

THE EUROPEAN UNION AS AN ACTOR IN CONFLICT RESOLUTION. CASE STUDY: THE WAR IN YUGOSLAVIA

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ABSTRACT

This paper analyzes the EU as an actor in conflict resolution during the war in Yugoslavia. In the first chapter the author outlines the historical roots of the complex situation in the region, problematic aspects of Yugoslavia before breakup in 1980s which contributed to the next tragic events, an overview of Yugoslav wars in 1990s with more attention on the war in Bosnia and Herzegovina. In the next chapter of the paper the author will focus and evaluates there actions of the international community, particularly of EC/EU and the attempts to find peaceful solutions. The aim of this paper is to assess the attitude, taken steps and involvement of the international community, particularly of the EC/EU.

KEYWORDS: Yugoslavia, War, Bosnia and Herzegovina, European Union, Conflict Resolution

INTRODUCTION

The territory of former Yugoslavia has always been a tragic intersection of conflicting interests of the European powers. Both World Wars left wounds, many of which were reopened in recent bloody national conflicts. Most dramatic and most tragic emergence of events took place in Yugoslavia right after Tito's death since 1980. It started the Albanian uprising in Kosovo, followed by a ten-day conflicts in Slovenia, Croatian war, the war in Bosnia and Herzegovina (BIH) and resulted in the Kosovo war and the Macedonian conflict (Weithmann, 1996). It was undoubtedly the most tragic series of conflicts in Europe since the end of World War 2, which lasted intermittently for almost 10 years.

Common foreign and security policy of the EU (CFSP) in area of conflict prevention and in the cause of an outbreak and their solution and subsequent peace-building in affected countries is in my opinion one of the most important areas in which the EU should ensure special emphasis, whereas the aim of the whole idea of the European Community has been to extend the area of peace, stability and prosperity across the continent, but also in the world. Without doubt the most important are victims who unfortunately every conflict entails, therefore the most important is the earliest possible ceasefire. In addition, we could hardly find a case of conflict in the world, where after an immediate outbreak of the conflict the EU actually implemented its coherent and effective foreign policy and the efficiency or effectiveness of the actions was little, none, or to worsen the situation. However, the EU is globally involved organization and it has the ambition to replicate the same status in the international area.

Therefore the aim of this work or paper is to assess the response, attitude, degree of involvement of the European Communities (EC) and later the European Union (EU) and other international organizations and attempts at finding a peaceful solutions during the war in Yugoslavia, since probably the biggest criticism towards EU was because of its position, or its absence on this war, and was the catalyst for development of the CFSP. This article relates to the topic of my dissertation, which aims to analyze the effect of the EU as an actor in conflict resolution, to identify strengths and weaknesses, deficiencies and to give some advices how the EU will streamline its capacity for action and strategies during

current and future conflicts.

In the introduction I want to introduce the reader into the problematic aspects of the former Yugoslavia, which contributed to the upcoming events, I will outline an overview of armed conflicts that have led to the gradual and complete dissolution of Yugoslavia, while I want to put greater attention on the war ongoing in BIH since it was the most tragic, but also in terms of actors involved most complicated conflict. It is not our intention to deliver a comprehensive description of the history, because there are many works like these in Czechoslovak area¹; more attention will be paid to major landmarks that are important to understand the conditions of that days. Another section is devoted to the response of the international community during these conflicts, but also attempt to find peaceful solutions. The term "international community" in this work includes along the lines of other authors² all international, regional organizations and States, which in the conflict sooner or later intervened in any way.

Introduction into Problematic Aspects of Former Yugoslavia

Under the leadership of Tito³ any manifestations of nationalism and ethnic intolerance were suppressed and political system has been inextricably linked with him. After his death, however, it created a kind of vacuum - lacking a unifying element, referring to the Yugoslavian community and brotherhood (Stojarová, 2007). Tito "did not bring" a successor to take over his role, but instead in 1974 amended the constitution, in which both entrusted power after his death to presidency, but mainly he strengthened the powers of the republics and provinces, with which he effectively weakened the unifying power of the federal government. Individual republics acquired the right not only to self-determination, but also for secession, while to the five Yugoslav nations was added the sixth - Muslims. Kosovo and Vojvodina acquired the status of an autonomous province with relatively broad powers, but the right to secession was never granted to them. Another article, which later proved to be a key was the statutory requirement by all available means to defend the territorial integrity of Yugoslavia at any unilateral declaration of independence of the republics (Ustav Socijalističke Federativne Republike Jugoslavije, 1974 - translation from serbian language: Constitution of Socialist Federal Republic of Yugoslavia, 1974).

Even though, Yugoslavia had in 1989 the brightest prospects to become a member of EC among all communist

¹For example Šesták, M. a kol: Dejiny Jihoslovanských zemí, Hladký, L: Bosenská otázka v 19.a20.století, Pelikán, J.: Dejiny Srbska, Dizdarević, R: Od smrti Tita do smrti Jugoslávie and so on.

² In order to generalize we will use the term "international community", which in relation to this military conflict and on its analysis is used by almost all authors, whose publications have been read in order to decipher this thesis: Šesták, M; Mojžita, M.; Hladký, L.; Sarajlić-Maglić, D.; Radulović, M.; Surroi, V.;Štěpánek, V., Dienstbier, J., Tindeman, J., Weithmann, M. W., but also the EU itself in its statements.

³ Josip Broz Tito (1892-1980) was the leader of the Yugoslav fight for national liberation in the World War II, President of the Union of Communists of Yugoslavia, SFRY President and supreme commander of the armed forces of Yugoslavia. Under his leadership, Yugoslavia became a founding member of the Non-Aligned Movement. In Yugoslavia he ruled continuously in years 1945 - 1980. Based on the constitution of 1974, he was appointed as President for life of Yugoslavia and the President of the Union of Communists of Yugoslavia. The supporting argument, supported by a slogan "brotherhood and unity" (bratstvo i jedinstvo) as well as a new ethnic identity - a Yugoslav/Yugoslav woman should replace national and ethnic adherence and not to remind crimes of the World War 2. In contrast with politicians who replaced him after his death, Tito had really high authority among the people of Yugoslavia and at the end of his life he was the last major unifying factor in Yugoslavia (Šesták, 2001).

states in Europe (Pevićević, 2009). It has also become the most prosperous country, open and with the highest per capita income compared to the rest of the region (Jović, 2001).

The gradual disintegration of bipolarity in the world weakened the position of Yugoslavia, which Western nations no longer considered its independence, territorial integrity and internal stability as a priority of their foreign policy and gradually reduce economic assistance and started to demand repayment of their debts⁴, the country was encumbered with debt already during Tito's government and continued after his death. Yugoslavia has gradually become increasingly encumbered with debt and the economic growth almost stalled, thus further deepen economic and demographic disparities between the industrialized and underdeveloped areas (Fodorová, Grančay, Szikorová, 2012).

Especially the economically advanced republics like Slovenia and Croatia has had in the situation of the crumbling of the communist system in Eastern Europe and continuing political and economic integration in Western Europe quite natural question of whether it has a reason to continue and remain within the internal strengths disproportionate Yugoslav community, struggling with economic problems and the efforts of Milosevic's power group⁵ by re-enforcing centralist tendencies (Šesták, 2001).

On the other hand, Serbia was justifiably frustrated, since it has both unequal position with regard to the broad autonomy of Kosovo and Vojvodina within Serbia (Mojžita, 2010), but also because of the distribution of power, which for Serbia meant that despite the fact that the share of population in Yugoslavia was 36.3%, the share of power was only 1/8 power (12.5%), as regards the proportion and distribution of power in the presidency of SFRY.⁶ In October 1986 was published the labor version of the so-called *Memorandum of the Serbian Academy of Sciences*, which asserted the long-term damage to the interests of Serbia and its unequal position in the Federation. Furthermore, it appealed to the Serb elite to take penetrative actions to put an end to the physical, political and legal genocide of Serbs in Kosovo (Hurbanovič, 2001).

Symbolic "turning -point" in the development of former Yugoslavia has been the sentence of the representative of

⁴ Foreign liabilities amounted in 1983 19.5 billion dollars. In 1984, the government signed an agreement with the IMF providing further loans totaling 3.5 billion dollars (Šesták, 2001).

⁵ Slobodan Milošević (1941- 2006) - At the beginning of the 80 years he was director of the bank in Belgrade, and politically active only as a member of the local office in Belgrade. After the Ivan Stambolić in 1984 became chairman of the Union of Communists of Serbia (CSR), he pushed him to the highest position in the party in Belgrade. In 1986 he was elected as the President of CSR. His position of power and popularity among the Serbian population has built on the ethnic conflict in Kosovo. At that time the open space development of the idea of Greater Serbia through the Memorandum of the Serbian Academy of Sciences (Authors- A.Isaković, D.Kanazir, V.Krestić, D. Medaković, R. Samardžić). The Milosevic's faction was joined by B. Jović, D. Zelenović, R. Bogdanović, who first condemned the Memorandum, but later accepted as a program of the Serbian revival and because of their own power ambitions. In 1988 - 1989 he succeeded to substitute for leadership positions in Montenegro, Kosovo and Vojvodina staff that were dedicated to him, which received 4 votes in the presidency of Yugoslavia and could block any decision. Its aim was to gain hegemony status throughout Yugoslavia. When he was in May 1989 elected as the President of the presidency of Serbia, he launched a propaganda campaign targeted referring to the alleged long-term discrimination of Serbs living in Croatia and in BIH. Between years 1991 - 1997 he was President of the Federal Republic of Yugoslavia. In 2001 he was arrested and taken to The Hague. He died in 2006 (Šesták, 2001).

⁶After Tito's death in 1980, power was taken by the group of leading communist functionaries selected during Tito's life in SFRY presidency - the collective head of state. One representative for each of the Federal Republic was delegated in the SFRY presidency. Both autonomous parts of Serbia had fully- fledged representation here. From a personal interview with Dejan Jović on 28/11/2012 in Zagreb.

the Union of Communists of Serbia, Slobodan Milosevic during the celebration of 600th anniversary of the Battle of Kosovo field - "*Niko ne sme da vas bije*"⁷, he turned from the protector of the old order "Tito's Yugoslavia" to became in one day the defender of the Serbian nation and Serbian interests throughout SFRY (Malcolm, 2002).

Overview of the Main Armed Conflicts that Led to Yugoslavia's Dissolution

At the congress of the Union of Communists of Yugoslavia, held on 20 January 1990, all proposals of Slovenia regarding the future structure of Yugoslavia were refused, whereupon Slovenian and Croatian delegation responded by withdrawal from the Union. In 1990 elections to the National Parliament were held and there were also candidates from non-communist parties and movements, which were mainly based on nationalist rhetoric. After the elections in Slovenia, the Parliament received the Declaration of Sovereignty, followed by a referendum which ended in favor of secession (Fodorová, Grančay, Szikorová, 2012).

The leader of the winning party Croatian Democratic Community (HDZ) Franjo Tuđman created in Croatia his election campaign to distinguish themselves from the Serbs and the revival of the ideas of the great Croatia⁸, during the existence of which was the physical liquidation of the part of the Serb minority in Croatia.⁹The new government was not greatly concerned about the serious social and economic problems, but since taking office the government started to realize its nationalist doctrine. In December 1990 they accepted the new Constitution of the Republic of Croatia, which docked withdrawal from the Yugoslav federation. The revocation of the constitutional clause and widespread layoffs of Serbs from the state apparatus helped to escalation of the nationalist conflict. This clause guaranteed the status of Serbs as constitutional nation. Attempts to rehabilitate the Ustasha regime led Croatian Serbs to say that if Croatia has the right of self-determination, so it must also be given to them, they declared in areas where Serbian people were majority on December 1990, the Serbian Autonomous Region of Krajina, and was followed by extensive persecution and systematic expelling Croatian population. Similar autonomous Region of Serb nationalists was formed shortly afterwards in the eastern part of Croatia (Šesták, 2001).

Consequently in 25. 6. 1991 Slovenia and Croatia declared independence. While the Croatian government acceded to a formal proclamation of independence, the Slovenian state leadership to its practical implementation. In

⁷Translated from serbian language: *Nobody can hurt you!*

⁸After Hitler attacked the Kingdom of Yugoslavia, he gave the Croats the possibility of separation from the common state. Subsequently, 10. 4. 1941 was created Independent State of Croatia (NDH) on the territory of former Croatian Banovina, BIH and eastern Srem. It had an area of 100,000 square kilometers and 6.5 million inhabitants; of which two million Serbs, half a million Muslims, 140,000 Germans and 70,000 Hungarians. On her leading position was Ustasha Ante Pavelić and NDH was practically under the administration of Italy, which also controlled the army; "The NDH has been written in the history, during its short existence, especially with its cruelty. The first law that Pavelić already signed in April 17, 1941, was the regulation on protecting the nation and the state. In the following days they issued anti-Jewish laws and many administrative actions that discriminated the Serbs. It was forbidden to use the Cyrillic alphabet, they were closing the Serbian churches and schools. Serbs in towns at night could not go out of their homes, in Zagreb they had to move out of "better parts" of the city on the outskirts. They have also been forcibly deprived and many of Serbs had lost their jobs. In many places the Serbs had to wear blue or white tape with a capital P (Pravoslavacie. Orthodox)." (Šesták, 2001).

⁹Tejchman comments: "In recent years, data on the number of victims in this camp have become literally "a weapon" in the mutual Croatian- Serbian conflict. While Serbian literature has come about to claim that there were killed more than a million Serbs, some Croatian authors claim that it was "only" 30 to 40,000 people." (Šesták, 2001, p. 456). German historians Hory and Broszat come to number 200,000 Serbian victims in Jasenovac camp. Regarding the total number of victims, W. Bartlett points to the official communist sources immediately after the war that 600,000 Serbs, Jews, Gypsies and communists were killed (Barlett, 2003).

response, the federal government sent troops of Yugoslav People's Army (JLA) to protect the border crossing with Slovenia. Slovenian units attacked the Yugoslav Army troops, which were not ready to fight and had no warrant for armed intervention. The Slovenian government has managed to convince the world public that the federal government launched a war against defenseless Slovenian people. The actual course of armed conflicts characterize the numbers of victims: during the ten-day battle was killed only six members of the armed forces and Slovenian and armed 39 soldiers of JLA. Also due to Slovenia's ethnic homogeneity the defense of territorial integrity of the Federation has not gain greater political support in the presidency of Yugoslavia, and so after a few days the warring sides agreed to a ceasefire. In Croatia was the intervention of JLA troops, which has openly committed to the Serbian side, justified "as a defense of defenseless Serbs before the restoration of Croatian fascism". Serb separatists gained about a third of the territory, but this armed conflict was ended through the intervention of the United Nations at the end of 1992. Both parties agreed with the plan that was drawn up by UN representative Cyrus Vance on 7.1. 1992, on the basis of which three demilitarized zones were created, separating the Croatian army and troops of Serbian separatists and peace should be guaranteed by UNPROFOR troops (Šesták, 2001).

Development in Yugoslavia was greatly influenced by the German diplomacy, which has already announced in December 1991 that, regardless of the opinion of the other members of the EC, recognizes the sovereignty of both countries. Although the Badinter commission¹⁰ reached a decision that the conditions for international recognition meets only Slovenia and Macedonia, EC 15. 1. 1992 urged Member States to recognize the independence of Slovenia and Croatia (request of Macedonia was blocked by Greece) within the boundaries, which they had as the union republics of the Yugoslav Federation, that also happened and in mid- January 1992 Yugoslavia ceased to formally exist (Šesták, 2001).

Military conflict escalated again in May 1995, when the well equipped Croatian army with the Bosnian Muslim army started the offensive operation Storm, which restored the integrity of the state. It was a compromise solution and soldiers who should intervene in case of breaking the peace did not intervene, since Croatia was the only country willing to send in war-torn BIH its ground troops to cast out the Bosnian Serbs from their positions. It was of course possible only in the case that Croatia will not be threatened by Serb Krajina army. Serbs living in these territories were expelled en masse and by that Croatia "got rid of their ethnic problem" (Fodorová, Grančay, Szikorová, 2012). Belgrade responded only by formal protests and the foreign press in this context featured speculation that there was a secret agreement between Milosevic and Tudjman that the Serbs withdraw from Croatia and they will share the BIH to each other (Šesták, 2001).

War in Bosnia and Hercegovina

The situation in BIH before the revolutionary year of 1989 can be described as relatively calm, and even more BIH was, out of all states of Federation, most fulfilling Tito's message of fraternal Yugoslavia, regarding to the multi-ethnic composition of the population. At the beginning of the 90s it was 4,377,033 inhabitants in BIH 43.5% Muslim, 31.2% Serbs and 17.4 % of Croats, about 6 % were reported to Yugoslav nationality (A population, according to the national...). After the fights in Croatia, the danger of conflict was shaping there in BIH. Especially Muslims found themselves in a difficult situation, in contrast to Serbs and Croats they did not have backup in the nation-state and their constitutional position was questioned by other nations (Hurbanovič, 2001). The results of the parliamentary elections in

¹⁰Badinter Commission was set up by the Council of Ministers of the EU on 27 August 1991 to provide legal advice for peace conference about Yugoslavia. Robert Badinter was named chairman of the five-member commission (The Opinions of the Badinter Arbitration Committee a Second Breath for the Self-Determination of Peoples).

1990 almost completely corresponded with the local representation of the percentage of individual nations and the objectives of the three national communities were not in agreement since the beginning of the dispute.¹¹In addition, in the background stood also a historical and emotional ties of Bosnian Serbs and Croats to their 'home Republics', which aimed to establish ethnically homogeneous territories that would gradually become a part of Serbia and Croatia. The aim of Muslims who at that time controlled the government was to preserve the territorial integrity of BIH, because they would lost the most if the territory would be divided (Bartos, Wehr, 2002). Despite the mentioned above, the post-election leadership of nationalist parties surprisingly agreed on a joint coalition and the distribution of positions in the Republic. Chairman of BIH presidency became Muslim Alija Izetbegović.

In the October 15, 1991 was in parliament of BIH approved a Memorandum of sovereignty of BIH, but according to the recommendation of Badintner Commission EC refused to recognize an independent BIH, so it was on 29 February and 1 March 1992 organized a referendum on independence of BIH. To the question "Are you for an independent and sovereign BIH, state of equal citizens, people of BIH - Muslims, Serbs and Croats and members of others living in it?" For yes were 92.7 % from 63.4% of participants. Based on the results of the referendum BIH presidency officially announced independence in March 6, 1992. Referendum was boycotted by Bosnian Serbs, who have expressed their will in a plebiscite that was held in 9th-10th of November 1991 in areas of Serbian autonomous regions and other ethnic Serbian enclaves in Bosnia and Herzegovina, and in which 96.4 % of the population voted for an independent state - Republic of Serbia (RS) within the SFRY. Subsequently newly created RS Parliament received in 9th of January 1992 the Declaration on the proclamation of the Republic of Serbia in BIH and the whole separation process culminated in the agreement of the Constitution of 29 February 1992 (Application of Genocide Convention). Croats responded on November 19th in 1991 by creation of the Croatian Community of Herceg-Bosna as a political, cultural and economic unit of Croats in BIH with the center in Grude near Mostar (Šesták, 2001).

The conflict started to escalate, and burst into a civil war between pro-Serbian and anti-Serb side, because the Bosnian Serbs tried to get those territories that enabled them to establish a direct link with Serbia. After pressure from the US and the EC troops of JLA withdrew, but were replaced by troops of Bosnian Serbs led by Ratko Mladić (Fodorová, Grančay, Szikorová, 2012). After the official declaration of the Republic of Herceg-Bosna 4th of July 1992 began a bloody civil war de facto of all against all, during which there were ethnic cleansing, mass murder and systematic destruction of the territory, and cruel treatment was typical for all parties of the conflict. The memories of the events of World War 2 were revived, which served as evidence of oppression and persecution of each individual nation (Stojarová, 2007).

Attitude and Actions taken by the International Community

After the outbreak of the tragic disintegration of Yugoslavia international community often acted confusing and helplessly in finding long-term solutions. In Europe there are only a few regions characterized by such ethnic, religious and cultural diversity combined with a heavy legacy of the past (Antušová, Brezáni a kol, 2006). During the conflict they tried many experiments or attempts to bring peace.

EU states have appointed as their chief negotiator in resolving the Bosnian issue British diplomat David Owen,

¹¹Party of Democratic Action (SDA) representing the interests of the Muslims won nearly 40%, the Serbian Democratic Party of BIH (SDS) of about 30 % and about 20 % had Croatian Democratic Community BIH (HDZ). SDS and HDZ were only branches of the ruling parties in Belgrade and Zagreb (Šesták, 2001).

and the United Nations was represented by the American diplomat Cyrus Vance. In early January 1993 they introduced the so-called Vance- Owen plan, under which BIH territory should be originally divided into ten autonomous provinces which responded to ethnic composition, while three cantons should belong to each of the nations and Sarajevo should be managed jointly. The Bosnian Serbs rejected the plan on the grounds that this plan divided the Serbian areas of BIH into several geographically isolated units. After the failure of negotiations on the territory of BIH fights continued and even started between the allies - Croats and Muslims, which was largely unwanted consequence of Vance - Owen plan, whereas both parties after its publication sought to dominate and ethnically cleanse its potential cantons. During the next round of negotiations Bosnian Serbs and Croats suggested the division of the territory into three ethnic mini-states loosely connected by the form of confederation, but their obvious aim was gradual separation and acquisition of Serbian and Croatian part of BIH with Serbia respectively with Croatia. This plan was, of course, refused by Muslims (Šesták, 2001).

Already in April 1993, Cyrus Vance gave up his mandate and he was replaced by Norwegian diplomat Thorvald Stoltenberg which, together with David Owen submitted further **called Owen - Stoltenberg plan**. He basically accepted the Serb-Croat idea of ethnic and political divisions of BIH, because he proposed the creation of a free Union of Republics of Bosnia along with the creation of a corridor linking the Bosnian enclave of Goražde, Srebrenica, Zepa and Bihać, as well as the corridor, which would guarantee access to the sea. Sarajevo should be under UN administration, Mostar together with the Bosnian enclaves should be entrusted to the EU. Bosnians¹² were willing to accept the plan, provided that the Serbs return back the territories, where they were dominant before the war what is in fact same as a refusal (Šesták, 2001).

Main guiding forces were in the conflict the duo UN and the EC/ EU. Already in November 1991 Security Council of UN has imposed the Resolution 713/1991, import of weapons embargo to all Yugoslav republics, and this strategy has proven to be not the best, since the outgoing JLA troops left a large part of their armament to Bosnian Serbs, while the other side lacked weapons. A year later, UN has imposed the Resolution 757/1992, sanctions on the Federal Republic of Yugoslavia (that time it was Serbia and Montenegro, FRY) and the Resolution no. 777 / 1992 excluded FRY from the United Nations. They jointly found the Conference of former Yugoslavia, which resulted in the Resolution no. 781/1992 banning all military flights in BIH. UN has tried to mitigate the crisis also by declaration of so-called protected areas and increased supply of humanitarian aid through the Resolution 819/1993. It has proved to be a wrong step, because it not only helped the Serbian military to control and occupy these territories, but also uninterrupted develop military operations.

When in 1994 a bomb exploded in the center of Sarajevo and killed 68 people, NATO responded by the threat of air strikes on Bosnian Serb positions if they do not withdraw their units 20 km from Sarajevo, despite the fact that it was impossible to determine who caused the explosion. Russia raised its voice against that decision, they has proposed the transfer of Russian military forces of UNPROFOR from Croatia to Sarajevo region (Fodorová, Grančay, Szikorová, 2012).

The following year conflict faded out thanks to the signing of the Washington Treaty. Croatia started to fear of

¹²Bosnians = Muslims. 26th-27th of September 1993 was in the Congress intellectuals Bosnian Muslims (Drugi bošnjački sabor) previously used term "Muslims " replaced by the name "Bosnians", as a historical ethnic concept, which became the official name for the Slavic Muslims. Greater political power (SDA) has been associated with religion - Islam, as an essential attribute of Bosnian identity, and thus the term "Muslims" gives a negative impression in the world normally associated with Islamic respectively Arab radicalism (Dimitrovova, 2001).

international isolation for its engagement in BIH, and decided to cooperate with Bosnians for the promise of international support for the reintegration of Croatian territory (Silber, 2006). Croatian- Bosnian discussions about mutual relations were opened, but in the presence of US diplomats. On the basis of the Washington Treaty, which was signed on 18 March 1994 in the presence of top officials of Croatia and BIH Franjo Tuđman, Alija Izetbegović and under the control of US President Bill Clinton Bosnian- Croat Federation of BIH was established, and represented the first upturn in the peace process. In order to continue the trend of peace and resolve the Bosnian crisis they presented in June 1994 plan called Contact Group plan for Bosnia and Herzegovina¹³, whose foundation was a map dividing BIH according to the ethnic key in the ratio of 51% of the territory for the Bosnian- Croat Federation and 49 % of the area for the political formation of the Bosnian Serbs. Serbs already at that time controlled 70% of the territory of BIH, and although they have not rejected the plan directly, they called for additional meetings, seeking to gain exchange of barren and mountainous territories for more favorable territories. At the end of 1994, the then US President James Carter managed to successfully negotiate a four-month peace between the Sarajevo government and representatives of the Bosnian Serbs (Šesták, 2001).

Despite the partial success, the crisis peaked again in May 1995, when the Bosnian Serbs invaded the warehouse of heavy weapons of UNPROFOR and took a number of canons in the presence of guarding soldiers. Sarajevo government forces in return attacked the Serbian supply route, whereupon UNPROFOR responded by ultimatum to both sides to stop using heavy weapons around Sarajevo, they were threatening the both sides that they will use air strikes. A few days later, NATO destroyed an ammunition depot of the Bosnian Serbs, the Bosnian Serbs identified that as a breach of neutrality of "blue helmets", and consequently unilaterally suspended all previously negotiated agreements with the United Nations. This was followed by the mass capture of UNPROFOR soldiers and UN observers, some of whom were handcuffed as human shields for military buildings. Capture of UNPROFOR soldiers strongly shook the prestige of the United Nations and largely mocked the whole UN mission in BIH (Hladký, 1997).

The crisis culminated in the summer of 1995, when the army of Bosnian Serbs conquered the Bosnian enclave of Srebrenica. They systematically massacred huge number of population and refugees before the eyes of world public and the passive observation of UNPROFOR soldiers (Lovrenović, 2000). The fall of Srebrenica was the darkest moment of international engagement in BIH. A few days later they also captured Žepa, they stopped only under the threat of NATO's air strikes, and pressure from Belgrade (Glenny, 2003).

In mid-August the US President Bill Clinton sent Richard Holbrooke to Balkans, Secretary of State for Foreign Affairs in an effort to find a peaceful solution. He was different than the previous international negotiators, he was firm and he had clear effort to reach an agreement at any price. Holbrooke submitted the plan that was a mixture of old designs with several new features.¹⁴ After another explosion in Sarajevo and when the radars located the firing of missiles from Serb positions the United States lost its patience to resolve the conflict through diplomatic channels. Massive NATO air offensive followed, which shot down four Bosnian Serb warplanes and continued attacks on other selected territories controlled by Serbs. It was the first time since its beginning, when NATO air force was used outside the boundaries of its

¹³Members of Contact Group were diplomats of five powers – USA, Russia, Germany, France and Great Britain (Šesták, 2001).

¹⁴According to the plan, the territory of BIH should be maintained, but internally divided in the ratio of 51:49 - 51 % of the territory for the Bosnian - Croat Federation and 49 % for the Republika Srpska (Republic of Serbia); Bosnian Serbs should be after ceasefire granted the right to establish closer ties with Serbia; all parties have been given a promise of economic assistance and so on. (Šesták, 2001).

jurisdiction (Fodorová, Grančay, Szikorová, 2012). In the first half of October Richard Holbrooke succeeded to make the warring parties to agree on a comprehensive ceasefire, which started on October 11, 1995 (Šesták, 2001).

The End of the War and Post- War Order Proposal

Americans forced the warring factions led by Milošević, Tudjman and Izetbegović to sit at the negotiating table in November 1995 at the base of Dayton in USA. To make the war in BIH to ever stop, it was reportedly developed a strong political and psychological pressure to force them to agreement (Hladký, 1997). The Dayton agreement was officially signed on 14 December 1995, under which BIH has remained preserved as a single state, but internally divided into two entities - the Bosnian - Croat Federation (51 % of the territory) and Republika Srpska (Republic of Serbia) (49%) plus one Federal District of Brčko, which is managed by both entities together to avoid conflict, because both parties have the territorial claim on this territory arising from the national identity. Another interesting thing is connection of one of the Bosnian enclaves Gorazde by land corridor with the territory of the Bosnian - Croat Federation. UN peacekeepers have been substituted by NATO forces (IFOR), the function of the High Representative was created, who should jointly monitor the compliance with peace and all economic and diplomatic sanctions against the FRY were canceled. Dayton Agreements highlighted the return of all refugees to their homes, as well as the need of bringing to the International Court in The Hague all those accused of war crimes. The part of the peace agreement was the new constitution of Bosnia and Herzegovina, according to which the central authority is entrusted to a three-member presidency of the representation of each ethnic group, while representatives are elected for four years, during which there is rotation between the functions of presiding members after 8 months (Dayton Peace Agreements).

Thus it was conceived as universal compromise, and the first High Representative in BIH Carl Bildt has commented on the agreement: "*This agreement satisfies the minimum requirements of all and maximum requirements of anybody. Serbs have had neither an independent state nor connection to Serbia, Muslims did not get a unitary state, but an unified BIH and Croats did not create a third entity or has not been connected with Croatia, but are part of the Muslim-Croat Federation.*" (Bildt, 1997).

There are still many questions about Dayton, and there are still some speculations whether Izetbegović has not had the idea of giving up to maintain the unified BIH, and to create a sort of Muslim mini-state, as evidenced by the phrase "*you see, those Czechs and Slovaks never fought against one another and yet they are divided*" (Mojžita, 2010: 56), and that the US wanted at all costs to avoid creating a Muslim state. The paradox is the fact that during the negotiations, three months after the events in Srebrenica, no one has mention a single word about this tragedy, and the Bosnian side was not even attempted to integrate this territory into BIH or granting a specific territorial statute for Srebrenica (Mojžita, 2010). Dayton Agreements are today often seen as an order from outside. In reality, the warring parties have not been able to work towards a better solution and the war could last forever (Hladký, 1997).

Is it True that International Community Failed?

The international community has been horrified from the reports coming from the former BIH, yet it was unable to take decisive opinions on events that happened there. Until the last moment the international community has prevailed more or less only to condemn violence and to make diplomatic protests (Hladký, 1997). From the beginning the EC/ EU and the United States staunchly defended preservation of the unified Yugoslavia, which was mainly because of the fact that at that time they were solving other matters, the conversion of the European Community to the European Union, as well as

the revitalization of the Soviet Union (Weithmann, 1996). As the British historian and essayist Timothy Garton Ash later wrote: "At the time more important for Europeans was Maastricht and monetary union than Sarajevo and numerous civilian victims. One part of Europe improved its comfort and luxury of a common house, reflecting on more and more luxury accessories while in other parts was the building not only collapsing, but found itself in a fire. And it is also kind of a unique testimony on the concept of European solidarity." (Mojžita, Šebesta, Lukáč, 2003, s. 52). They were afraid of the domino effect for other eastern European countries that could be affected by similar secession efforts and ethnic conflicts (Weithman, 1996).

At the beginning USA declared that they will not interfere in the conflict and that "the Balkans is a matter of Europe" and this ongoing conflict should be resolved by the EC/ EU itself as a regional organization. Disinterest of the USA in regard to ongoing conflict is related to more important agenda in the form of a collapse of the USSR and the Persian Gulf War, but of course also to the absence of oil in the region. However, when US involved in the conflict resolution, they supported the warring parties against Yugoslavia, respectively against Serbia.

Gradually two main streams were created in the Europe: the *French direction* pushed ahead unified Yugoslavia referring to the principle of borders indefeasibility; and the *German direction* emphasized the right of nations to self-determinate, thus it supported the independence of Slovenia and Croatia (Pirjevec, 2000). These two different approaches are rooted in the history – inclination of the Paris to Serbia as a partner in WW 1, and support of Germany to Croatia as one of the partner states in WW 2 (Weithman 1996). So the EC/ EU had problems from the beginning to unite opinions of their member states, while each of them discussed from their own position (Mojžita, Šebesta, Lukáč, 2003). On the other side at that time the EC/ EU had not effective tools available to intervene to situation in Balkans, since common foreign and security policy was just at its birth (Had, 2007).

UN showed its disability of solving the conflict by diplomacy or using economic pressure. Many ceasefires and resolutions were enclosed during the conflict in Yugoslavia, but the war continued and escalated even more (Weithman, 1996). Import embargos that were imposed or economic sanctions made the crisis situation even worse. JřřfDienstbier that worked as reporter of commission for human rights of UN in FRY, BIH and Croatia said that: "*the international community should intervene earlier, but not in the form of embargo or air strikes that damaged only civilians and not true trespassers*" (Dienstbier, Najšlová, 2005).

Leo Tindeman defines three main faults in intervene policy of international community in BIH. First, *definition of the crisis as humanitarian disaster rather than brutal aggression*, which led to the point that international organizations were more centered to humanitarian help rather than to political solution of the country and it was enough for them to be observers of the situation that is presented as a shame of Europe, because they did not stop the killing and the massacres. Second, *(not) usage of the power*, which was hesitated by the organizations whether to use it or not and according to Tindeman the greatest failure in the war in Bosnia were *safe zones* that were created by the UN, but they were unable to defend them (International Commission on the Balkans, 1996). Besides that they were often reproached because of their inability to understand the reasons of the war, unfamiliarity with the local settings, unwillingness to offer proper sources, but also ambiguity to delimitate of competence and mandate (for example between UN and NATO) (Kaldor, 2006). Ambassador of the United States in Yugoslavia pronounced that the death of Yugoslavia and its bloody consequences were great loss for the United States and Europe. On the other hand he claimed that the war in Yugoslavia was not the fault of international community, but "home-baked cake" (Silber, Little, 1996).

Another problem in mediation of the conflict was reluctance of both sides to negotiate, but also unwillingness of negotiators to negotiate with rebel groups. We could name this policy to be selective, because in the conflict in BIH they rejected to negotiate with Ratko Mladić the general of Bosnian Serbs, but for example in Kosovo war they negotiated with the representatives of KLA. They even succeeded to rescue the leader of KLA Ramusha Haradinaja, because they wanted his as a partner for discussions about future Kosovo status, which was privilege that was not given to any of the accused Serbians (Mojžita, 2010).

CONCLUSIONS

This experience in the Balkans was the lesson for the international community about the effective solution, correct consideration of the problem, but also lesson about cooperation between the EU, UN and NATO, it could also be some kind of advice for the future, which steps to take to avoid escalation of the violence and to prevent causing more damage.

Of course it would not be adequate to look at the intervene policy only with critical eyes. No doubt that it is always tough to find peace solution in ethnic conflicts and especially in the case of BIH it was very hard, because there were three fighting sides that had different opinions about the future of the country.

Even though they failed, what was later admitted also by European parliament in their claim about Srebrenica, where they claim: "... at that time events in the western Balkans reflected failure of the EU, its member states and international community as a whole during enforcement of policy that was focused on crisis prevention" (Resolution of European parliament about Srebrenica). International community succeeded to negotiate many agreements (even though they were not perfect), which guarantee relative peace in Balkans and it significantly participated to restore destroyed countries in the post- war time. It seems that Alija Izetbegović, at that time the President of BIH, correctly understood the situation, when they searched for peace solution: "This is not the righteous peace, but it is more righteous than to continue in war..." (Mojžita, 2010, s. 57).

Bilateral policies are main interest of member states, which also showed up during disintegration of Yugoslavia, but these policies are one of the most significant barriers of EU efforts in creating the CFSP that logically affects the effect of its external activities, while reducing its foreign policy reputation. Building an effective CFSP still have many obstacles even today – continuing limits of action ability of the EU, inability to formulate a common interest, lack of political will for effective and consistent implementation. Therefore, specific recommendations with regard to the other case studies will be the result of my dissertation.

