15.

South Slav peoples were Croats, it had grown into a movement with the strongest political influence in Croatia until the First World War. (7) Within that movement gradually the idea took shape on abandoning the Illyrian idea and on diverting political action to the creation of an independent Croatian state within the framework of the „Croatian lands”, which included territories considered by the Serbian national program as „Serbian countries”.

Bosnia and Herzegovina are, according to the Croatian national program, „Croatian lands”, but also Srem and even Montenegro. (8) This idea may be discerned in the continuity of activity of almost all political parties and movements in Croatia from the second half of the nineteenth century until these very days.

In terms of ethnic composition, both in Bosnia and Herzegovina, and Srem (the part of the present-day Vojvodina within Serbia) the Serbs have the relative majority. According to the 1921 census, there were some 47% of Serbs in Srem, while in Bosnia and Herzegovina 44%. One should note, however, that the population was intermingled to such a degree that any territorial division was impossible. (9)

THE SYSTEM OF THE ORGANISATION OF THE STATE IN THE FIRST YUGOSLAVIA — 1918-1941

With the above depicted political ideas about the creation of national states and with such national programs, the creation of Yugoslavia in 1918 promised nothing else but a serious confrontation because of the reluctance of both parties to accept their respective positions and to recognize some kind of real political solution. The Low level of political culture and even quite insufficient knowledge about the organisation of state on the part of almost all the political factors of influence at the time, gave rise to quite irrational conceptions, to intolerance, manipulation, demagoguery, lies, violence and the like, which were constantly characteristic of the process of the creation of Yugoslavia between the two world wars.

In the 1918 — 1921 period, a bitter struggle took place for the future constitutional organisation of the state. Two political forces became established in that struggle based exclusively on their national programs. Such developments led to the grow of national parties, so that their political, economic and social programs were entirely outside the political processes of a democratic pluralistic political system. A political competition went on to realise the national programs which were all exclusivistic. The November 1920 elections for the Constituent Assembly clearly demonstrated that the

(7) *op. cit.*, p. 16.

(8) *Op. cit.*, p. 45.

(9) Popović, O., *Stojan Protić i ustavno uređenje nacionalnog pitanja u Kraljevini SHS*, Belgrade, 1988, pp. 126 — 127.

mentioned struggle was to continue in the Assembly, since the winning parties adhered firmly to their national programs. The political parties in Serbia were for the most part for a unitary and centralistic state, whilst the Croatian parties supported the idea, of a confederation. The Serbian political parties gained the majority in the Assembly, because the Moslem party from Bosnia and Herzegovina voted for their draft of the constitution, otherwise enacted on June 28, 1921.

The centralistic organisation of the state did not suit the social structure of Yugoslavia. It was imposed by the stronger Serbian factor, with some support at international level by France, which itself has been a centralistically organized state. Federation as a form of state organization was not a widely accepted form in Europe. The only federal state at that time was Switzerland. Imposing the program of the political forces of only one nation created a situation of tension which frequently become aggressive conduct of the protagonists on the political scene, together with police torture and political murders. On the eve of the Second World War (1939) the Serbs and Croats entered into an agreement according to which the Croats gained the status of a federal unit. A similar agreement was on the way with the Slovenes, but it did not take place since, in 1941 Yugoslavia was occupied by Nazi Germany. An independent State of Croatia was established, and its borders included the maximum from the national program — namely Bosnia and Herzegovina, as well as Srem.

Germany lost the war. Supported by the Red Army, the communists seized power in Yugoslavia, while enacting their first constitution according to which Yugoslavia becomes a federation.

THE SYSTEM OF ORGANISATION OF STATE IN THE 1946-1991 YUGOSLAVIA

According to the 1946 Constitution, Yugoslavia become a federation according to the Soviet model. It was in fact a centralized state, because it was established on the principles of an authoritarian state ruled by one man. That dictator was Tito. The strength of his dictatorship was based on the communist model of communist party rule in the state. In a communist party responsibility exists only from the bottom upwards, so that the dictator, who is at the top, assumes godlike prerogatives of power. According to the mentioned constitution, Yugoslavia was a federation, but it is not possible to speak of any division of power between the federation and the federal units when decisions were made by one man.

In the course of time, Yugoslavia become decentralized, through new constitutions enacted in 1953 and 1963. Self management was introduced in all institutions of the political and economic system of the country, except the Army. However, self-management too had to adhere to the decisions of the party. It was not until the end of the sixties that a movement toward the

transformation of the Federation into a genuinely decentralized form of organisation of state crew. However, with the constitutional reforms conducted in 1968/1971 and, finally, with the enactment of the 1974 Constitution, the Federation was decentralized, while the federal units remained firmly centralized. In addition, the 1974 Constitution introduced a novelty called „national economies”, by which the federal units in Yugoslavia were transformed into autarchic entities in terms of the economy, which gave rise to conflict in that sphere. Finally, decision-making on the most important questions at the federal level would produce decisions only through unanimity. Practically, this meant the introduction of the right of veto for all federal units in the process of decision-making at the federal level. This was particularly detrimental in the sphere of Yugoslavia’s economic relations since it could not enter into any important treaty in that sphere without the treaty being accepted by all republics. Such a system aimed at the disintegration of the country. However, while Tito was alive, he was the undisputed ruler of the country, who was able to settle the questions that provoked conflicts, such as that in Kosovo in 1968, and Croatia in 1971 and 1972. After he finally died in 1980, the arena for conflict opened again in 1981 with the mutiny of the Albanians in Kosovo (the Albanians’ request at that time was secession from Serbia), and that was the beginning of the political quarrel which led to the war in 1991. It all started because the Croats and the Slovenes gave support to the Albanians in their claim, coming thus into conflict with the Serbs whose authorities strived once again to centralize power both in Serbia and Yugoslavia.

The further course of events was marked by the request for the reform of the Federation by the Serbs, Croats and Slovenes. The latter opted for a confederation, while the Serbs in power wanted a federation modelled after Germany or other federal states in the world. Rigidity, lack of comprehension and intolerance of the political regime in Serbia and the resoluteness of Slovenia and Croatia to hold out in their claims for confederation prevented all discussion on the subject and that was the a point of deciding between armed conflict and a peaceful solution. The war option prevailed. (10)

THE ARMED CONFLICT BETWEEN THE SERBS AND THE CROATS IN 1991

In course of the eighties all the attention of the intellectual and political centers in Yugoslavia were aimed at the need for transforming the Yugoslav constitutional and political system.

In Croatia and Slovenia, intellectuals gradually formed political opposition centers out of which the idea emerged of transforming Yugoslavia into a confederation on the basis of the right of self-determination of nations.

Continued tension in Kosovo contributed to the gathering in Serbia, and more particularly in and around the Academy of Sciences and Arts, of

(10) See: Stojanović, R., *Jugoslavija, nacija i politika, Nova knjiga*, Belgrade 1988.

a strong group of intellectuals who called for transforming Serbia in the direction of a unitary model, as well as for transforming Yugoslavia into a federation without confederal elements which were provided in the 1974 Constitution (right of veto).

The constitutional reform began at the official level in 1988 by enacting the Amendments to the 1974 Constitution. These amendments, however, did not change anything, although there were proposals in the course of public debate in Serbia according to which Yugoslavia would be realigned into an asymmetric federation where some federal units would if they so wished, be in a confederal relation, while others, in a federal one (March 1988). (11)

In Serbia, by the end of 1987, a change of leadership came about in the communist party. While taking benefit from the crisis in Kosovo, Slobodan Milošević, became the leader of the party in Serbia after developing a wide populist and nationally oriented movement on the ground of national feelings. *His populist movement has brought him to an absolute power in Serbia.* In 1988, already thus in the leadership of a federal republic of the communist Yugoslavia, communist ideology has surrendered its place to a nationalist one. In Croatia and Slovenia in 1989, the process began creating political opposition parties which, already have been formally established mainly along nationalist ideas. By the end of 1989 in Serbia opposition parties were formed, again, mostly of a nationalist basis. In this way the basis for military actions has been created in former Yugoslavia.

The elections in Croatia and Slovenia in the spring of 1990 indicated that the nationalist parties had the widest support of the voters. The new authorities after the elections rather clearly and loudly emphasized their nationalist programs which are reduced to the creation of independent national states either within the Yugoslav confederation or outside it.

In Serbia elections were held in December 1990, where a nationalist party led by Slobodan Milošević also won. The fact that the party had changed its name to the „Socialist Party of Serbia” did not change the fact that it remained communist by the ideas about the internal organisation of Serbia, and nationalist is in relation to other nations in Yugoslavia. In the meantime nationalist parties of the Moslem, Serb and Croat also won the elections in Bosnia and Herzegovina. In Macedonia a group of moderate parties headed by leading group in the former communist came to power.

The great game began by negotiations between these power-controlling groups with the aim of seeking a solution for the Yugoslav crisis. These talks, quite understandably, could not produce a solution since national ambitions remained irreconcilable. First of all this is true for the Serbs and Croats whose leadership strived to realize their national programs that had

(11) *Op. cit.*, pp. 210 — 217.

been already designed in the nineteenth century. The principal conflict giving rise to the war in Yugoslavia (at first in Croatia, in 1991, and then in Bosnia and Herzegovina, in 1992) was between Serbia and Croatia over „Serbian”, „Croatian” lands.

Instead of a compromise for the sake of survival of Yugoslavia, Slobodan Milošević as president of Serbia, takes the variants of „the exclusion of Slovenia and Croatia from Yugoslavia” (June 1990), but at the same time the one that made it possible for the part of Croatia populated by the Serbs — as the majority there, Bosnia and Herzegovina, Macedonia, Montenegro, and Serbia to remain in Yugoslavia. (12) However, Bosnia and Herzegovina and Macedonia wanted to remain in Yugoslavia if Croatia and Slovenia remained in it, too (October 1990). (13) The great Serbian plan of Slobodan Milošević has thus been pulled down. In addition, he must have been aware that Great Powers would not accept the cration of a „Greater Serbia” because of the permanent danger of conflict over hegemony in the Balkans. Great Powers prefer a balance among small countries. In such a way Milošević’s Serbia lost the support of Great Powers, which meant that the war would be lost if it were to be waged because of this.

However, the war did break out in 1991, when the first armed conflicts took place between the Croatian police and the Serbian militia at the Plitvice Lakes (March 1991) and in the Village of Borovo (May 1991). A short-time war broke out in Slovenia because of its secession from Yugoslavia. The Yugoslav Army intervened to „protect the borders of Yugoslavia”. From the military point of view this intervention was pointless, since the Yugoslav Army just were brought out without infantry or air support, so they became an easy prey for the Slovenian armed units. This was conductive to Milošević’s policy, and in agreement with the representative of Serbia in the Presidency of Yugoslavia Borislav Jović, and the minister for defence Veljko Kadijević, the decision was made for the Army retreat from Slovenia and Croatia to the borders of „Serbian land” in Croatia. The Croatian military units intervened by sealing off the barracks of the Yugoslav Army in order to prevent carrying away of armaments from Croatia. The Yugoslav Army disintegrated because all officers and soldiers of non Serbian origin abandoned it. The remnants of the Army placed themselves in the service of „protecting the Serbian people in Croatia”. (14)

THE NATURE OF WAR IN CROATIA AND BOSNIA

Since the war in Croatia began as a rebellion of the Serbs in Krajina, offering resistance as an armed to the Croatian police wanting to suppress the matiny of Serbs in Krajina (March of 1991 at Plitvice Lake), the Yugoslav

(12) Jović, B., *Poslednji dani SFRJ*, „Politika”, Belgrade, 1995.

(13) *Op. cit.*, p. 208.

(14) *Op. cit.*, pp. 310, 317, 323.

Army has intervened by separating the belligerents (at the time the Army was still Yugoslav). However, after being transformed into a Serbian army, the Yugoslav Army was ordered to defend the Serbs in Croatia, which meant that it took an active part in the armed conflict at the Serbian side. After the Serbs in Croatia were provided with a solidly armed army, they were able to invade rather fast some twenty percent of the territory belonging in the former Yugoslavia to Croatia. In such a way the goal has been achieved of taking possession of the borders of the „Serbian lands” — as planned by the Belgrade authorities top.

In the U.S.A. and Western Europe there was a disagreement over the character of that armed conflict. On the one hand, it was held that the conflict was a consequence of aggression of Serbia against Croatia. This was the predominant true for the U.S.A., Germany, Austria, Slovenia and Croatia. This opinion has encompassed both the war in Croatia and the war in Bosnia and Herzegovina, (15) which broke out in April 1992, after the war in Croatia has been stopped by the armistice of January 1992, and by accepting the S. Veance's plan of February that same year, as well as by sending the UN military forces — the UNPROFOR. (16)

On the other hand in France, England and Canada the opinion prevailed that both in Croatia and Bosnia and Herzegovina a civil war is going on between the ethnic groups which broke out after the disintegration of communism which has for decades suppressed old hatred between them. (17)

These two opinions are quite apart, meaning that the issue is rather complex and that it may not be solved in a simple and easy way. First of all, to define aggression is rather difficult, which is witnessed by the history of the League of Nations and the United Nations. Secondly, civil war is an entirely intricate conflict because it is impossible to find a pure form of civil war, without mingling from outside. Any intervention from outside may be interpreted as aggression. This will always be done by a party against which intervention from the international environment is effected. A foreign intervention into a civil war may be an aggression, too, but it may not be qualified as such only due to the use of arms in the intervention. The issue of establishing aggression depends on the goals of intervention.

As far as I think, it is necessary at this moment to introduce the legal aspect of the Yugoslav war into the analysis. In terms of law, whether the war in Yugoslavia is an international or internal war? If it is international, it may be possible to inquire into who the aggressor is. If it is internal, there is no question of aggression at all. Finally, if the war is of an international nature, the question must be posed of the right to self-defence. What kind of right may be defended by force? The right to self-determination and secession or only territorial integrity and independence?

(15) Woodward, L. S., *Balkan Tragedy*, The Brookings Institution, Washington, D.C. 1995, p. 7.

(16) UN Res., 24.02.1992.

(17) Woodward, *op. cit.*, pp. 7 — 9.

According to the UN Charter, the right to self-defence by using force is legitimate, should the Security Council fail to take collective measures against the aggressor.

According to the UN Declaration of the Principles of International Law Relating to Friendly Relations and Cooperation between States in Conformity with the UN Charter, the states are obliged to refrain from applying force to prevent the democratic expression of the people's will for self-determination. Should a territorial state use force in order to prevent the self-determination of the people, then the people are entitled to the right of self-defence of its right by use of force. That right is restricted by the provisions of the UN Charter according to which the use of force is permitted only temporarily, namely until the world organisation should take necessary measures either by implementing Chapter VI or Chapter VII of the UN Charter. (18)

According to the Additional Protocol of the Geneva Conventions of 1949, enacted in 1977, the term „international armed conflict” includes conflicts, in which peoples are struggling against colonial domination, foreign occupation and racist regimes while using the right of peoples to self-determination. (19)

How did the war in Croatia break out? Before the armed conflict a political dispute took place in Croatia over the right to self-determination. After Tudjman's victory at the April 1990 elections, a campaign blazed up in Croatia for the creation of the independent Croatian state. Serbs were concerned about their position in such an independent Croatia, especially after the enactment of the Croatian constitution in December 1990, where by the Serbs were reduced to the status of a national minority. Since the previous constitution of Croatia, Croatia has defined as a state of both the Croatian and the Serbian peoples, the Serbs considered that they were entitled to self-determination in an independent Croatia, as well as to the direct integration of Krajina into Yugoslavia. (20)

According to the right of self-determination, the Serbs in Krajina began organizing their own state bodies and agencies. Croatia reacted by force (Plitvice, Village of Borovo), provoking thus armed resistance by the Serbs. This resistance, after the Yugoslav Army has sided with the Serbs, then emerge the involved into an armed conflict which till the complete secession of Croatia (september 1991) was an internal civil war. After that time, it is undoubtedly became an international war according to the mentioned Additional Protocol to the Geneva Convention.

(18) Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the UN, Res. UN 2625 (XXV) 1970.

(19) Commentaire de Protocoles additionnels du 8 juin 1977 aux Convention de Genève, de 12 août 1949; ed. Comité international de la Croix-Rouge, Genève, 1986, pp. 33 — 55.

(20) Obradović K., Milan Šahović, ed., *Medjunarodno pravo i jugoslovenska kriza*, The Institute for International Politics and Economy, Belgrade, 1995, p. 53.

The Croatian official standpoint was, and has remained, that the Yugoslav Army committed an aggression and occupied Croatian territory. This could be considered correct, had there been no armed resistance to Croatia's attempt to forcibly crush the Serbs' struggle for self-determination. Until September 25, 1991 the Yugoslav Army separated the parties engaged in conflict, but after that date, since in reality its composition was Serbian it sided with the rebelling Serbs in Croatia. This was the beginning of real war which lasted until the end of 1991. Since this army was under the command of Belgrade, its participation in the Croatian war may be considered as foreign military intervention in an already existing civil war. The Serbs did not fully adhere to the rules of the Declaration of the Principles of International Law mentioned above, and failed to take any action to settle the dispute in a peaceful way (for instance, they did not propose negotiations after the clash at Plitvice), nor after failing to address, on the part of Belgrade, the Security Council. The UN Security Council adopted the Resolution (713) on September 25, 1991, stating that the situation in Yugoslavia was considered a threat to international peace and security, and called on the European Union and the OSCE to increase their efforts to find solution on the Yugoslav crisis. The Resolution introduced an embargo on arms deliveries to all states in the soil of Yugoslavia. On November 9, 1991 the Presidency of the SFRY requested by letter from the Security Council to send UN troops to Croatia. In such a way the authorities in Belgrade covered the intervention of the Yugoslav Army in Croatia.

The legal analysis fails to make this question clearer since it provides arguments to both sides. The issue without dispute is, however, that this was an inter-ethnic conflict over the determination of borders between the ethnic group. Yugoslav Army intervention took place only afterwards, so it is not possible to maintain that the conflict was provoked by the aggression of the Yugoslav Army in the territory of Croatia. The armed conflict was over by the end of 1991, but it really terminated by entering of the Croatian army into Western Slavonia (May 1995) and the southern part of Krajina (August 1995). In both cases some 200,000 Serbs have left these territories, emigrating to the FR of Yugoslavia. The Dayton Agreement settled the question of Eastern Slavonia by reintegrating that part into Croatia under UN control. The process of integration is still not terminated.

Slobodan Milošević thus lost the war for a „Greater Serbia” — which was clear from the very beginning. Enormous destructions and great loss in human lives are but the evidence of irrationality of all the sides in that conflict, since Milošević could not be successful in starting the war unless Tudjman wanted to do the same.

The war in Croatia ended by signing the armistice in Sarajevo on January 3, 1992. On April the 7th of that same year the war in Bosnia and Herzegovina broke out. That war by all means is a continuation of the war

in Croatia since the goals were the same: fixing mutual boundaries by way of military possession of specific territories. This is much more difficult in Bosnia and Herzegovina because of total mix in terms of various ethnic groups (three of them). Conquering of territories has therefore been coupled with brutal ethnical cleansing which was done by all three sides in the conflict. The Serbs took in Bosnia and Herzegovina more than seventy percent of the territory and thus much more have committed ethnical, cleansing. The conflict between the Croats and the Moslems had the same aims and methods as the beginning conflict between the Serbs, on the one hand, and the Croats and Moslems, on the other. The aims of that war therefore coincided with the aims of the war in Croatia, although in Bosnia and Herzegovina there were three and not two sides, as was the case in Croatia.

The war in Bosnia and Herzegovina was from the beginning an internal, ethnic and religious war, coupled with external intervention by the FR of Yugoslavia and Croatia. That intervention was both military and of the economic nature. The FR of Yugoslavia interrupted aid to Bosnian Serbs after their refusing, in May of 1993, to accept the Vance-Owen Plan. Serbia has imposed a blockade of the border with Bosnia and Herzegovina and that blockade was strictly implemented.

The war in Bosnia and Herzegovina ended through the peace agreement in Dayton, U.S.A. The Agreement in fact accepted the status quo which was created by the war. A loose confederation has been established between the Serbian Republic and the Moslem-Croatian Federation. This Federation, however, is revealing serious signs of instability without much promise for the future. After adding to that the dangers which could take place by integration of Eastern Slavonia into Croatia, it is clear that the tasks of searching for peace in the soil of former Yugoslavia still exist.

HOW TO PRESERVE PEACE?

The root of the conflict in former Yugoslavia is the relationship between the Serbs and Croats. The consequences of the war both in Croatia and Bosnia and Herzegovina make difficulties for the relations between the FR of Yugoslavia and Croatia. The question is — how to avoid new conflicts?

- (1) To establish some of the economic relations which existed before the war between Serbia and Croatia, in conformity to interests of both sides.
- (2) Introduction of Bosnia and Herzegovina into these relations.
- (3) Great Powers in the European Union and the OSCE should urge the economic and political development of these relations.
- (4) Such an effort should also encompass the integration of the regions in the Balkans in European integration processes.

(5) Before including Serbia, Croatia and Bosnia and Herzegovina in the European Union, it would be necessary to develop relations of economic cooperation between the Balkan states according to the model of cooperation applied in the European Union.

(6) Economic cooperation should be followed by the creation of a sub-system of security within the OSCE. In such a way bilateral alliances would be avoided in the Balkans, because one should not forget that there exist today in the Balkans national states which have been created for the first time in history, which is not the case with the rest of Europe. A State-National in the Balkans is not yet a state that has the qualities which are characteristic of Western Europe.