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**Rethinking Self-Determination:
Serbian Views on the Bosnian Crisis in the 1990s**

“All lovers of peace and civilized life should work to enlighten the world about the impracticability and inhumanity of that famous – or shall I say notorious? – Principle of National Self-determination, which now has degenerated into that ultimate horror, ethnic terrorism.”

Karl Popper, Prague Lecture 1994

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1. Introduction

The events that led to the break-up of former Yugoslavia are still relatively fresh. Many questions remain open. Was the break-up unavoidable? What were the main reasons that resulted in the eruption of violence? How did the leaders in the former republics come to power and what guided them to choose ethnic nationalism as their dominant approach? How is it possible that more liberal parts of civil society, which existed at least to a certain extent in the SFRY, played almost no role in opposing the approaching catastrophe? Why was the international community so unsuccessful in changing the course of events? Was it guided by principles, strategic and selfish interests, or was it merely responding to the developments at hand?

Though little time has passed since the events in Bosnia and former Yugoslavia in the early 1990s, there have already been a great number of scholarly attempts to describe and interpret them. I wish to propose a research that is a combination of specific focus, methodological and theoretical framework.

In an attempt to make sense of what happened, it is my intention to examine the principles that some of the politicians involved in the crisis used to “justify” their course of action. When I say “justify,” it is not in order to argue that the justifications used by these politicians necessarily reflected their true motivation. To the contrary, I would even suggest that sometimes the real motivation was completely different from the one offered publicly. However, all of them used a certain rhetorical framework and invoked certain principles when explaining their decisions.

The most important among the political and legal principles, invoked both by the sides in Yugoslav dispute and the international mediators as the political ideal they are aiming to fulfill, was the principle of self- determination. I will argue in this study that self- determination principle, understood as the principle aiming to promote democratic governance and freedom from oppression, has value only in cases where the unit claiming its right to self- determination is clearly defined. In cases when major struggles for ethnic domination are taking place within the same territorial unit, considering mutually exclusive claims to this principle is misguided and dangerous. In cases of struggles for ethnic domination over territory, like in former Yugoslavia, the use of the language of self- determination is a pure rhetorical justification that has

nothing to do with the real aims of the parties in question, which are rather the rearrangement of power and resources.

The main aim of the thesis will be to fully describe and analyze political choices and the behavior of political and public actors from Serbia in the period of the Bosnian crisis. To achieve this goal, I have analyzed all the relevant interviews, articles and news clips published in the only existing independent daily newspaper in Serbia at the time, *Borba* in the period of 6 years, from 1990 to 1995, in order to find all relevant statements from most hitherto politically influential individuals, as well as commentaries from prominent political analysts. They should serve to illustrate and explain the position of both the ruling elite, as well as the opposition on the question of political and legal principles they advocated during the time of the Yugoslav dissolution and the war in BiH. Their own words will often be used in order to clarify and demonstrate various existing points of view in Serbia at the time on some of the key political and legal dilemmas about the future of Serbs and other South Slav nations. Based on this research, I will draw conclusions about the most important features of the Serbian political scene in the early 1990s, in order to better understand and, at least partly, answer some of the questions posed in this introduction.

By stating that I wish to concentrate on Serbian actors, I am, in effect, suggesting the limits of the research into primary sources that I plan to engage. Since positions towards the crisis in former Yugoslavia among the different politicians within Serbia were diverse and sometimes even directly contradictory, I am *not* trying to imply that there are homogenous “Serbian views,” nor do I suggest that the exploration of Serbian views in itself is sufficient to understand the course of events. Quite on the contrary, I wish to underline that similar comprehensive research studies exploring the respective Croatian, Slovenian or Bosnian views are important enough to stand on their own. Further, the aim of this paper is not an accurate description of the *events* themselves but the accurate presentation of ideas and arguments used to resolve the crisis.

By using the expression “Serbian views,” I suggest the differentiation of various views. Among the political parties in power, including Milosevic’s SPS and Seselj’s SRS, two dominant discourses were present: the promotion of “the Serbian national question” because of a genuine belief in it; and the (mis)use of this rhetoric for purely political and financial gains. Some Serbian academic and political circles,

however, never accepted the rhetoric of “the Serbian nationalist project.” These circles were usually gathered around independent media, different NGOs or involved in the political parties of the opposition. It will be interesting to examine the evolution of the attitude of opposition party-leaders towards the same issues. Not only were there big differences among them, but sometimes the same individual made contradictory statements in a short period of time. Politicians of the opposition accommodated to Western (primarily US) views, to the public domestic view, to the changing attitudes of Milosevic himself and to the “new reality” at hand. Besides academic and political circles, prominent individuals, such as NGO activists, political and legal analysts, popular media figures and others can similarly be examined on their attitudes to “the Serbian national question”.

There are three main points I will argue. They concern the influence of the use of international principles, self-determination being the most important one among them, on the Yugoslav crisis, the effect of their use in Yugoslavia on the principles themselves, and their effect on the Serbian political scene. They can be summed up in the following way:

1. The impact of the self-determination principle on the Yugoslav crisis

The set of norms and principles used by the international community to prevent war and resolve the crisis in Bosnia and Herzegovina and former Yugoslavia, in fact, contributed to the escalation of violence.

The extensive use of the self-determination principle, understood as the right to immediate secession, greatly raised the expectations of all involved in the dispute and elevated the hopes of achieving sovereignty in all ethnically compact communities within a clearly marked territory. In most cases, except in the case of former republics, these hopes were false, though some of those units arguably fulfilled (or tried to achieve, in some cases even by means of ethnic cleansing) similar conditions for statehood that existed in former republics. The simplified criteria for secession further discouraged the difficult political debate about the means to accommodate different ethnic groups within the same territorial unit, leaving uninational states as the primary goal for all groups, which for some time seemed achievable.

2. The impact of the Yugoslav crisis on the self-determination principle

Just as the use of international legal norms such as self-determination influenced the crisis in former Yugoslavia, the Yugoslav crisis, in turn, influenced new developments in these norms.

The implementation of the self-determination principle in former Yugoslavia featured some important deviations from the previous state practice. Among the innovations in the implementation of the self-determination principle in former Yugoslavia was the fact that in this crisis the seceding unit was not obliged to effectively control all of its territory, nor did it have to provide the consent of all the nations within the unit. This was in stark contrast to the practices of the international community in secession crises prior to the Yugoslav dissolution.

3. The impact of the self-determination principle on Serbian politics

The behavior of politicians from Serbia in the early 1990s shows that there was a great confusion among them about the feasibility, and even the desirability, of certain Serbian national goals. Political actors in Serbia accommodated their politics to the realities at hand and to pragmatic electoral considerations. I will show in my analysis that their politics was constantly reoriented towards what they *thought* to be achievable national goals, dictated, at least partly, by their own perception of relevant international legal norms, the changes in which, however great they were, always triggered a change in their politics, too. More clarity about the way international principles would be implemented could have prevented much of this confusion and could have, perhaps, reduced the incentive to resort to violence.

In the introduction, I will provide an overview of the international norms related to the principle of self-determination, followed by an overview of the history of the Yugoslav idea and war in Bosnia and Herzegovina.¹ In Chapter 2, I will

¹ Readers interested in the **self-determination principle** are advised to consult: Cassese, Antonio: *Self-Determination of Peoples, a Legal Reappraisal*, Cambridge University Press: Cambridge 1995. There are also two other books that provide the overall discussion of the topic by Hannum, Hurst: *Autonomy, sovereignty, and self-determination: the accommodation of conflicting rights* Philadelphia: University of Pennsylvania Press, 1992, with a number of case studies, and Musgrave, Thomas D.: *Self-determination and national minorities* Oxford University Press: Oxford 1997. There are a large number of collections of relevant articles concerning self-determination issues, such as the ones by Danspeckgruber and Watts *Self-Determination and Self-Administration*; Brolmann, Lefeber, and Zieck *Peoples and Minorities in International Law*, Moore *National Self-Determination and Secession*,

examine and discuss the way that EC and its Arbitration Commission selected to implement what was considered to be the appropriate bulk of international legal principles, most of all, self-determination, to resolve the Bosnian and the Yugoslav crisis. In Chapter 3, I will describe and analyze the position of Serbian political and public figures on the crisis. Finally, in the conclusion, I will summarize the most important features of the Serbian political elite and point to the mistakes they made in the early 1990s.

McCorquodale *Self-determination in international law*, Shapiro and Kymlicka *Ethnicity and group rights*, Bianchini and Schopflin *State Building in the Balkans*, *Dilemmas on the eve of the 21st Century*, Tomuschat *Modern law of self-determination* and others. Finally, there is a great number of relevant articles dealing with the topic available, I will mention articles by Eastwood, Etzioni, Hannum, Horowitz, Kemp, Kovacs, Pomerance, Ratner, Shaw, Suzuki, Talbot, Tierney, Weller and others.

Those interested in the **Yugoslav idea** should read John R. Lampe's *Yugoslavia as History: Twice there was a Country*. Cambridge University Press: Cambridge, 2000. Other books providing some background on the evolution of the Yugoslav idea or the Yugoslav state include works of Allcock, Benson, Cohen, Djilas, Djokić, Judah, Pavlowitch, Singleton and others.

Those wishing to broaden their knowledge about the **war in Bosnia and Herzegovina** and the conflict in the 1990s in general, if they wish to be restricted to only one single book, can consult: Burg, Steven L. and Shoup, Paul: *The War in Bosnia-Herzegovina: Ethnic Conflict and International Intervention* Armonk, N.Y.: M.E. Sharpe 1999. However, there is a huge and growing amount of other existing literature. Perhaps, it is best to trace events from the writings of people directly involved in them, and in this case reading Zimmerman, Owen, Holbrooke and Bildt is recommended. Lampe, Bennett, Cohen, Silber and Little all wrote important contributions from a historical point of view, in their books. Trifunovska and Ramcharan compiled extremely important and comprehensive collections of legal documents tracing the breakup. Woodward, Hayden and Radan wrote important contributions more from the legal perspective. Glenny wrote as a reporter and observer of the events, and Clark and MacKenzie wrote about their military observations on the field. Almond, Cohen, Daalder, Gow, Magas, Meier, as well as many others, contributed to the topic in one way or the other, more or less objectively, and from various different perspectives.

Knowledge of the events and facts in these three areas is a precondition for a full understanding of the chapters that follow.

1.1. The principle of self-determination

It is in the noble ideas that people should have the right not to be (mis)treated as the King's property and that the government should be responsible to them where the origin of the principle of self-determination arguably lies. These ideas can be traced to the American Declaration of Independence and the French Revolution. However, already at this early stage, the also first misapplication of the idea begins in practice. As Cassese argues, French leaders used self-determination in order to justify the annexation of lands belonging to other sovereigns.² As long as the results of the plebiscites they initiated turned in France's favor and could be used as an excuse to annex the territory desired, the "will of the people" was respected. However, plebiscites were held valid only as far as they produced a result favorable to the French. This pattern seems to repeat itself numerous times through history to this day. At the time of its first appearance in the late 1700s, neither colonial peoples, nor ethnic, religious or cultural groups had the right to self-determination. Neither did the principle include the right of peoples to freely choose their government.

From France, the concept of self-determination spread to Italy, where it was called upon as a political demand that all nations should be allowed to freely choose their status. The principle of nationality was, for the first time, clearly associated with self-determination. The goal there was to create a unified Italian state. After the Bolshevik revolution and the First World War, the self-determination principle became and has ever since remained an important legal and political factor in international politics.

The right to self-determination emerged as a serious element of international life in two forms that prefigured the ideological rivalry between the East and the West that later produced the Cold War.³ US president, Woodrow Wilson saw self-

² Cassese, Antonio: *Self-Determination of Peoples, a Legal Reappraisal*, Cambridge University Press: Cambridge, 1995 p. 12

³ Folk, Richard A. "The Right of Self-Determination Under International Law: The Coherence of Doctrine versus the Incoherence of Experience" in Wolfgang Danspeckgruber and Arthur Watts: *Self-Determination and Self-Administration, A Sourcebook*, Lynne Rienner Publishers, Boulder, London, 1997 p.50

determination as the key to lasting peace in Europe, Lenin saw it as the means to realize world- wide socialism.

Lenin, on the one hand, proclaimed self-determination to be an indispensable condition for peace in the world, which would also apply to all non-European states under colonial rule. In turn, those peoples would contribute to the success of the socialist revolution. According to Lenin, self-determination was made up of three components: the right of ethnic and national groups to decide their own destiny freely; the principle appropriate to help decide the allocation of territories after a conflict between sovereign states; and self-determination as an anti-colonial principle.⁴ While the second part was already present in the French concept, the first and third components were new.

However, Lenin subordinated self-determination to the revolutionary struggle to overthrow bourgeois governments and achieve socialism. As to which should be put first, the right of nations to self-determination or socialism, Lenin's answer was quite clear: socialism.⁵ Self-determination was a useful principle as long as it served to enhance class struggle. It is easy to argue that the October revolution, in fact, represented a denial of self-determination for the annexed foreign territories (Latvia, Estonia, Lithuania) and a denial of the right of ethnic and national groups to choose their destiny freely. However, it must be stated that it was mostly the Soviet focus on anti-colonialism and the efforts of the Soviet Union that have eventually led to the incorporation of the self-determination principle in the UN Charter and in international law in general.

President Wilson, on the other hand, saw self-determination, above all, as the principle that promoted free elections for the government. On the international level, it meant for him the right of people to choose their form of government. It was also meant to be the principle aiding in the fulfillment of national desires in the states of central Europe after the collapse of the Ottoman and Habsburg empires. Further, self-determination was to be the criterion for territorial change to serve the populations concerned, after the change of borders of the newly created states. Finally, it was to be applied as an anti-colonial principle. The crucial difference between Wilson and Lenin was that Wilson did not see self-determination as leading to violent revolutions.

⁴ Cassese, 1995 p. 16

⁵ *ibid.* p. 18

Rather, he saw it as a principle to be implemented in an “orderly, non-violent fashion under guidance of international law,” through plebiscites, and in conformity with reports of commissions of experts assigned to study border disputes.⁶ However, already his associate, Robert Lansing pointed to possible implications of the theory:

When the President talks about `self-determination` what unit has he in mind? Does he mean a race, a territorial area or a community? Without a definite unit which is practical, the application of this principle is dangerous to peace and stability. [...] The phrase is simply loaded with dynamite. It will raise hopes which can never be realized. It will, I fear, cost thousands of lives. In the end it is bound to be discredited, to be called the dream of an idealist who failed to realize the danger until too late to check those who attempt to put the principle in force. What a calamity the phrase was ever uttered! What misery it will cause!⁷

Indeed, Wilson himself was not prepared to apply his ideas in the US: he rejected the application of internal self-determination for minority or ethnic groups. Neither was he able to consistently pursue his ideas on the international scene after the First World War. Although a number of plebiscites were indeed held, the Allies decided very carefully which populations were allowed to determine their fate. Just as in older times, self-determination was “deemed irrelevant where the people’s will was certain to run counter to the victors’ geopolitical, economic, and strategic interest.”⁸ Nor did the Allies insist too much on the form of government the new states would have. Though some of the states were obliged to guarantee minority rights, this approach was selective to Central and Eastern European states only, and used solely as a second best solution after the flat denial of self-determination. The long-term fate of the unwilling minorities was to be an (perhaps delayed) assimilation into the majority. Finally, self-determination was still *not* made a part of international legal norms – it remained a rhetorical slogan and a political postulate.

President Wilson’s ideal that “peoples should not be bartered about from sovereignty to sovereignty as if they were mere chattels and pawns in a game” was not realized even after the Second World War. During the Second World War, already in 1941, Roosevelt and Churchill drafted the Atlantic Charter, which proclaimed self-

⁶ Cassese, 1995 p. 21

⁷ Robert Lansing as cited in Cassese, 1995 p. 22

⁸ *ibid.* p. 25

determination as the principle that will determine the territorial changes after the war.⁹ It also stated that people would have the right to a free choice of government in every sovereign state. However, it can be argued that negotiations between the two leaders and Stalin, in order to shape future Europe, contained anything but respect for the will of the peoples. In fact, the first informal negotiations in 1944 about the establishment of the UN made no mention of self-determination at all. It was only the insistence of the USSR in 1945 that pushed the reference to self-determination into the UN Charter. Since then, it has remained an important factor in international politics, although still no clear guidelines for its implementation have been established. The main concern of the states opposing the promotion of this principle in 1945, such as Belgium, Venezuela and Colombia, at the United Nations Conference on International Organization was that it might foment secessionist movements, and that politicians could easily invoke it, like Hitler did, for instance, to justify invasions and annexations. They considered the principle too vague to be of any real help in determining its consequences in practice. The USSR and the Third World countries did their utmost to promote self-determination as the anti-colonial principle, against the will of the Western states. Their victory, in turn, resulted in Western countries pushing its meaning further and broadening its scope later.

Many documents have since strengthened the role of self-determination in international practice. The 1960 Declaration Granting Independence to Colonial Countries and Peoples contributed to the gradual transformation of the principle into a legal right for non-self-governing peoples. Self-determination was understood externally, as the prohibition on the use of force in international relations. The 1970 Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States contributed to a growing consensus on expanding self-determination to other areas. Those areas included the right of people for a representative government, the rights of racial and religious groups not to be discriminated against, and the rights of ethnic groups, linguistic minorities and indigenous populations. In exceptional circumstances, such as extreme persecution and the absence of hope for any other peaceful remedy, external self-determination was linked to internal self-determination. Finally, the Helsinki Final Act of CSCE of

⁹ President Wilson's Address to Congress, analyzing German and Austrian Peace Utterances, 11. February 1918 <http://catalog.lib.byu.edu/~rdh/wwi/1918/wilpeace> (11.2.2004)

1975 and the Charter of Paris for a New Europe of 1990 made an important link between self-determination and human rights and considered it to be not a one-time but a continuing right.

1.2. The Yugoslav idea in history

In the report of the International Commission on the Balkans it is stated that:

Yugoslavia was born in 1918, upon the collapse of the Ottoman and Habsburg Empires, in the name of the principle of self-determination of nations. It died in 1991 in the name of the same principle - this time invoked by each of Yugoslavia's constituent Slav nation as it emerged from communism. This irony of history illustrates the changing face of self-determination - from the right to create a federal state to the right to secede from that federal state.¹⁰

In fact, the first ideas about a possible South Slav state had appeared before 1918, during the 19th century already.¹¹ The medieval states of Serbs, Croats and Bosnians, with overlapping territories, survived relatively briefly, though it is worth noting that they did not fight one another. Instead, their disappearance was due to their internal weakness and external invasions. All these native states and the Ottoman and Habsburg Empires rather fragmented the territory and isolated the population than brought them together. The exceptions were several multicultural focal points like Dubrovnik, Sarajevo and Vojvodina.

It was first in the early nineteenth century that Napoleonic France tried to introduce the idea of a common South Slav nationality as a corollary to its centralized administration of Croatian and Slovenian lands. The aim was to create a single administrative and cultural unit, named Illyria.¹² In the 1830s, this idea reappeared among the group of Croatian nobles in Zagreb, who sought to unite South Slav

¹⁰ Tindemans, Leo et al. (eds.) *Unfinished peace, Report of the International Commission on the Balkans*, Carnegie Endowment for International Peace, 1996 p.28 The Commission was established in 1995 by the Aspen Institute Berlin and the Carnegie Endowment to provide an independent perspective on the former Yugoslav problems and to propose a Western approach for the long-term stability in the region. The leaders who served on the Commission were Leo Tindemans (Chairman), Lloyd Cutler, Bronislaw Geremek, John Roper, Theo Sommer, Simone Veil and David Anderson. Jacques Rupnik headed the Commission staff.

¹¹ Lampe, John R.: *Yugoslavia as History: Twice there was a Country*. Cambridge University Press: Cambridge, 2000 p.7

¹² 1809-1813

groups from Slovenes to Bulgarians. Their leader Ljudevit Gaj called this union the “Great Illyria.” His supporters were more motivated by thus opposing the Hungarian hegemony than by the long-term attraction of a single South Slav language. In Serbia, already an independent state, the Minister of Interior, Ilija Garasanin received a Memorandum from his Czech advisor for the unification of all South Slavs in a single new state, in 1844. Garasanin revised the text and substituted South Slavs with Serbs. The so-called *Nacertanije* thus represented an ambiguous call both for greater Serbia and a large South Slav state. The Serbian state which would include Bosnia and Herzegovina, Montenegro, Macedonia, Kosovo and Northern Albania would, according to *Nacertanije*, be a center of a larger state that would also include Bulgarian and Croatian lands, whose separate ethnic identities and full religious freedom were to be respected.

The first mention of Yugoslavia, imagined as a federal state, came from Josip Juraj Strossmayer, the bishop from eastern Slavonia, in 1860.¹³ When the Hungarians won a greater autonomy against the Habsburgs, the Hungarian leader, Ferenc Deak was induced to greatly diminish the already limited autonomy of Croatia and Slavonia, and Strossmayer tried to join forces with Garasanin in an effort to create a new and confederal Yugoslav state. Already at this time, however, the first conflict concerning the nature of the future state emerged between the Croatian confederal and the Serbian unitary model.

In 1903 the Serbian king Aleksandar Obrenovic was assassinated, and Petar Karadjordjevic, who succeeded him, introduced the changes that made Serbia a constitutional monarchy and a parliamentary democracy. In Macedonia, the Illinden Uprising challenged the Ottoman rule, and autocratic rule of Habsburg administrators in Croatia, Slavonia and Bosnia and Herzegovina ended as well. Ethnically based parties from Slovenia to Macedonia started to talk openly about a Yugoslav alternative and shared an impatience for ethnic rights and self-determination. Crushing Serbian victories in two Balkan wars from 1912-13 against first the Ottomans and then the Bulgarians allowed Serbia to absorb Northern Macedonia and Kosovo, and inspired some Croats and Slovenes to think about Yugoslavia as a realistic short-term possibility. Fearing this together with the growing Serbian military strength, the Austro-Hungarian monarchy decided on a preventive war

against Serbia that turned into the First World War. The War will mark the end for both the Ottoman and the Austro-Hungarian Empires, and the birth of the Kingdom of Serbs, Croats and Slovenes. It is, without a doubt, the suffering and sacrifice of the Serbian army in the war that made the creation of the new state possible, which was arguably a dominant popular wish in all parts of future Yugoslavia at the time except for Kosovo. Its presence as a deterrent against Italy's claims of parts of Slovenia and Croatia ensured that Croat and Slovene leaders would accept the creation of the first Yugoslavia on essentially Serbian terms. The divisions and problems about the desirable structure of the state that was based on the Yugoslav idea will, however, accompany it until its dissolution.

The detailed description of the inter-war and post-World War II Yugoslav state is a task beyond the scope of this thesis. It is sufficient to state here that the first Yugoslavia tried to create a single South Slav culture, while Tito's Yugoslavia was founded on ideological grounds. As the former was created after the victories of the Serbian army during the Balkan and the First World Wars, the origins of the latter lie in the victory of the Partisan army lead by Tito. As Lampe argues, three motives were behind the creation of Yugoslavia both times: political, economic and military.¹⁴ The first one is the desire for a representative government, thus six constitutions were created between 1921 and 1974, in order to find the right balance between the capital, Belgrade and the rest of Yugoslavia. The second is the attraction of economic integration, with the promise of a larger internal market and comparative advantage in international trade. Finally, Yugoslavia provided security to its constituent parts against potentially hostile neighbors after both World Wars. All three nineteenth century romantic ideas for a unitary nation-state – Great Serbian, Great Croatian and Yugoslav¹⁵ fought for dominance during Yugoslavia's existence. While first Yugoslavia tried to accommodate them all and find some kind of a synthesis, Tito's Yugoslavia tried to rise above them. Their failure to achieve their goals, together with the external shocks of the Second World War (that destroyed first Yugoslavia temporarily) and the collapse of Communism, finished its existence in the end.

¹³ Lampe, p. 59

¹⁴ Lampe, p.8

¹⁵ founded on the assumption that Serbs, Croats and Slovenes are in fact one ethnic group

1.3. The dissolution of Yugoslavia and the war in Bosnia

Had Yugoslavia been able to survive as a state and had no questions of self-determination been forced upon its peoples in the 1990s, or had international and domestic actors managed its dissolution in a peaceful manner, its population and, most notably, all three ethnic communities in Bosnia would most likely continue to live peacefully.¹⁶ Unfortunately, both domestic and international politicians proved unable and unwilling to resolve the violent conflict that erupted in the 1990s.

By the late 1980s, several threats to the common South Slav state converged simultaneously to end its existence for the second time. Tito's death left a huge breach in the Yugoslav structures of power. Due to the years of negative selection and the frequent purges under communist rule, the communist elite had very little moral and intellectual capability to rule, especially in difficult times. Their greatest "value" was their obedience to the highest authority, the authority that no longer existed. The so-called "SFRY Presidency" that was supposed to take over Tito's role, lacking both legitimacy and respect, was an invalid institution unable to make any important decisions. The most influential federal organ was the federal government led by Ante Markovic, a competent economist trying to pull Yugoslavia out of its financial crisis and connect it to the West. But Markovic was an economist not a politician, and his government had no legitimacy of an electoral backing. Federal institutions were both weak and illegitimate, leaving space for republican leaders to grab power promoting the only ideology that conveniently presented itself after communism surprisingly vanished – nationalism.

The economic problems Yugoslavia faced would probably have been solved much easier, had there not been a second factor that threatened the country's existence. During Tito's rule, Yugoslavia enjoyed a very comfortable position of a "middle" country between the two blocks: not a Western democracy, but not a member of Soviet military alliance as well. The West richly rewarded Tito's split with Stalin by generous donations and credits, which meant that he could rule unhampered

¹⁶ Burg, Steven L. and Shoup, Paul: *The War in Bosnia-Herzegovina: Ethnic Conflict and International Intervention* Armonk, N.Y.: M.E. Sharpe 1999 p.17

with economic problems for decades. All of this disappeared in the late 1980s. With the fall of communism, Yugoslavia, whose economic well-being and territorial integrity was carefully watched over for decades, suddenly lost all of its importance. No economic or any other help arrived any more, on the contrary – it was time to start repaying debts.

Due to all these serious internal, as well as external shocks she suffered all at once, the Yugoslav state could not survive. Relatively easily and with very little resistance, Slovenia separated itself from the rest, followed by Croatia, though the war in Croatia was much more serious. It was, however, in Bosnia and Herzegovina that the greatest tragedy was waiting to unfold. It was also in Bosnia and Herzegovina where the real test of principles on which the European security was based would be set, as Woodward argued.¹⁷ The question of how Europe could guarantee the principles of national self-determination simultaneously with that of inviolable borders within Yugoslavia, when the two were hopelessly in conflict, were most starkly posed precisely in Bosnia and Herzegovina. As Woodward argued, the European Community ignored the compromises that Yugoslavia represented in itself in guaranteeing nations the right to self-determination in a nationally mixed area. It also ignored the security guarantee that Yugoslavia provided for the territories with mixed population, and did not prevent the suspicion and insecurity of those relegated to minority status in the new states. By accepting the principle of self-determination for the independence of states without regard to the specific Yugoslav conditions, its multinational status and shared rights to sovereignty by many of its nations inherited from the post-World War Titoist rule, and without the will to enforce these nations' unilateral decisions about future borders, the EC and the West made the war for territory inevitable. What was, perhaps, even more tragic was that the internal actors who found themselves in positions of power had no resolution and vision to find a creative and peaceful solution for the benefit of Yugoslav citizens, either.

I will not describe all the details of the war, for that was already done by others.¹⁸ I wish only to cite two contrasting views on the options for Bosnia and Herzegovina. The view of Serbs from Bosnia and Herzegovina, as expressed by

¹⁷ Woodward, Susan L.: *Balkan Tragedy: Chaos and Dissolution after the Cold War*. Brookings Institution Press: Washington, D.C., 1995 p.192

¹⁸ Cf. Burg, Steven L. and Shoup, Paul: *The War in Bosnia-Herzegovina: Ethnic Conflict and International Intervention* Armonk, N.Y.: M.E. Sharpe 1999 and other sources

Nikola Koljevic, a pre-war Serbian member of Bosnia and Herzegovina Presidency and an important member of the dominant Serbian party in Bosnia and Herzegovina - the Serbian Democratic Party (SDS), can be explained as follows:

I can understand the Muslim need or fear [...] of Serbian or Croatian domination, and I can see it quite clearly. But you cannot make up for that by placing Serbs in the position of a minority. I say to them that it must be decided whether it will be a unified Bosnia that will not be absolutely sovereign, or a sovereign Bosnia that will not be absolutely unified, meaning a Muslim Bosnia. Let a Muslim Bosnia be sovereign. Can Bosnia be sovereign and unified, integral, at the same time? Hardly.¹⁹

On the other hand, Alija Izetbegovic, leader of the dominant Muslim party – the Party of Democratic Action (SDA) in Bosnia and Herzegovina, said at the congress of his party in November 1991, the same day the Arbitration Commission in its Opinion No. 1 declared that “Yugoslavia is in the process of dissolution:”

[...] if somebody wants to speak about ethnic self-determination of people in the ethnic sense of the term, he must explain how this otherwise indisputable principle is to be applied to a mixture of peoples found, for example, in Sarajevo or in Bosnia and Herzegovina in general.

[...] Therefore the right question for Bosnia and Herzegovina is not whether to carry out self-determination of peoples, but how to do so with a mixture of peoples. Of course, there is a practical answer, and that is the historical formula of Bosnia as multi-denominational, multi-national, and multicultural community.

[...] Why would one mar something that has been created by a fortunate combination of historical circumstances, has been functioning well, and also represents a humane, democratic and [...] European solution. Why would one change that even if it had been possible, and particularly why do so if it is impossible without violence and blood and if a retrograde concept of national autocracy is offered along with that charge?²⁰

Sadly, I would argue that both of these arguments deserved a lot of merit. It is extremely hard for any nation to voluntarily accept to be degraded to a minority status in a potentially hostile environment. At the same time, as Izetbegovic quite correctly noticed on this occasion, it was foolish to the extreme, as well as impossible without great violence and bloodshed, to destroy such a delicate mixture of populations. As things are, the Bosnian state, unlike the unfortunate Yugoslavia, still continues to exist in some form. But there is no doubt that a harmonious, multi-national and multi-

¹⁹ pre-war interview in 1992, Burg and Shoup, p. 126-127

cultural Bosnia and Herzegovina, just like a multiethnic and multi-cultural Yugoslavia, today only exists in history books, and, perhaps, in the hearts and minds of a few left Yugo- nostalgics scattered all around the globe.

In the next Chapter, I will analyze the principles used to prevent and resolve the crisis that ended with such a result.

²⁰ Burg and Shoup, p. 127

2. The principle of self-determination in former Yugoslavia

In this Chapter, I will analyze the role that the International Community, particularly the EC and its Arbitration Commission, had in the Yugoslav crisis, by taking into account and discussing the relevant international documents that had an impact on the resolution of the crisis in Yugoslavia and in Bosnia and Herzegovina.

More precisely, in subchapter 2.1, I will examine the Opinions No. 1, No. 2, No. 3 and No. 8 of the Arbitration Commission established by the European Community's Conference for Peace in Yugoslavia, as well as *Guidelines on the Recognition of New States in Eastern Europe and in the Soviet Union* issued by the European Community members in December 1991. These international documents established the claims that Yugoslavia was dissolved and existed no more, that it went through the process of dissolution rather than secession, and that the former republican borders were to be taken as the proper future borders of the new independent states.

In subchapter 2.2, I will point out several alternative solutions offered by some states or international mediators involved in the crisis, which were not considered appropriate. These include proposals by the Dutch government, Lord David Owen and Lord Peter Carrington.

Finally, in subchapter 2.3, I will analyze and discuss, in some length, the content of the mentioned Opinions of the Arbitration Commission from a legal point of view, by taking into account the views of many international legal experts that have voiced their opinion on the matter ever since.

The significance of these Opinions, besides determining the outcome of the BiH and Yugoslav crisis, is in their direct and extremely important influence on the internal political dynamic and debates taking place in Serbia in the 1990s. Since these debates will be a major topic discussed in Chapter 3 of this thesis, a good understanding of the international legal decisions is essential in order to better understand their impact on the Serbian political scene.

2.1 How were international legal norms implemented?

In this subchapter, I will present five relevant documents that decisively influenced the resolution of the crisis in Yugoslavia and in Bosnia and Herzegovina.

The first of these important documents, that established that Yugoslavia is in the process of dissolution, dates back to 1991. On November the 29th, 1991, the Arbitration Commission, established by the European Community's Conference for Peace in Yugoslavia, in its Opinion No. 1, noted that it faced a "major legal question" presented by Lord Carrington, President of the Conference on Yugoslavia.²¹ The problem was to decide whether republics that have declared, or would declare themselves independent or sovereign, have seceded or would secede from the SFRY. If yes, the federation would continue to exist, as Serbian representatives claimed; if not, the SFRY would disintegrate or break up as the result of the concurring will of a number of Republics, with a number of new states created as its successors, as was claimed by some republics. The Commission noted that "the existence or disappearance of the state is a question of fact; that the effects of recognition by other states are purely declaratory."²² It also argued that the republics of Slovenia, Croatia and Macedonia held a referendum on their independence; that "essential organs" of the Federation, like the Presidency, the federal Council, the Executive Council, the Court and the Army "no longer meet the criteria of participation and representativeness inherent in a federal State;"²³ and that there was an ongoing armed conflict between the parts of the federation which federal authorities were powerless to stop. Based on these estimations the Commission decided that "SFR Yugoslavia is in the process of dissolution."²⁴

The European Community issued a second important document expressing their readiness to recognize the states on the territory of former Yugoslavia, in December. On December 16th, 1991, European Community members issued the *Guidelines on the Recognition of New States in Eastern Europe and in the Soviet Union*.²⁵ In those Guidelines, European Community members "confirmed their attachment to the principles of the Helsinki Act and the Charter of Paris, in particular

²¹ Trifunovska, Snezana: Yugoslavia through documents: from its creation to its dissolution Dordrecht: M.Njihoff, 1994 p. 415

²² *ibid.*

²³ *ibid.*

²⁴ *ibid.*

the principle of self-determination. They affirmed their readiness to recognize, *subject to the normal standards of international practice and the political realities in each case* (emphasis added), those new States which, following the historic changes in the region, have constituted themselves on a democratic basis, have accepted the appropriate international obligations and have committed themselves in good faith to peaceful process and to negotiations.”²⁶

The third important document, dealing with the Serbian population’s right of self-determination in Croatia and Bosnia and Herzegovina was issued on 11 January 1992. In its Opinion No. 2²⁷, the Arbitration Commission noted that it “faced the question if Serbian people in Croatia and Bosnia and Herzegovina, as one of the constituent peoples of Yugoslavia, have the right to self-determination?”²⁸ The Commission stated that “international law as it currently stands does not spell out all the implications of the right to self-determination. However, [...] the right to self-determination must not involve changes to existing frontiers at the time of independence (*uti possidetis juris*) except where the States concerned agree otherwise.”²⁹ The Serbian population in Bosnia and Herzegovina and Croatia is therefore, according to the Arbitration Commission’s Opinion, “entitled to all the rights accorded to minorities and ethnic groups under international law [...] to which the Republics of Bosnia and Herzegovina and Croatia have undertaken to give effect.”³⁰

The fourth important document was concerned with the proper borders of the newly created states. In the Opinion No. 3³¹ of January 11th 1992, concerned with Lord Carrington’s question if internal boundaries between Croatia and Serbia and Bosnia and Herzegovina and Serbia can be regarded as frontiers in terms of international law, the Arbitration Commission stated that internal boundaries of Yugoslavia “may not be altered except by agreement freely arrived at.”³² The Commission stated that “this conclusion follows from the principle of respect for the

²⁵ *ibid.* p. 431

²⁶ *ibid.*

²⁷ Trifunovska, 1994 p. 474

²⁸ It is interesting to note the difference between this question and the one posed by Serbian side. Have a look at the questions publicly asked by Slobodan Milosevic on the 19-20 October 1991, Cf. *Borba*, p. 2

²⁹ Trifunovska, 1994 p. 474

³⁰ *ibid.*

³¹ *ibid* p. 479

territorial status quo and, in particular, from the principle of *uti possidetis*.” The Opinion continued to claim that “though initially applied in settling decolonization issues in America and Africa, [*uti possidetis*] is today recognized as a general principle.” The Commission called upon the Judgment of the International Court of Justice of 22 December 1986, in the case between Burkina Faso and Mali (*Frontier Dispute Case*) where it is stated that “[*uti possidetis*] is logically connected with the phenomenon of obtaining of independence, wherever it occurs. Its obvious purpose is to prevent the independence and stability of new states being endangered [...]”³³

Finally, in its Opinion No. 8³⁴ of July 4th 1992, the Commission responded to the question if the process of dissolution claimed by the Commission’s Opinion No. 1 has by that time been completed. Calling upon its Opinion No.1 and stating that all the processes that began on 29 November 1991 have been completed (referendums completed, federal bodies and authority of federal state gone, references to Yugoslavia as “former” on a number of occasions), the Commission stated that “the dissolution of the SFRY [...] is now complete and [...] SFRY no longer exists.”³⁵

Effectively, these opinions of the Arbitration Commission established by the European Community’s Conference for Peace in Yugoslavia, as well as by the *Guidelines on the Recognition of New States in Eastern Europe and in the Soviet Union* issued by the European Community members, influenced all the most important decisions in practice and provided answers to all the crucial legal questions posed during the BiH and Yugoslav crisis – the dissolution/secession question, as well as the number of possible new states and their proper borders.

2.2. Were there any alternatives?

Indeed, there were some alternatives and ideas for the solution of the Yugoslav crisis voiced at the time. They include the proposals by the Dutch government, as the Netherlands had held the European Community Presidency from the outbreak of the war until December 1991, by Lord David Owen, Co- Chairmen of the Steering Committee of the International Conference on the former Yugoslavia

³² *ibid.*

³³ *ibid.*

³⁴ Trifunovska, 1994 p. 634

³⁵ *ibid.*

1992-1995, and by Lord Peter Carrington, Co- chairman of the Conference on the former Yugoslavia 1991-1992.

Already in July 1991, when the prospects for large-scale war still seemed avoidable, the Dutch government suggested in a telegram to other EC member states some alternative paths for the resolution of the Yugoslav crisis.³⁶ As the State holding the EC Presidency at the time, they suggested that “it is necessary to reconcile the various principles of the Helsinki Final act and the Charter of Paris which may apply to the situation in Yugoslavia. It is especially important that a selective application of principles be avoided. The principle of self-determination, for example, cannot exclusively apply to the existing republics while deemed inapplicable to national minorities within those republics.”³⁷ Further, the proposal suggested that “it is difficult to imagine that Yugoslavia could peacefully dissolve into six independent republics within their present borders,”³⁸ since Serbia itself and Serbian elements within the federal administration would not accept dissolution along present administrative borders and a loosely structured Yugoslavia consisting of six sovereign republics is not likely to calm Serbian concerns either. “The higher the degree of sovereignty for Croatia, the greater the need for solid guarantees for the Serbian minority in Croatia. The looser the federal structure, the more difficult it will be to supply such guarantees”, what is needed is “a voluntary redrawing of internal borders as a possible solution.”³⁹ It is impossible to draw Yugoslavia’s internal borders in such a way that no national minorities remained in the new republics, however, it cannot be denied that “if the aim is to reduce the number of national minorities in every republic, better borders than the present ones could be devised.”⁴⁰ There is a threat that Milosevic and Tudjman had already started, before July 1991, to plan the division of Yugoslavia with no regard to other nations, such as Muslims. This example showed “why unilateral declarations of independence of individual republics cannot solve Yugoslavia’s problems and why it continues to be necessary to aim for a comprehensive solution which involves all republics and the federal government.”⁴¹

³⁶ Owen, David: *Balkan Odyssey*. Indigo: London, 1996 p. 32, 375

³⁷ *ibid.* p. 33

³⁸ *ibid.*

³⁹ *ibid.*

⁴⁰ *ibid.*

⁴¹ *ibid.* p.34

The proposal emphasized that any solution reached by peaceful means and by general agreement should be acceptable.

The biggest mistake that made war inevitable was not the premature recognition but the rejection of the Dutch suggestion of the 13th of July, by EC Foreign Ministers on 29 July 1991, emphasized David Owen.⁴² If the EC had been ready to address the “key problem” of republican borders, together with a credible call for a ceasefire to be enforced by NATO, an orderly and agreed secession of separate states according to these revised borders would have been possible and war would have been prevented. Owen stated that his “view has always been that to have stuck unyieldingly to the internal boundaries of the six republics within former Yugoslavia [...] before there was any question of recognition of these republics, as being the boundaries for independent states, was a folly far greater than that of premature recognition itself.”⁴³ A ban on any boundary changes to internal lines is “as hard to sustain as a belief that boundaries can be in a permanent state of flux.”⁴⁴ It should not have been inevitable “nor was it logical” to push through the recognition of Bosnia and Herzegovina. “To do so without the prior presence of a UN Prevention Force was foolhardy in the extreme.”⁴⁵ The “unwarranted insistence” on the exclusion of any possibilities for the change of internal administrative boundaries was “a fatal flaw in the attempted peacemaking in Yugoslavia.”⁴⁶ While the world has to be aware of the dangers of drawing state borders along ethnic lines, it also has to recognize the dangers of ignoring ethnic and national voices.

David Owen was not the only participant in the Yugoslav and Bosnian crisis who doubted the path chosen by the EC. The co- chairman of the Conference on the former Yugoslavia, Lord Peter Carrington, said that the premature recognition of the former Yugoslav republics of Slovenia, Croatia and Bosnia- Herzegovina was a big mistake of the international community.⁴⁷ He said he had warned European leaders that, by recognizing the republics, they would destroy all peaceful efforts, and added that they listened to him but did not hear him. Lord Carrington accepted to lead the negotiations as co-chairmen of the Geneva Conference only on the condition that no

⁴² *ibid.*

⁴³ *ibid.* p. 34

⁴⁴ *ibid.*

⁴⁵ *ibid.* p. 377

⁴⁶ *ibid.* p. 376

⁴⁷ in an interview to the French daily *Le Figaro* on 13th of July *Borba*, 15.7.1993 p. 17

republic would receive international recognition before a comprehensive global agreement is reached. Alija Izetbegovic, the President of Bosnia and Herzegovina, told him after Croatia and Slovenia were recognized “he must ask for the independence of BiH or he will be slaughtered. This is, however, a move that could lead to a civil war.”⁴⁸ Lord Carrington added that he was not quite sure that if the recognition of Bosnia and Herzegovina was denied, the war in this republic would have broken out in any case.

The greatest problem, as these international mediators correctly realized, already early on in the crisis, lied in the lack of democracy. “Although democracy puts a high value on self-determination, it also fosters a spirit of compromise and consensus.”⁴⁹ It was the absence of this spirit that conditioned such a violent solution of the conflict in Yugoslavia. Democracies would also defend the integrity of their country and use force against secessionist claims but, that being the essence of democratic leadership, democracies would definitely pay more attention to the decision whether to fight or to compromise. Though democracy might have hastened the break up of Yugoslavia, a democratic environment would also have been likely to tolerate the inevitable recognition of nationhood far better.

2.3. Opinions of the Arbitration Commission

The Opinions of the Arbitration Commission have provoked a heated debate ever since their publication. I will analyze the Commission’s decisions by examining the three key areas of its work where international legal experts and direct participants in the negotiations had some objections. They involve the matters of competence, the use of the *uti possidetis juris* principle in disputes involving competing self-determination claims, and the question of dissolution/secession. The aim is not necessarily to question the proposals made or to suggest alternative solutions. Rather, it is to discuss and point out some serious shortcomings of the Commission’s work in these areas.

⁴⁸ *ibid.*

⁴⁹ Owen, 1996 p. 37

2.3.1 Competence

The very first objection, posed to the Arbitration Commission by the Yugoslav government, in 1992, was that it had no right to pronounce its opinions in the first place, since it did not have the consent of the Serbian side.⁵⁰ Ever since 1992, FR Yugoslavia opposed the Commission's work and argued that it had no right to voice its suggestions, especially since they eventually developed into obligatory recommendations in practice. The Yugoslav government demanded that the International Court of Justice gave its recommendations in the crisis, not the Commission.

The Commission, however, relied precisely on the decisions of the International Court of Justice for establishing its own legitimacy. Michla Pomerance thoroughly analyzed this frequent calling on the International Court of Justice by the Commission.⁵¹ Even the International Court of Justice was internally divided on the issue of consent. Many critics within ICJ maintained that the Court "took too formalistic view of its advisory function and disregarded both the real interests that were being litigated by the circuitous advisory route and the authoritative nature of the technically non-binding advisory opinions."⁵² The ICJ defended its position by stating that it was the principal judicial organ of the UN. Therefore, even if some state disputes ICJ's competence, ICJ underlined the UN membership of the non-consenting state and, sometimes, the participation of the contesting state in the proceedings as a form of *ad hoc* acceptance of the Court's competence. The status of the UN in relation to a wide spectrum of questions affecting international relations, and ICJ's own position as the UN's principal judicial organ was also strongly emphasized. In the case of the Arbitration Commission, "the criticism leveled against the ICJ view is particularly apt, while the defense of the ICJ position is basically unavailable."⁵³ The second challenge to the Commission's competence by the FRY was even more persuasive since "by then the authoritativeness, bordering on binding force, attributed

⁵⁰ FRY questioned the competence of the Arbitration Commission twice, in 1992 and 1993, arguing that matters should be taken to the ICJ, not to the Commission. The 1993 protest was against the binding force the Commission's decisions had in practice. See an open letter sent by Vladislav Jovanovic, in his capacity as the federal Minister for foreign affairs to Lord David Owen and Thorwald Stoltenberg cf. *Borba* 3-4, July 1993, p. 5

⁵¹ Pomerance, Michla: "The Badinter Commission: The Use and Misuse of the International Court of Justice's Jurisprudence" *Michigan Journal of International Law*: Vol. 20, No. 1 Fall 1998

⁵² Pomerance, 1998 p. 48

⁵³ *ibid* p. 48

to the Commission's decisions by the EC, its members, and other international organizations had become manifest, and the FRY opposition to the Commission's involvement [...] indisputable."⁵⁴

The Arbitration Commission can be accused that it "quoted liberally" from the opinions and decisions of the ICJ and "ostensibly relied" on them in matters of both its competence and substance. "Upon closer examination the Commission appears to have misused more than used the International Courts jurisprudence. [...] The long-range results of the Commission's application of ICJ law could more plausibly harm than facilitate the goal of having self-determination questions adjudicated in judicial and quasi-judicial fora."⁵⁵

It seems that even the first condition for the Commission's work, its competence to provide the opinions, can be seriously put into question. Still, this would probably be much less a problem if the suggestions it made were acceptable and useful to all parties involved. However, the critiques of the Arbitration Commission are not limited only to the matters of competence. They involve questioning the content of its pronouncements as well.

2.3.2. *The use of uti possidetis juris principle*

The second objection, and one of the most frequent criticisms dealing with the content of the Commission's pronouncements, is related to its use of *uti possidetis juris*⁵⁶ principle. The problem is that the *Frontier Dispute Case*⁵⁷ that the Commission called upon in its Opinion No.3 was concerned solely with the decolonization process. As several authors have observed, the Arbitration Commission deliberately omitted

⁵⁴ *ibid.*

⁵⁵ *ibid.* p.32

⁵⁶ Taken from the Roman law: *uti possidetis, ita possideatis*- "as you possess, so you may possess." – is in essence the principle of preserving *status quo*. As Ratner explains, *uti possidetis* is, in modern times, asserted as a rule of international law mandating the conversion of administrative boundaries into international borders. This rule emerged during the decolonization of Latin America and Africa, but would (according to some opinions) apply by logical extension to the breakup of the states today. (Ratner, Steven R.: "Drawing a Better Line: Uti Possidetis and the Borders of New states," *American Journal of International Law*, vol. 90, No. 4. October 1996, p.591)

⁵⁷ The case of disputed frontiers between two African states, former colonies, Burkina Faso and Republic of Mali. In this case, the exact frontier line was in dispute but the principle of *uti possidetis* was not – both states agreed in advance that this principle should be respected. See: International Court of Justice Case Summaries: Case concerning the frontier dispute (Burkina Faso/Republic of Mali) judgment of 22 December 1986

http://www.icj-cij.org/icjwww/icasess/iHVM/iHVM_isummaries/iHVM_isummary_19861222.htm (15.12.2006)

the ending from the ICJ Judgement: "... Its [*uti possidetis*] obvious purpose is to prevent the independence and stability of new states being endangered by fratricidal struggles provoked by the challenging of frontiers following the withdrawal of the administrative power." Also, the sentence that *uti possidetis juris* is "a firmly established principle of international law [...]" ends with "[...] where decolonization is concerned." Authors like Peter Radan argue that the extension of the principle of the *uti possidetis juris* by the Arbitration Commission is therefore not justified beyond the context of decolonization.⁵⁸

On the other hand, some other authors argue that by stating in the *Frontier Dispute Case* Judgment that "the essence of the [*uti possidetis*] principle lies in its primary aim of securing respect for the territorial boundaries at the moment when independence is achieved," the ICJ switched from the case in question to a more abstract approach, that renders *uti possidetis* relevant also in non-colonial disputes.⁵⁹ Shaw underlines the "particular generality of the sentence" and its use of the present tense in the sentence "the essence of the principle lies in its primary aim of securing respect for the territorial boundaries at the moment when independence is achieved."⁶⁰ The "mixing of the general and the particular" statements, addressing the *uti possidetis* principle, in general and the situation in former Spanish America, in particular, means that ICJ sought to underline that behind the application of *uti possidetis* to all decolonization situations lay a more general principle. This principle relates to all independence processes. Therefore, the Arbitration Commission "was not acting in error" and "relied upon a legitimate interpretation of the Chamber's statement" to conclude that *uti possidetis* was an abstract principle applicable to all independence situations.⁶¹

However, Shaw neglects the fact that in the *Frontier case* dispute the principle of *uti possidetis juris* was not a contested issue between the parties. In this case both parties had agreed to settle the issues in accordance with the principle of the intangibility of frontiers inherited from colonization. Thus, the ICJ statements regarding the status of the principle in general customary law were all "a matter of

⁵⁸ Radan, Peter: "The Badinter arbitration commission and the partition of Yugoslavia" Nationalities Papers Vol. 25 No. 3 1997 p. 550

⁵⁹ Shaw, Malcolm N. "Peoples, Territorialism and Boundaries" European Journal on International Law Vol. 8 No.3 1997 p.5

⁶⁰ Shaw, 1997 p.5

⁶¹ *ibid.* p.6

dictum only.”⁶² That dictum was later repeated in the same judgment, and that time the judgment spoke of “decolonization” and not “independence,” two quite separate terms in UN and ICJ discourse. Judge Luchaire emphasized the importance of the distinction and cautioned against confusing the two terms.”⁶³ Therefore, the Commission extended the principle in ways that are neither legally warranted, nor necessarily politically desirable. The rigid application of the *uti possidetis* principle to the boundaries among the existing republics may simply have paved the way to a greater and more intense conflict, and the long term stability may have been the casualty of a “misguided extension of a principle which was of questionable legal validity to begin with.”⁶⁴

The *Frontier Dispute Case* Judgment further emphasizes that:

This principle of *uti possidetis* appears to conflict outright with the right of peoples to self-determination. In fact, however, the maintenance of the territorial *status quo* in Africa is often seen as the wisest course. The essential requirement of stability in order to survive, to develop and gradually to consolidate their independence in all fields has induced African States to consent to the maintenance of colonial boundaries or frontiers, and to take account of this when interpreting the principle of self-determination of peoples. If the principle of *uti possidetis* has kept its place among the most important legal principles, this is by a deliberate choice on the part of African States.⁶⁵

There is no doubt that the judges were completely aware of the danger that the careless combination of self-determination and *uti possidetis* principles might bring, still they considered it a good solution *in this particular case*. They particularly emphasized the voluntary acceptance of the *uti possidetis* principle in Africa – a “deliberate choice of African states” - as the crucial factor that enabled the stability of the new independent states. Since they emphasized this conclusion several times, it is safe to assume that they did not consider *uti possidetis* to be a universally applicable solution for any state dissolution process that might appear in the world.

In former colonies, the *uti possidetis* principle was seen as desirable by independence leaders only as a tool to facilitate the process of decolonization.

⁶² Pomerance, 1998 p. 55

⁶³ *ibid.*

⁶⁴ *ibid.* p. 57

⁶⁵ *International Court of Justice Case Summaries: Case concerning the frontier dispute (Burkina Faso/Republic of Mali) Judgment of 22 December 1986*
http://www.icj-cij.org/iccjwww/icasess/iHVM/iHVM_isummaries/iHVM_isummary_19861222.htm (15.12.2006)

Independence from the colonies was the paramount goal, and to achieve it, the arbitrary colonial borders were not regarded as a high price – they were simply not an issue between the political leaders. Unlike there, in Yugoslavia the issue of borders was *the* issue. Nationalist ideologies ensured the eruption of territorial wars, if republican borders were simply turned into state ones. By insisting exactly on the turning of administrative republican borders into state borders, the international community perpetuated rather than resolved the problems in former Yugoslavia. If Croats and Slovenes “felt like trapped minorities in the former Yugoslavia, the misguided application of the *uti possidetis juris* served only to create other trapped minorities within the new states.”⁶⁶ If the problem of minorities is that they do not have the right of adequate political participation in an undivided state, there is no reason to believe that the minorities in the secessionist state will enjoy them either. Secession merely “proliferates the arenas in which the problem of inter-group political accommodation must be faced – and often more starkly.”⁶⁷ If the conditions on the exercise of an international right to secede can be enforced, is it not better to enforce those same conditions on the undivided state and thus forestall the need to secede in the first place? If the failure to ensure respect to minority rights in the undivided state induced a group to consider secession, there is no reason to assume that the situation would change once the group that was a minority in an undivided state comprises a majority in the secessionist state. The only difference would be that the treatment of minorities in smaller states is less visible to outsiders. Secession does not solve the problem of inter-group accommodation. It only enables the former minority to cleanse the secessionist state of its minorities and induces the rump state to do the same with the members of the secessionist group who find themselves on the wrong side of a new international boundary.

When *uti possidetis* is to be applied in a non-colonial situation, the problem that additionally emerges is: what is the critical date for its application, and how to decide on it?⁶⁸ If, for instance, military aggression cannot be recognized, when exactly were the last legally acceptable borders drawn? The question opens if the

⁶⁶ Radan, 1997 p. 551

⁶⁷ Horowitz, Donald L. “The Cracked Foundations of the Right to Secede” *Journal of Democracy*, Vol. 14, No. 2 2003 p. 9

⁶⁸ Jennings, Robert Y. Closing address in Brolmann, Catherine, Rene Lefebvre and Marjoleine Zieck : *Peoples and Minorities in International Law*, Martinus Nijhoff Publishers, Dordrecht/Boston/London, 1993 p. 346

decision about the proper date, and thus the proper borders *uti possidetis* will refer to, is some quasi-political decision disguised in legal trappings. “If we are not careful, a highly technical and classical principle of law will have lost its sharp juridical edges, and have been changed into something much more vague and in danger of becoming a flaccid incantation with a vague and controversial content rather than a technical device for establishing a critical date,” warned the President of the International Court of Justice, Sir Robert Jennings.⁶⁹

Having this problem in mind, Shaw makes one additional argument in defense of *uti possidetis*,: the absence of this principle would only leave effective control or self-determination as a guiding principle for the creation of international boundaries. To rely on effective control would be to invite the use of force as an inexorable first step.

Furthermore, “self determination is a principle whose definition in this extended version is wholly unpredictable. Precisely which groups would be entitled in such situations to claim a share of the territory?”⁷⁰ To mix self-determination with *uti possidetis* is wrong, since “the principle of self-determination [...] operates within independent states [and] reflects and enhances a bundle of individual and collectively manifested rights. [...] It is abundantly clear that [self-determination] has no impact upon the distinct question of territorial sovereignty. Even the ‘hard’ minority rights relating to autonomy, where they exist, do not extend to challenging or changing the territorial title of the state in question.”⁷¹ The self-determination right, therefore, does not include the right to secession, claims Shaw. So far, the argument he makes can be accepted. But this is not where he stops. “Of course, if any particular group attempts secession and succeeds, then the question of territorial integrity and statehood will be regulated by effectiveness coupled with international reaction. But this is a different question. Self-determination cannot affect international borders as such.”⁷² This latest claim makes his whole argument highly problematic and self-contradictory. For, if it is truly enough for any group that claims self-determination to “attempt secession and succeed” and that success is determined by those groups’ “effectiveness coupled with international reaction,” then I would argue that self-determination *can* indeed, and

⁶⁹ *ibid.*

⁷⁰ Shaw, 1997 p. 9

⁷¹ Shaw, 1997 p. 8

⁷² *ibid.*

very much so, affect international borders, and that this is *not* “a different question” at all.

Indeed, the issues before the ICJ in the *Frontier Dispute* and the ones before the Arbitration Commission in relation to Yugoslavia were fundamentally disparate, precisely because the first three opinions of the Commission “raised in a fundamental way the basic conundrum of self-determination. The real issues, regardless of how they were semantically disguised, were:

What was the unit of self-determination? How was the ‘self’ of determination to be defined, by whom, and on what grounds? Whose territorial integrity was deserving of preservation, and why? If secession of the republics from the SFRY was permissible because the Federation was disintegrating, on what *legal* grounds could further secession from those republics be legitimately opposed? Why was one unit’s self-determination more sacrosanct than that of the other? *Why was the territorial integrity of the whole federation less holy than the sub- units?* (emphasis added)⁷³

By stating that *uti possidetis* applies to internal administrative lines, the Arbitration Commission was, in fact, establishing them as the new “selves” entitled to self-determination and territorial integrity. However, the “denial of self determination to sub-units was not really sustainable on legal grounds, [...] nor necessarily [...] on practical grounds either”⁷⁴

The crucial problem in former Yugoslavia, thus, was not only the question where the proper borders for future states are. No “just” borders for a complete mixture of nations were possible anyhow. The bottom line was rather the problem of successfully managing several mutually confronted claims for self-determination. Rational people from former Yugoslavia, some of whom I will mention in the next Chapter, warned that the only possible solution that would satisfy all of those conflicting ethnic claims was – a Yugoslav state. In this respect, paradoxically, the only way to achieve national unity and security of *all* the nations claiming national self-determination, was not to make any ethnically based demands in the first place. Unfortunately, within the Yugoslav state, after the collapse of Communism, nationalist political elite found their interest in the opposite direction, and, apparently, the international community accepted their “arguments” on face value. National self-

⁷³ Pomerance, 1998 p. 56

determination as a solution for accumulated Yugoslav problems meant an easily achievable instant stability for some republics, such as Slovenia, but also certain bloodshed for others, later on, such as Bosnia and Herzegovina. The easy way of solving problems at the beginning, proves to be ever more costly by the end, as international mediators should have been able to predict.

The international community managed a rapidly escalating crisis in former Yugoslavia by lowering the criteria for the secession. At the same time, it presented its decisions “as if they were based on more general norms, with a possibility of wider application outside the Yugoslav context.”⁷⁵ The claims for separation in Yugoslavia were formulated in a language to achieve statehood for an ethnically or nationally defined peoples, but, at the same time, the dominant group claimed the territory of the entire republic in which it constituted a majority.⁷⁶ This included compact ethnic groups that opposed separation into the future states. For them, self-determination was meant to denote minority rights, including the right to territorial autonomy. There is an obvious tension between the simultaneous strengthening of self-determination and minority rights norms. This parallel strengthening of these two sets of norms together with their inconsistent application, in fact, provides incentives for the escalation of ethnic conflicts rather than preventing them. By committing itself to lower criteria for secession, territorial integrity for republics and territorial autonomy for compact minorities, the international community has produced a spiral of normative commitments with many implications that were, in total, ever more impossible to uphold.

The work of the Arbitration Commission represents a “prime example” of confusion of experts trying to formulate doctrinal contours of the right to self-determination.⁷⁷ The fundamental question posed in such breakups is not the question of frontiers, in the first instance, but the rearrangement of power and authority. Often, this is done in a manner that might later present severe threats to entrapped minorities. Thus the self-determination of these federal units might easily provoke serious

⁷⁴ *ibid.*

⁷⁵ Kovacs, Maria M. “Standards of self-determination and standards of minority- rights in the post-communist era: a historical perspective” *Nations and Nationalism* 9 (3) 2003 p. 445

⁷⁶ *ibid.* p. 441

⁷⁷ Falk, Richard A. “The Right of Self-Determination Under International Law: The Coherence of Doctrine versus the Incoherence of Experience” in Wolfgang Danspeckgruber and Arthur Watts: *Self-Determination and Self-Administration*, A Sourcebook, Lynne Rienner Publishers, Boulder, London, 1997, p. 56

anxiety among the newly emerged minorities. The proper way to discuss the validity of the claims for fragmentation in these situations should not have to do with the mechanical upholding or rejection of claims to self-determination, or with the simple acceptance of given realities. It should, above all, be a matter of democratic procedures and the secure protection of minority and group rights. The unconditional respect for territorial unity has been decisively breached in former Yugoslavia, and the following separatist movements were all in essence demanding their own right to self-determination. The process of the creation of the new states in former Yugoslavia was not accompanied by the protection or respect for the demands of the constituent peoples, the fact of which was indirectly validated by the widespread international diplomatic recognition. This recognition, in effect, represented precisely the legitimization of the breakup of territorial unity. However, “what is accepted as valid by organized international society cannot be adequately understood by consulting abstract legal guidelines.”⁷⁸ The acceptance of the claims for the recognition of internal borders within a federal state, in fact, represented the “breach of the fundamental effort” of the international community during the process of decolonization to apply self-determination in a way that would fully respect the territorial integrity of the existing states.

As I have shown so far, it would be very difficult to defend the Commission’s decision to promote new states formed of former republics and to protect the internal borders of all Yugoslav republics on any universally applicable legal grounds, while, at the same time, it did not protect the territorial integrity of the Yugoslav state itself. Nor would the Commission logically be able to argue for the prevention of further secessions from these new states, if some of them were a direct result of the secessions themselves.

2.3.3 *The question of dissolution/secession*

There is, however, one major argument left the Arbitration Commission used to defend its position with that has not been seriously tackled yet. One of the most important claims the Commission made, already in its first Opinion, in order to present its decisions as based on universal grounds, was that Yugoslavia was in the process of dissolution, and that none of its republics actually seceded. Hence, *uti*

⁷⁸ *ibid* p. 58

possidetis could not have protected the international boundary of Yugoslavia because – it simply did not apply at the time. As it was shown at the beginning of this chapter, three fundamental reasons were given to support this thesis: a referendum on independence held by three of the republics, the non- functioning of federal organs and the presence of armed conflict. Based on these estimations, the Commission decided that SFR Yugoslavia was in the process of dissolution.

None of these three reasons could be sustained after a detailed scrutiny, as Radan demonstrated.⁷⁹ First, all of the referendums held were unconstitutional and some of them also declared so by the Constitutional court. The referendum in Bosnia and Herzegovina was not only unconstitutional in relation to Yugoslavia but in relation to the Constitution of Bosnia and Herzegovina itself, too. Their political legitimacy is also questionable, considering the political circumstances in which they were held. In addition, the questions posed to the voters in some republics were ambiguous, for they offered the decision to secede “only if a restructured Yugoslav state could not be negotiated.”⁸⁰

If the Commissions interpretation on the question of ceasefires was accepted at face value, secessionist groups would have great incentive in provoking military confrontation with the state and refuse to participate in any cease-fires. If this was to become a wide practice, all states might soon be extinct. Emboldened by the international community’s acceptance of the dissolution of Yugoslavia, and indifferent to fine distinctions between “dissolution” and “secession,” emphasized by lawyers, dissatisfied groups around the world have increased violence as a means to achieve secession.⁸¹ Their conclusion is that wars for “national liberation” are much more likely to obtain foreign support than peaceful appeals for minority rights or autonomy.

Also controversial is the third claim that the reason of the Yugoslav dissolution lies in the lack of representativeness of federal organs. By stating this, the Commission is, in effect, attempting “to create a new rule of international law: if the state is founded on federal [...] principles, then it is sufficient for a constituent republic or republics to cease participating in the federal government in order to

⁷⁹ Radan, Peter: *The Breakup of Yugoslavia and International Intervention* Routledge: London and New York, 2002 p. 205

⁸⁰ *ibid.* p.208

deprive the state as a whole of recognition as a state by the international community.”⁸² Such a rule would astonish the governments of states such as the US, Canada, Germany and others with a federal composition. The implication of this argument would be that the USA in 1861 was a state “in the process of dissolution,” a proposition which was at the time strongly rejected by President Lincoln.⁸³ On the other hand, if this suggestion was accepted, the same lack of legitimacy due to the absence of participation would surely cause problems during the sovereignty resolution and plebiscite in Bosnia and Herzegovina.

The factors the Arbitration Commission used to support its first Opinion should, therefore, be rejected as either irrelevant or having implications that render them totally unacceptable for universal application. This conclusion is valid no matter if these factors are taken separately or jointly. Since SFR Yugoslavia was a state whose existence at the time was beyond doubt, it is clear that the case of Yugoslavia was “considered to be an instance of dissolution rather than secession, despite the obvious fact that secession was precisely what was occurring in Yugoslavia. Nevertheless, it was more comfortable for the international community to pretend that the only issue facing it was which new sovereigns to recognize on former Yugoslav [...] territory.”⁸⁴

Finally, it may also be added that it was the Arbitration Commission itself that established the fact of the occurrence of secession. In its Opinion No. 11, the Commission established that it is of the opinion that “the process of disintegration, that lasted some time, start[ed], in the Commission’s view, on 29 November 1991, [...] and end[ed] on 4 July 1992,”⁸⁵ while Croatia and Slovenia, as the Commission observed in the same Opinion, “definitively broke all links with the organs of the Federal Republic of Yugoslavia and be[came] come sovereign States in international law”⁸⁶ on 8 October 1991, which “is the date of State succession” for them, and for Macedonia on 17 November 1991.⁸⁷ Since, by the Commission’s own estimation, the

⁸¹ Hannum, Hurst. “The Specter of Secession: responding for claims for Ethnic Self-determination” *Foreign Affairs*, Vol. 77, No. 2 1998 p.18

⁸² idem. “Self-determination, Yugoslavia, and Europe: Old Wine in New Bottles?” *Transnational Law & Contemporary Problems* 3, 1993 p. 64

⁸³ Radan, 2002 p.209

⁸⁴ Hannum, 1993 p. 62

⁸⁵ Trifunovska, 1994 p. 1018

⁸⁶ ibid. 1019

⁸⁷ ibid.

independence of Slovenia, Croatia and Macedonia occurred *prior to* the process of the Yugoslav dissolution, it follows that these three cases must be regarded as secessions. The conclusion is, therefore, inevitable that it was the secession of these republics that caused Yugoslavia's later disintegration and not the other way around.

I would argue that Hurst Hannum provided the right diagnosis, already in 1993, when he persuasively explained that:

[T]he EC and its Arbitration Commission appear to have based their judgments on geopolitical concerns and imaginary principles of international law, not on the unique situation in Yugoslavia. By focusing on outdated and conclusory concepts such as self-determination and the sanctity of colonial frontiers, the EC and its Arbitration Commission have only revived the fruitless search for definitions of "self," "determination," "peoples" and related terms that have never been capable of providing reasoned criteria for international action.

The attempt to link recognition of new states to the protection of human rights and specific guaranties for minorities is laudable, but the ad hoc, one-sided, and ultimately failed approach adopted by the EC with respect to Yugoslavia is insufficient to deal with the many ethnic conflicts and claims for self-determination with which the world is now faced. Until we move from the nineteenth-century ethnic-state approach to self-determination, we will be condemned to more Yugoslavias.⁸⁸

In conclusion, there is no doubt that the EC and its Arbitration Commission failed in their attempt to find the appropriate legal solution that would resolve the crisis in an impartial, just and peaceful manner. As it was shown, the "instant solution" proposed had at best very shaky legal validity. They failed miserably to secure a peaceful solution to the crisis. Even the implementation of the proposed principles was self-contradictory; neither were all those fulfilling the requested criteria recognized (Macedonia), nor were the ones failing to meet them denied recognition (Croatia and, eventually, BiH). The final shameful blow to this failed policy came with the total absence of courage and will to secure the implementation of these principles, however flawed or not they had been, to start with. Quite to the contrary, for several years, the EC and the international community stood aside and observed as the bloodshed in the new states they helped to create took thousands of human lives and created millions of refugees and displaced persons.

⁸⁸ Hannum, 1993 p. 69

As for the political actors from Serbia of the period, who will be the object of analysis in this thesis, these decisions had more serious implications than international legal blunder. As I will show, these decisions went against all political assumptions and goals that the Serbian political elite was trying to promote. For them, this was a direct blow to even the minimal Serbian demands. Most of them met these decisions with disbelief and strong condemnation, and there were many voices that considered the turn of events catastrophic for Serbian national interests.

However, what exactly was the “Serbian national interest” at the time, what principles did those Serbian politicians stand for and why was the attempt to promote them so unsuccessful? These are the questions I will examine in the next Chapter.

3. The views of Serbia

The opinion of international legal and political analysts about the European Community's Arbitration Commission and its work regarding the self-determination problem in former Yugoslavia was presented and analyzed in the previous chapter. Less has been written on the opinions and attitudes of those concerned directly by the discussions of the international community – Serbs, Bosniaks and Croats. Their views and attitudes are still mostly subject to simplifications and prejudices. There exists no comprehensive study that explores domestic opinion in the countries concerned, in detail. This chapter will give a complete description of how these problems were perceived, what dilemmas existed, and what kind of answers were given from the side of the Serbian political elite, in power as well as in opposition, from the beginning of the Yugoslav crisis to the Dayton agreement.

I should note that all the interviews, articles and news reporting referred to in this study are from contemporary daily newspapers. A great majority of them are taken from the daily *Borba*⁸⁹, the best and, perhaps, the single reasonably professional and independent Serbian newspaper that published articles by, and interviews with a wide range of actors, and that survived more or less continuously through the whole period. All other daily newspapers of the time tended to publish the official position of the Milosevic regime.

The reader should also have some basic knowledge about the structure of the Serbian political scene in the early 1990s, in order to be able to understand the significance of individuals and parties that will be presented in this Chapter. In addition, it is vital for the reader to be able to recognize the abbreviations I will use for political parties, as well as to keep in mind who was in the leadership of those parties, therefore I will give a brief summary of those in the following.

⁸⁹ I have examined articles from the daily *Borba* (“*Fight*”) in the period from 1990- 1995. In 1995, after Milosevic eventually took over its control, the daily was renamed *Nasa Borba* (“*Our Fight*”). Unless stated differently, all the articles cited in this chapter are from this independent daily newspaper.

The political parties and their leaders, who will be the primary object of attention in this Chapter, are presented according to their relative strength in the Parliament, during the observed period, going from the strongest to the weakest:⁹⁰

1. Socialist Party of Serbia (Socijalisticka Partija Srbije) – **SPS**,⁹¹ and its leader Slobodan Milosevic
2. Serbian Renewal Movement (Srpski Pokret Obnove) – **SPO**, and its leader Vuk Draskovic
3. Serbian Radical Party (Srpska Radikalna Stranka) – **SRS**, and its leader Vojislav Seselj
4. Democratic Party (Demokratska Stranka) – **DS**, and its leaders Dragoljub Micunovic from 1989-1994 and Zoran Djindjic from 1994 onwards, having Vojislav Kostunica as a very prominent member until 1992
5. Democratic Party of Serbia (Demokratska Stranka Srbije) – **DSS**, and its leader Vojislav Kostunica, founded after the split in the Democratic party in 1992
6. Civic Alliance of Serbia (Gradjanski Savez Srbije) – **GSS**, and its leader Vesna Pesic

The position of these parties changed over time, so the above chart is an estimation of their overall parliamentary strength during the observed period. There is no doubt that SPS was the strongest parliamentary party throughout the 1990s, SPO, SRS and DS fought for the second place, while DSS and GSS usually barely passed the mark necessary for getting into the Parliament.

It is important to note that opinions put forward by party leaders, in most cases, directly represented the policy of the whole party. This was particularly valid for SPS and Milosevic, SPO and Draskovic as well as SRS and Seselj. These three parties were based on the authoritarian rule of their leader, so there was a practical sign of equality between any important statement from the leader and the official party policy. In the case of DS and GSS things were somewhat different during the

⁹⁰ For potential readers not familiar with the importance of these party leaders, their short biography will be presented in Appendix 1. For more detailed inside information about party ratings and election results in Serbia of the period consult: Brankovic, Srbobran. *Serbia at War with itself* Belgrade: Sociological Society of Serbia, 1995.

⁹¹ The abbreviations following the full name of the parties will be used to designate them further in the text.

observed period, for DS had no firm leadership but was rather created in 1989 as a joint effort of several strong individuals, and, more or less, the same was true of GSS.

The topics that will be examined are legal and political principles and guidelines, such as self-determination, territorial integrity, the problem of referendum and the debate about possible federal or confederal solutions. I will also present Serbian views on the use of force, attitudes towards the international community and, finally, the debates about the Serbian national interests.

3.1 Legal and political principles

In this part of the study, I will analyze the views in Serbia on some of the key legal and political principles that influenced the outcome of the Yugoslav crisis up to the Dayton agreement, including the principle of self-determination, territorial integrity, the problem of referendum and the debate about possible federal or confederal solutions.

3.1.1 Self-determination

The aim of subchapter 3.1.1 is to examine the position of the influential political actors in Serbia on the use of the self-determination principle to resolve the Yugoslav crisis in the early 1990s. A careful analysis of the collected data reveals five dominant components of their attitudes regarding the principle of self-determination, which can be summed up as follows:

1. General support for self-determination
2. Self-determination for nations but not republics
3. Denial of self-determination for “Yugoslav minorities”
4. Advantage given to nations that wish to remain in the already existing state
5. Disillusionment with the implementation of the self-determination principle

In this subchapter I will describe and analyze these five components in detail. I will, firstly, present and examine the official arguments, which in Serbia, at the beginning of the 1990s, means the views of Milosevic and his party, the legal

documents of the state institutions and the views of individuals in various other ways directly connected to Milosevic. Secondly, I will discuss the views of politicians of the opposition. Finally, in some cases, I will additionally examine the opinions of independent analysts and intellectuals who voiced their warnings on some important issues.

3.1.1.1 General support for self-determination

In the early 1990s, most influential politicians in Serbia supported the idea that self-determination should be used to resolve the Yugoslav crisis. Some of them held this belief throughout the crisis, some varied in their views over time.

Official view

It is important to note that the ruling elite was among the first to adopt such a view, and held this belief throughout the crisis. Slobodan Milosevic (SPS), for instance, already in February 1991, declared “that the starting point for solving the Yugoslav crisis is the right of nations to self-determination.”⁹² He argued that just as Serbia is willing to respect this right of others, others must also accept the right of Serbs to live in one state. Milosevic kept on repeating that “the enormous Serbian sufferings in the fight for freedom and genocide they were subjected to during the Second World War are too high a price paid for national liberation and unification into a single state, for anybody to question this right.”⁹³ He was by no means alone in putting forward such views. Dobrica Cosic, for instance, claimed that he “wholeheartedly supports the principle of self-determination up to the point of secession.”⁹⁴ Cosic argued for a plebiscite addressing the whole of Yugoslavia and all its citizens, in order to establish the will of the people about Yugoslavia’s existence. He said that an eventual Slovenian decision to secede Serbs should be “welcomed and

⁹² *Borba*, 1. February 1991, p.4

⁹³ *ibid.*

⁹⁴ *ibid.*, 6 February 1990, p.3, in an interview entitled “Izlazak iz Jugoslavije mora da se plati” (The exit from Yugoslavia must be paid for) – all translations in this chapter by the author. Dobrica Cosic was the President of the Federal Republic of Yugoslavia from 15 June 1992 till 1 June 1993, and is considered to be the father of Serbian nationalism in the 1990s (see Appendix 1).

supported” and be presented with respect to both parties’ national interests subject to further negotiations. “The exit from Yugoslavia must be paid for,” he warned.⁹⁵

Lawyers close to the ruling party, just like politicians, were also unanimous in this respect. For instance, Ratko Markovic, a member of the Commission for constitutional matters of the Serbian parliament at the time, was of the view that every republic and its nation that considers Yugoslavia as the “Dungeon of peoples” should be allowed to exit according to the right of self-determination.⁹⁶ He argued that they should be allowed either to form their own state, or to join some of the existing states. Before that, they should establish the real will of the people through a referendum. If that will was established, then the issue of drawing borders would arise, as well as the economic matters, guaranties to minorities and so on. As far as Serbs from outside of Serbia are concerned, their best protection was to be within the state that includes Serbia itself.

Although there was no doubt that the support for self-determination was obvious among the ruling elite, this did not mean that they promoted this view in public. Quite the contrary, early on in the crisis, the official Serbian rhetoric rarely advocated self-determination as the most desirable solution openly, it was, at least publicly, offered as a solution only if Yugoslavia had to separate. There are many examples for this vagueness and avoidance to clearly state the issue. For instance, Borisav Jovic, for a while the second man in Milosevics’ Socialist Party of Serbia (SPS) and Milosevics’ close associate, said in his inaugural speech in May 1990, as the new Yugoslav president of the Presidency that “the time is right to fill the gap in the Yugoslav legal system that concerns the right of nations to self-determination.”⁹⁷ None of Yugoslavia’s nations has a better solution than Yugoslavia and the final solution will be the continued existence of the Yugoslav State. His personal commitment, he said, would be to regulate laws concerning the right to self-determination, and thus create appropriate conditions for the resolution of the Yugoslav crisis. Slobodan Milosevic repeated similar arguments in favor of the Yugoslav state just a little later, as well. Nowhere was it stated why, though, if the real goal was the continuation of the Yugoslav state, should such a strong support for the self-determination of Yugoslav nations be present in the Serbian official rhetoric?

⁹⁵ *ibid.*

⁹⁶ *ibid.*, 26 March 1990, p.7

Views of the opposition

In the early 1990s, a number of voices warned strongly against the dangers of handling the crisis by relying on the principle of self-determination. Virtually, all of those warnings came from the side of the political opposition and dissident intellectuals. Already in August 1990, the influential international lawyer, Vojin Dimitrijevic (Civic Alliance of Serbia- GSS) gave a comprehensive analysis about the dilemmas concerning the future arrangements for Yugoslavia from the point of view of international law.⁹⁸ He warned that the process of the creation of a confederation was highly problematic. From the legal point of view, Yugoslavia would have to break apart its several constituent parts for one “logical second.” “I say several deliberately,” wrote Dimitrijevic, “because the exact number is problematic.”⁹⁹ Those states would then have to sign a new international pact to form a new confederation. In the Yugoslav case, that “second” would probably last much longer because the process of breaking up the state would be extremely complicated. The member states of the European Community, for example, have reached “the point of no return”, after which it is theoretically no longer possible for them to dissolve the community, or, at least, their break-up would be so complicated that it would be impossible in practice. Since the Yugoslav community survived two World Wars, it also crossed a “point of no return” after which its dissolution would be terribly complicated and would look like the ugliest of divorces. An agreement would have to be reached about the borders of these new states, at least, for a very short while. And the question of borders was not only extremely charged emotionally, but also the most difficult to solve in international law. These questions involved emotions that were irrational and each of the conflicting sides would rely upon principles that were mutually contradictory. Some would rely on the historical principle, while others on the quasi-democratic principle that involved the plebiscites as the appropriate instrument to solve the problem. However, this second principle would have to be abandoned, for the group

⁹⁷ *ibid.* 16. May 1990, p.1

⁹⁸ *ibid.* 20 August 1990, p.9

Vojin Dimitrijevic is an expert on international law, he has been the Director of the Belgrade Centre for Human Rights since 1995, and was a member of the Presidency of the Civic Alliance of Serbia and President of the Yugoslav Association for International Law. Dimitrijevic is a member of the Venice Commission for Democracy through Law and of the Institut de Droit International. He served as a Rapporteur and Vice-Chairman of the UN Human Rights Committee from 1982 to 1994 .

⁹⁹ *ibid.*

living in one territory could not freely decide about the fate of that territory if it was a vital part of a yet bigger unit. As far as the borders were concerned, Dimitrijevic argued that there were several principles involved and the international law provided no precise guidelines here. It would be extremely hard for some international court to draw the borders; this matter had to be solved by political means. By mutual agreement, if possible, if not, then there was a great danger of the use of force.

There is very little to add to this analysis from 1990, for its conclusions are just as valid today. The only difference is that now we know that disregarded warnings of this kind did, in fact, predict the war in former Yugoslavia, as authors like Dimitrijevic feared. He was not the only one, though. Some extremely good (though, perhaps, in a less legal manner) analyses were also produced by Zoran Djindjic (Democratic Party- DS), who argued that although the right to national self-determination was not problematic in theory, it meant war for territory in practice, and that Serbian communists could not defend the Serbian national interest.¹⁰⁰ If Yugoslavia was to become a confederate state, according to the real or supposed will of its nations, then Milosevic promised to open the question of borders and a new territorial solution.

However, were there no other solutions but confederation and thus the rearrangement of borders and territory? Not at all, claimed Djindjic. Yugoslavia did not originate through the merging of independent states, which made the idea of a contract between Yugoslav nations to dissolve it absurd. What Yugoslav nations could agree on was the internal make up of the state, not its territory. If, for instance, the Croatian nation wanted to break up the state and take the Serbs living in Croatia with them, it would have to break up the existing state and conquer the territory for a new one. It would be no injustice if some other nation, interested in preserving the state, opposed their wish, even by force, he argued. States are not economic contracts that an unsatisfied customer can exit from at will.

Agreement was possible and, indeed, necessary on the internal composition of the state, Djindjic argued. It was not true that the danger of national majorisation could be efficiently removed only by the creation of new ethnic states. Democratic

¹⁰⁰ *ibid* 30. June 1990, p.3. Djindjic was one of the most important political figures of the Serbian opposition from 1994 onwards, when he took control of the Democratic Party. After masterminding the demonstrations against Milosevic in 2000, he was elected the Prime Minister of Serbia until his assassination in 2003 (see Appendix 1).

institutions could prevent that as well as many other dangers. Those who preferred their own undemocratic ethnic state would possibly also oppose even a democratic order, if it were in their way. But the imposition of a democratic order on them did not contradict the very idea of democracy, otherwise the whole idea of legal order could have been proclaimed as violence. The legitimate denial of the State order was only one that had the improvement of this order as its goal. If the goal was outside of this legal order, it stood in the realm of force. Those who wished for their own ethnic state, explained Djindjic, pointed to their dissatisfaction with the existing internal composition. But these two things had nothing in common, except for one thing: communist ideology.

Communist ideology disabled the democratic order, and thus enabled the turning of internal politics into an external one. Instead, the debate about the institutions for the protection of individual and collective rights, the discussion was about the creation of new states. At the same time, communist ideology spread the story about the so-called right to self-determination up to the point of secession, and thus suggested that the state was the “train you can get off at any moment.” “The state might be a train,” said Djindjic, “but a train that moves 200 km per hour.” It was not an accident that Serbian communists accepted the right to self-determination so easily. Their threat with new ethnic borders was pure rhetoric. The joint state as a Serbian national interest could be convincingly promoted only under the condition that every possibility of national or any other privilege was completely excluded. Therefore, it was possible only within a democratic federal order. And, since communism was a synonym for privileges and the absence of the control for the ruling party, it was clear that Serbian communists were completely inadequate to stand for the Serbian national interest. It was, therefore, understandable why they diverted the attention towards the question of territory.

Whatever other path Djindjic might have wanted, it was precisely the former communists in power in Serbia who decided about the Serbian national interest in 1990s, and they did it as wisely and efficiently as he had predicted.

In 1990, Dragoljub Micunovic (DS) also argued that the right to self-determination is stated “in a demagogic way in socialist constitutions” and does not

include the right to secession.¹⁰¹ Micunovic warned that there was no way for the self-determination right to be exercised without a mutual agreement inside the country.

Slowly, however, those skeptic voices began to recede, some even changed their views completely, so, eventually a great majority of politicians from Serbia adopted the idea of self-determination as the guiding principle that should be used to resolve the crisis. It can be argued that they pragmatically adapted their views to the unfolding war at hand and the decisions made by the international community, as I will demonstrate in the following subchapters. In fact, here we have the first good example of what I will argue is one of the main features of the Serbian political elite of the time – a frequent complete shifting of positions. One very indicative example of this change is the “Platform for the reconstruction of Yugoslavia” of September 1991, proposed by the Democratic Party (DS), arguably the strongest party with a democratic and liberal program in Serbia, comprised of several influential former dissidents such as the just mentioned Micunovic and Djindjic, as well as (former opposition leader and current Prime Minister of Serbia) Kostunica and others, with the title: “The Union of Yugoslav States.”¹⁰² The main principles according to this platform that would enable component parts of the state to exit from Yugoslavia would be self-determination up to the point of secession for Yugoslav nations, and the denial of the same right for national minorities. This was later repeated in similar documents by DS or its leaders.¹⁰³

This was quite a contrast to their views of the previous year, explainable, according to these leaders, by the emerging war. Micunovic, for instance, argued that Milosevic’s insistence to define the separation of Slovenia and Croatia as secessions for which they would be punished, and to create some “new Yugoslavia” including all areas populated by Serbs, created illusions among Serbs in Croatia and Bosnia.¹⁰⁴ These illusions suddenly disappeared, claimed Micunovic referring to the decision of

¹⁰¹ *ibid.* 19 July 1990, p.9 Dragoljub Micunovic was the leader of the Democratic Party until 1994, (see Appendix 1).

¹⁰² *ibid.* 8 September 1991, p. 15 Kostunica was a member of Democratic Party until 1992, when he formed the Democratic Party of Serbia after an internal dispute within the party. He has won the presidential elections against Milosevic in 2000. Currently he is the Prime Minister of Serbia. (see Appendix 1)

¹⁰³ Cf. the Declaration of DS about the future of Serbia *Borba* 9 December 1991, p. 6 and the Declaration about Serbia *Borba* 10 February 1992, p. 2

¹⁰⁴ *ibid.* 29 January 1992, p. 7

the EC to recognize Slovenia and Croatia within existing administrative borders, as well as the opinion of the EC's Arbitration Commission that former republics were proper units of self-determination within existing borders. This suggested that the same principle would soon also be applied in BiH. According to this view, what both the government and the opposition should do in Serbia after these decisions, was to insist on the right of nations to self-determination. Arguably, it was accepted as the principle and basis for dismantling Yugoslavia, therefore people from Serb areas outside Serbia should ask for the same.

Similar statements could be heard from Vuk Draskovic, leader of the strongest opposition party at the time, the Serbian Renewal Movement (SPO) (see Appendix 1). Before the London session of the Conference on Yugoslavia, Draskovic proposed that all ethnic groups whose kin states did not exist outside former Yugoslavia should have the right to self-determination.¹⁰⁵ Vojislav Kostunica (DS until 1992, later DSS), made a comment on this issue, in 1994, stating that "the [Serbian] nation asks for nothing more than what it recognizes for others: the right to self-determination."¹⁰⁶ On another occasion, Vojislav Kostunica stated that "if there was a single position of RS¹⁰⁷ and SRJ,¹⁰⁸ and above all if Slobodan Milosevic tried to negotiate in 1991, instead of rushing senselessly into a war with no goals, means or allies, things would have turned out to be different. We have simply missed to defend in a realistic way something that is our legitimate right, and that is the right to self-determination."¹⁰⁹

The situation was clear, as I have shown; except very early in the crisis, when some quite reasonable voices could be heard among the opposition leaders and intellectuals, there was an obvious support of for the use of self-determination principle. The reason was rational from a Serb point of view: only very early in the crisis, while there was a chance for a common Yugoslav state, would the general denial of self-determination play in Serbs' favor. Only the contemporary opposition leaders argued this, importantly enough; unfortunately, this was not the official view.

After the recognition of former republican borders, most of the Serbian politicians argued in favor of self-determination, since this by then meant the self-determination of Serb areas in Croatia and Bosnia and Herzegovina. Already, through

¹⁰⁵ *ibid.* 19. August 1992, p.5

¹⁰⁶ *ibid.* 5. August 1994, p. 3.

¹⁰⁷ Republic of Serbia

¹⁰⁸ Federative Republic of Yugoslavia, comprising of Serbia and Montenegro

this first example we can observe all four main features of behavior of contemporary Serbian political leaders, as I will argue in the conclusion. Firstly, *warnings were disregarded* about the dangers that the implementation of self – determination might bring for the Serbian and all other nations in Yugoslavia. Secondly, there was *confusion and vagueness* – exemplified by the avoidance of unambiguous statements in support of self-determination by the official elite, and the confusion of the opposition, while the outcome of the legal debate was not yet visible. Thirdly, *positions were shifted* – from an initial opposition to a support of self-determination claims by the opposition leaders. Finally, the fourth main feature is the application of *double standards*, involving the denial of the right to self-determination by the opposition parties, while it was important for non-Serbian republics, but a support for it, once it played in favor of Serbs in the new states.

3.1.1.2 Self-determination for nations but not republics

After 1992, most of Serbia’s influential politicians accepted, or even supported the use of the self-determination principle to handle the crisis. Common to their views was the conviction that it was the constitutive *nations* in former Yugoslavia who were sovereign and should have the right to exercise this right, and not the republics. In fact, this distinction was so important that the implementation of this principle, in this particular way, was considered to be the most important national goal for a big part of the Serbian political elite, in the 1990s.

Official view

Slobodan Milosevic was the most laudable promoter of the idea that no Yugoslav republic should have the right to separate with its existing borders; only the nations of Yugoslavia had that right. In his mind, this meant only one thing: the right of Serbs in Croatia and Bosnia and Herzegovina to remain in the joint state with Serbia and Montenegro. As one of the blunt examples of double standards of Serbian political thinking of the times, he never thought of the possibility that this “right of nations” could apply to Kosovo Albanians or Vojvodina Hungarians, for instance, and that it might be a dangerous gamble for the Serbian state itself.

¹⁰⁹ *Nasa Borba* 28 September 1995, p. 2

Nevertheless, already in January 1991, he expressed his view that “the approach that Yugoslavia does not exist is not acceptable,” and that the fate of Yugoslavia could be decided only by the Yugoslav nations themselves, for it was Yugoslav nations that created Yugoslavia.¹¹⁰ “It was not created by the republics, in 1919 and in 1943 the republics did not exist. Administrative borders of the republics cannot be simply proclaimed as state borders, they are not the frames in which the nations of Yugoslavia live,” warned Milosevic. Milosevic’s view was that every nation of Yugoslavia had equal right to freely decide its own destiny, and that this right was limited only by the same equal right of other nations. Since Serbs wished to live in one united state, “any separation into sovereign states that divides the Serbian nation into separate sovereign states is totally out of the question. The Serbian people will live in one state, together with all other nations wishing to join them on equal footing.”¹¹¹ Later, Milosevic repeated this view many times.

Politicians close to him also were of the same opinion, like the already mentioned Milosevic associate, Borisav Jovic (SPS) who, as early as 1990, stressed that the sovereignty of the nations should not be denied.¹¹² “It is the right of every nation to live alone or in a federal or confederate state. However, in Yugoslavia every nation passed some of this sovereignty to the Yugoslav state, a state with a constitution and laws. This constitution must be respected. No leadership in any republic can retract a part of this sovereignty of its own will, without provoking a conflict.”¹¹³ Jovic later emphasized that newly elected republican leaderships undeniably had the right to participate in the decision making process when the future of Yugoslavia was concerned.¹¹⁴ However, in Jovic’s view that right was limited to the constitutional rearrangement of Yugoslavia as a state, and did not empower republican leadership to question the existence of the state. “The right of self-determination up to the point of secession,” explained Jovic, “belongs, according to the Yugoslav constitution, exclusively to the nations of Yugoslavia.”¹¹⁵

Since it was a Yugoslav reality that several nations lived within the same republics, and that republican borders were neither ethnic ones, nor state borders in

¹¹⁰ *Borba* 16. January 1991, p.5

¹¹¹ *ibid.*

¹¹² *ibid* 24 July 1990, p.9

¹¹³ *ibid.*

¹¹⁴ *ibid* 15 February 1991, p.3

¹¹⁵ *ibid.*

the classic sense of the word, it was clear that the decision about the secession would not be possible through majorisation. Instead, an equal right of self-determination must be provided for each of the nations. Finally, in 1992, Jovic repeated in defense of the politics of SPS in the Yugoslav crisis that “SPS has supported the right of every nation to self-determination, but with a condition that it is not a unilateral violent act and that the same right is recognized for other nations in the breakaway republics.”¹¹⁶ Ratko Markovic, a law expert closely connected to Milosevic and the ruling party SPS, and a member of the Commission for constitutional matters of the Serbian parliament repeated similar arguments, and so did Dobrica Cosic.¹¹⁷

An attempt to make official and legally binding decisions on a Yugoslav level

It is important to point out that Milosevic and his circle made every attempt to promote self-determination for constituent nations through legal means, by the decisions of the Presidency and the Constitutional Court of SFRY (Socialist Federative Republic of Yugoslavia). For instance, a document of the Presidency of SFRY was published on the third of September 1991 that was supposed to regulate this matter.¹¹⁸ Most interesting in this document were paragraph 6 and paragraph 9.c. Paragraph 6, dealing with the right of separation from Yugoslavia, stated: “in the republics where there are more Yugoslav nations, the necessary majority is established for each nation separately. If any of the Yugoslav peoples votes against [separation], all the communities where this nation has a majority and are adjacent to the rest of Yugoslavia remain in SFRY.” Paragraph 9.c. stated that it was the task of the Yugoslav government to prepare recommendations about future borders of new states and other matters important for the process of separation, and then the Parliament of SFRY proclaims the Constitutional Act of Separation (of new states from SFRY) based on this recommendation.

The Constitutional Court of SFRY, in yet another attempt to legally oppose the “unilateral secession of Slovenia and Croatia” keeping their republican borders, declared in October 1991 the Declaration of independence of Slovenia and Croatia

¹¹⁶ *ibid.* 24-25. October 1992, p. 4

¹¹⁷ Ratko Markovic in *Borba* 4. February 1993, p. 11, Dobrica Cosic *ibid.* 6 February 1990, p.6 and 26 July 1991, p. 9

¹¹⁸ *ibid.* 3 September 1991, p. 9

unconstitutional.¹¹⁹ The Court declared the Slovenian and Croatian legal act of separation null and void. According to the Court decision, federal entities could not appropriate the rights and duties of the state, therefore Yugoslavia could not be proclaimed as “former” until the nations of Yugoslavia decided otherwise in accordance with the Constitution. The borders of Yugoslavia could not be unilaterally changed. The status of Serbs in Croatia as defined by the Croatian Constitution of 1990 was unconstitutional, because the rights of nations in Yugoslavia were defined by the Constitution of SFRY and could not be changed unilaterally.

Finally, in December 1991, the Presidency of SFRY issued an opinion about the right of Serbian people in Croatia and BiH to self-determination.¹²⁰ The opinion stated that the right to self-determination belonged to the nation, and not to the “demos.” The decision on self-determination could not be established by a referendum held for a whole region or republic or state, except if they were comprised of one nation. If all the nations in an ethnically mixed republic were forced to vote in a referendum about separation together, stated the Opinion, the right to self-determination would be turned into the right of the citizens of the republic. This would no longer be the right belonging to nations.

Likewise, the right to self-determination could not be exercised by parliaments of republics, for parliaments did not belong to nations but to all citizens. Croatian authorities had pushed through a referendum of citizens, overlooking the fact that both the Croatian and the Serbian nations in Croatia were constitutive and that their wish had to be established separately. It was important that a law was created to legally fulfill this right in accordance with the constitution. The recognition of Yugoslav republics by international law as independent states necessitated the following: firstly, allowing all of the constituent nations in these republics to express their will about the change of political and state status and secondly, solving all remaining rights and obligations towards other Yugoslav republics and nations, including international and territorial matters, in a legal and constitutional manner.

¹¹⁹ *ibid* 17 October 1991, p. 2

¹²⁰ *Borba* 20 December 1991, p. 2

Views of the opposition

Most Serbian politicians belonging to the opposition also expressed their direct support of the self-determination of nations and not republics, once they decided to support self-determination – concerning this issue there were no big discrepancies between them and the parties in power. The leaders of the strongest opposition parties, Micunovic and Djindjic of DS and Draskovic of SPO, all expressed their support of the self-determination of nations and not of republics. Dragoljub Micunovic, for instance, stated “the right of nations to express their wish in the referendum or plebiscite about their cultural rights is an international human right that no state, let alone a federal unit, can deny to anyone.”¹²¹ “What both officials in power and in opposition in Serbia should insist on is the right of nations to self-determination.”¹²² Vuk Draskovic (SPO) also maintained that “all external borders of former Yugoslavia cannot be changed and all ethnic groups whose kin states do not exist outside former Yugoslavia should have the right to self-determination.”¹²³

Even Zoran Djindjic, a strong supporter of negotiations and democratic solutions and a fierce critic of any territorial redistribution early on in the crisis, was, after May 1991, of the view that the Yugoslav crisis “cannot be solved by the negotiations of the presidents of the republics, but only through the rearrangement of the republican borders.”¹²⁴ Djindjic confirmed that “simple solutions, like the turning of the Yugoslav republics into states, solves nothing and only makes the situation worse.”¹²⁵ Serbs and Croats obviously cannot live together any longer, therefore, a politically realistic way to draw borders between them must be found, stated Djindjic, in mid 1991.

This shocking change of convictions is one of the most vivid examples how dramatically some Serbian politicians changed their positions during the crisis. There were few, perhaps, even no other political leaders or analysts who argued so persuasively against the dangers of the Yugoslav break-up as Djindjic, but this eloquent critic of the self-determination adventure suddenly disappeared after 1990. Usually, analysts attributed this shift of attitudes to political pragmatism and the

¹²¹ *ibid.* 14. September 1990, p.6

¹²² *ibid.* 29 January 1992, p. 7

¹²³ *ibid.* 19. August 1992, p. 5

¹²⁴ *ibid.* 4-5 May 1991, p.XVI

adaptation to events and new realities. Political opponents blamed Djindjic to be a populist ready to give up on his convictions in exchange for electoral success or support from the West.

Whatever the reason, the fact remains that in 1991 Djindjic's DS supported the right of the Serbian people that live in compact areas in Croatia and Bosnia to "freely decide about the future state they wish to live in. DS believes that as the result of this free expression, new territorial and political units will be created, with the characteristics of the state and with a Serbian majority population."¹²⁶ Djindjic maintained that Serbs from BiH and Croatia should be given the right to choose, under international control, where they wish to live. Looking back from 1995, he claimed that "peace could have been established quickly even four years ago if there was a clear conscience in the world that if they said A they would have to say B."¹²⁷ "If the international community allowed Slovenes to separate, they have to allow all others to do the same. All the nations that entered Yugoslavia as nations and not as national minorities, and which successfully constituted themselves as nations, cannot accept anything less than what one of those nations, the Slovenian, succeeded to do. What was allowed to Slovenes is a model for others. The Slovenian model for the Yugoslav crisis cannot be negated as long as crisis is not resolved."¹²⁸ Apparently, a wide consensus was achieved in Serbia; after the opposition parties changed their rhetoric in 1991, all most influential Serbian political leaders supported the self-determination of nations. In the following chapters some reasons for this change, such as the influence of international decisions and events, should become clearer.

Disregarded and forgotten early warnings

Despite all the evidence for the consensus in Serbia, that Yugoslav nations (and not republics) should be the ones to decide their destiny, there was also another side to this problem. Many have warned that, though perhaps desirable, this solution is in practice very difficult or impossible. None other than the just mentioned Zoran Djindjic voiced some of the most serious warnings in this direction, early on in the crisis, before he changed his mind. In September 1990, quite unlike in his mentioned

¹²⁵ *ibid.* 6 November 1991, p. 7

¹²⁶ *ibid.* 18 December 1991, p. 10

¹²⁷ *ibid.* 16-17 September 1995, p. VIII

¹²⁸ *ibid.*

later views, Djindjic wrote that, “at first glance, everything looks simple: all Yugoslav nations have the right to self-determination, they have the right to decide freely in which state they wish to live.”¹²⁹ Some of them expressed dissatisfaction with the current state, so the best decision would be that those nations formed their own separate state. But this reasoning was based on a pure misunderstanding. There was nothing one could object, in principle, to the fact that the Slovenian, Croatian or Serbian nation decided its own destiny, however, what did this mean in practice? Who had the list of all the Croats and Serbs living in Yugoslavia? What would be the criteria to make up such a list? Would it be self-declaration, and if so: how could one prevent half of the Serbs from declaring themselves Croats in order to prevent Croats from acting upon their own “free will?”

The notion of the sovereignty of nations is a pure political metaphor. It can serve as a political myth and influence political action. However, the subject of political action and decision can never be the nation. It is not the Yugoslav nations that are sovereign, for they cannot possibly be so; it is their republics.

Between AVNOJ¹³⁰ and the first constitution there was a quiet transfer of sovereignty from the nations to the republics. The first consequence of this transfer of sovereignty was the increase in the importance of inter-republican borders, beginning already with the 1946 constitution. The question was, argued Djindjic persuasively, what happened to the parts of the nations that were not suited within “their” republican borders, like Serbs in Croatia and Bosnia and Herzegovina, Croats in BiH, Muslims in Serbia and so on. From the moment of the creation of republics, they were in danger of assimilation. The easiest way psychologically, but not practically and politically, for them to join “their own” is to join with their territories to the kin republic. That was the reason why Yugoslavia was full of dreams of territorial transactions, especially in Bosnia, and also in Croatia and Serbia. These wishes were hidden by the claims for autonomy, but what really was in question without a doubt was the participation in the promised sovereignty. Since the Yugoslav state was based on the unclear notion of sovereignty, the principle that had been proclaimed as the

¹²⁹ *ibid.* 1-2 September 1990, p.2

¹³⁰ AVNOJ – the Anti-fascist Liberation Council of Yugoslavia represented the provisional government lead by Tito’s communists which declared its intention in November 1943 to replace the monarchy with a republic and to create a federation based on the territorial organization of the partisan, antifascist resistance. These principles formed the basis of the postwar constitution, which was ratified in 1946.

foundation, became a criminal act at the end. The sovereignty of Serbs, as well as Croats and Muslims and others meant their unification across republican borders. What was really necessary, as Djindjic convincingly pointed out in 1990, was to find the institutions that would make the internal integration of Yugoslav peoples easier not harder. It was vital that all nations had the institutional possibility to express and preserve their collective identity. In order to achieve that, firm republican sovereignty had to be abolished. If this softening did not take place, the wish for autonomy would in time grow into separatist movements, he warned. Obviously, observed from the distance, there is nothing anyone could object to this perfectly clear warning that came true virtually literally, except for one thing – that he himself completely changed his rhetoric soon after and accepted the arguments he so convincingly exposed in these early writings.

Besides Djindjic, later, several other analysts and politicians, among them Djilas, a former politician involved in creating republican borders,¹³¹ and two experts of international law, Obradovic and Sahovic, expressed similar concerns about the lack of clarity and practical achievability of pushing for self-determination for nations in former Yugoslavia.¹³² They pointed out that the creation of ethnically clean territories was not possible and that the use of force would be dangerous and counterproductive. Obradovic, for instance, warned that it was not true that the world denied the self-determination right to Serbs but that it simply did not allow any right, including that of self-determination, to be accomplished by force. The right of Serbs to self-determination would surely receive attention but with an unknown final outcome, for what the right to self-determination really meant was not quite clear. The international community never established a clear procedure that would show the way to peaceful self-determination. The state practice in this area was not regulated, rather, it was a matter of political decisions. Sahovic added that if by the claim to self-determination Serbs were trying to explain and justify the need for a union of all Serbian lands and the creation of a Greater Serbia, it would be better not to call for the self-determination right at all. Legally, this right could not be denied to Serbs, though such attempts existed and would always be present. The tragedy of the Yugoslav

¹³¹ The inter-republican borders in Yugoslavia should not be changed, warned Milovan Djilas. It is not possible to create borders that would include ethnically clean territories and that would not endanger one nation or the other, concluded Djilas. Cf. *Borba* 29 August 1991, p. 6.

¹³² *Borba* 20-21. March 1993, p. IV

federation lied in the fact that leading political forces in Serbia and other republics did not understand the multinational character of the community and attempted to reform it according to modern standards of interdependence of nations and states.

Unfortunately, these warnings were a collection of lonely voices few people gave the serious attention they deserved. Least of all did they attract the attention of those who should have been listening most carefully – the Serbian state officials. To the contrary, Milosevic’s apparatchiks and controlled public media were busy doing exactly the opposite – inducing nationalist noise and spreading war propaganda, and efficiently suffocating any hope that these weak reasonable voices could ever reach the wide Serbian public. Soon after the war started, no further media effort was necessary; no serious Serbian politician would continue to question the “necessity” to support national self-determination as the guiding principle to dismantle Yugoslavia. If the European Community “experts” of the Badinter Commission also new no better but to cheer for the immediate dismantling of the Yugoslav state along republican lines, and Europeans were not pressured by the galloping war within their states and Milosevic’s internal tyranny, can we really blame the Serbian opposition for being just as wrong in a slightly different direction?

3.1.1.3 Denial of self-determination for “Yugoslav minorities”

Although most influential actors in Serbia supported the use of self-determination to resolve the dispute among the South Slav nations, this attitude was not always unanimous, firm and unconditional, and there were some doubts and significant changes during the 1990-1995 period. Still, one thing that enjoyed a very wide consensus among Serbian politicians was a clear conviction that self-determination could *not* and would not be applied to Serbia itself, or to “old Yugoslav” national minorities, such as the Kosovo Albanians and the Vojvodina Hungarians.

Official view

The ruling elite was very unanimous in this respect. There was little difference between Milosevic and other members in or even close to power. Milosevic was of

the view that “the international conference cannot discuss internal matters of the state, therefore any interference in the matters of Kosovo, Sandzak and Vojvodina is unacceptable.”¹³³ Ratko Markovic, the legal expert close to Milosevic, expressing the legalistic view of the ruling party SPS, stated that “though every Yugoslav nation has the right to self-determination, the same does not apply to minorities with existing nation states outside Yugoslavia.”¹³⁴ Cosic was also of the same opinion. He said that “the International conference on Yugoslavia should respect the principle of self-determination of nations, [...] self-determination is the vital interest of Serbs and Croats, Croatia and Yugoslavia.” But while “the principle of self-determination is valid also for Croats in Yugoslavia, Serbia and Vojvodina, [...] Albanians as a minority do not have the right to self-determination, their demand is secessionist in nature and not democratic.”¹³⁵

Views of the opposition

Unlike on some other matters, in this case there was hardly any divergence from the official view among the politicians of the opposition. Vuk Draskovic (SPO) believed that “all ethnic groups whose kin states do not exist outside former Yugoslavia should have the right to self-determination. This right therefore does not exist for Albanians and Hungarians, they should be guaranteed local autonomy with the maximum of internationally recognized rights belonging to national minorities.”¹³⁶ The Democratic Party also asserted that “the main principles that would enable exiting from Yugoslavia would be self-determination up to the point of secession for Yugoslav nations and the denial of the same right for national minorities.”¹³⁷ Kostunica (DS, later DSS) agreed: “there can be no symmetry between Krajina and Kosovo because two situations are different.”¹³⁸ In the words of Zoran Djindjic, “all the nations that entered Yugoslavia as nations and not as national minorities, and which successfully constituted themselves as nations, will not accept anything less

¹³³ *ibid.* 4. November 1993, p. 3

¹³⁴ *ibid.* 26 March 1990, p.7

¹³⁵ *ibid.* 12. August 1992, p. 8

¹³⁶ *ibid.* 19. August 1992, p. 5 Also, on another occasion, Draskovic repeated that “to Albanians, Hungarians, Croats and other minorities in this proposed state he offered ‘the highest international minority protection’ but without the right to secession.” Cf. *Borba* 8. March 1993, p. 5

¹³⁷ *ibid.* 8 September 1991, p. 15 (according to the DS ‘Platform for the reconstruction of Yugoslavia’)

¹³⁸ *ibid.* 6-7. November 1993, p. XI

than what one of those nations succeeded to do.”¹³⁹ Minorities, according to this apparent Serbian consensus, could make no claims to self-determination.

Some words of caution

Though this denial of self-determination to Yugoslav minorities and insistence on the territorial integrity of Serbia was perhaps the one stand that all Serbian politicians agreed on in principle, there were at least some warnings that things might be more complex and this attitude might not hold if self-determination was applied as the tool for resolving ethnic problems in Yugoslavia. From time to time, some words of concern could be heard, though they were always in minority. As I have emphasized before, some of the best warnings of this kind came from Zoran Djindjic very early on in the crisis, up until his change of rhetoric in 1991. Djindjic warned that an ethnic referendum would lead to the decomposition of Bosnia and Herzegovina and to the partial decomposition of Croatia, as well as to an explosion in the south of Serbia. “The theory about Albanians as the national minority with no right to their own state would no longer be valid, since it presupposes the existence of Yugoslavia and the advantage of Yugoslav constitutive nations in comparison to the national minorities in Yugoslavia. This is why all this talk about the ‘new deals’ and compromises [in order to divide the state] is in reality a self-created minefield.”¹⁴⁰ As I have shown, Djindjic later changed his position.

On this aspect, however, another dramatic change of views occurred, this time from another opposition leader, who was in the early 1990s by far the most influential and attracted most voters (and demonstrators on the street), Vuk Draskovic of SPO. The major difference between the two was that Draskovic changed his views in the opposite direction from Djindjic – instead of supporting the break-up, he turned into a fierce critic of armed national rebellions and territorial redistributions. Thus, later on in the crisis, it was Draskovic who most ferociously opposed ethnic divisions: “I oppose the division of Bosnia, as a dangerous precedent. Why is a confederal Bosnia in the Serbian national interest? Confederal BiH today, but tomorrow confederal Serbia as well, by the same principle and the same justice.”¹⁴¹ “If Orthodox and Muslims cannot live together in BiH, it means that they cannot live together in Serbia

¹³⁹ *ibid.*, 16-17 September 1995, p. VIII

¹⁴⁰ *ibid.* 15-16. September 1990, p.2

either, and the ‘key’ from Pale must also be used here. The war in BiH and Croatia will escalate and spill over to Kosovo. Socialists will betray the Serbs outside both Serbia and Kosovo, but even that will only make war and tragedy worse. Who opens the door with a cannon bullet has ruins instead of a house.”¹⁴² Unfortunately, just as it was the case with the early writings of Zoran Djindjic, the same can be said about these later warnings of Vuk Draskovic – they literally came true. The problem remained – there was no one ready to listen when the time was right, on the contrary – everything possible was done in order to shut these concerned voices up.

3.1.1.4 Advantage of nations that wish to remain in the already existing state

As it was demonstrated, the two dominant features of the use of the self-determination principle in Serbian political discourse were that self-determination should apply to the nations of former Yugoslavia and not to national minorities or republics. Yet another feature, though not always as clear and explicitly expressed, was that the will of the nations wishing to preserve, or remain in the existing state had priority over the will of the nations that wished to exit from it.

As I will argue in the conclusion of the thesis, one important feature of the Serbian political elite was the use of double standards for Serbian and other nations in former Yugoslavia. This was the case regarding the Serbian position on the nations that have a priority to self-determination. Thus, the Serbian nation was free to determine its own destiny through the self-determination principle in Croatia and BiH, and the territorial integrity of these two republics could not claim priority over the national right of the Serbs. However, within Serbia, no national minority, however numerous, could claim self-determination rights – the territorial integrity of Serbia itself was sacrosanct. There was a convenient way to make this argument seem logical – Serbs were the constitutive nation of former Yugoslavia, with no other kin state outside of Yugoslavia. Minorities in Serbia were not constitutive nations of Yugoslavia. This view was examined in the previous subchapter. However, there was one other argument used with the same purpose, that the nations wishing to preserve the existing state are somehow “morally superior” to the ones wishing to separate,

¹⁴¹ *ibid.*

¹⁴² *ibid.* 17. December 1993, p. 11

thus their claims should have more weight than the claims of nations wishing to exit the state.

Official view

The view that the nations that wish to remain in the existing state should have the advantage was most clearly put forward by Milosevic. In 1991, he made it clear that the Serbian nation wished to live in Yugoslavia: “Yugoslavia exists and we do not need anybody’s consent for its existence.”¹⁴³ Yugoslavia could not cease to exist simply because some Yugoslav nations wished to leave it, just as it would not have ceased to exist if some new nations had wished to enter it. The question of borders was not important for the nations that supported Yugoslavia, rather this was a problem faced by those wishing to exit from Yugoslavia. It was only logical and just that those who posed the problem should carry the responsibility of solving it. They had to keep in mind that they could not do it at the expense of others but they could find the solution in the principle of the self-determination of peoples. Clearly, they could not drag compact parts of nations wishing to live in Yugoslavia into their future national states by force. Serbs in Croatia were not a national minority, just as Croats were not a national minority in BiH, although only 15% of them lived there. No Yugoslav nation was a minority anywhere in Yugoslavia. Indeed, a right to self-determination existed but that right belonged to Croats not to administrative territory of Croatia that never existed as a state with those borders. “We did not open the question of borders, the secessionists did that. If you wish to change borders, to create an independent state and to separate, you are automatically creating this problem.”¹⁴⁴ He held this conviction all the time through the crisis.¹⁴⁵ In 1995, Milosevic explained that the EC declaration

that Yugoslavia has ceased to exist was unacceptable, for they had no right to destroy it by one move of pencil. What will remain of Yugoslavia was the matter of Yugoslav peoples, not the Badinter commission or the Hague conference. It was logical that since we did not deny to anyone their right to exit Yugoslavia, it is not possible to deny the right to the nations to remain in it by the same right either. I do not see why we should all cease to exist if someone decides to leave the country. It is absurd that because we wished to remain in Yugoslavia, we here were accused of nationalism,

¹⁴³ Milosevic in *Borba* 31 May 1991, p.5

¹⁴⁴ *ibid.* 8 August 1991, p. 2

whereas those that seceded by force from Yugoslavia in order to establish their nationalistic states got support from international community and were treated like democrats.

Similar points were made by the lawyers close to the regime,¹⁴⁶ and some were even legally proclaimed through the decision of the presidency of SFRY.¹⁴⁷

Views of the opposition

Although, throughout the 1990-1995 period, opposition parties accused Milosevic of terrible mistakes in defining and promoting Serbian national interests, politicians of the opposition also presented ideas in support for his principle stand that advantage should be given to the self-determination of nations that wish to remain in the already existing state, not those wishing to separate. Vuk Draskovic (SPO), still in his very early phase as political leader when he supported the break-up and used a nationalist rhetoric, stated, in January 1990, that “Slovenes were constantly sending messages that they want their own state. In that case, Serbs cannot be the only one to guard Yugoslavia. However, we have to tell them one basic thing: you cannot take what we brought into Yugoslavia with you.”¹⁴⁸ That meant for Draskovic that everything Serbs had since 1918 “earned in three bloody, just wars” had to be returned to them.

Micunovic (DS) argued a year and a half later, when the “language of patriotism” shifted from SPO to DS, that “we should not have said that we wish to live together, rather that we do not wish to be divided. This way we would present ourselves as the defenders of an existing reality, for most living Serbs were born inside the same state. We object to the fact that we are being divided, and not in order to expand Serbia territorially with Serbs from other states. This is very important and perhaps the decisive moment.”¹⁴⁹

Even Zoran Djindjic, the man who eventually ended Milosevic’s rule and extradited him to the Hague Tribunal, warned that Yugoslavia did not originate

¹⁴⁵ *ibid.* 28 September 1995, p. 10

¹⁴⁶ Ratko Markovic in *Borba* 4. February 1993, p. 11

¹⁴⁷ An integral document of the Presidency of SFRY stated that “in the republics where there are more Yugoslav nations, the necessary majority is established for each nation separately.” If any of the Yugoslav peoples votes against, all the communities where this nation has a majority and are adjacent to the rest of Yugoslavia, remain in SFRY. Cf. *Borba* 3 September 1991, p. 9

¹⁴⁸ *ibid.* 13-14 January 1990, p.6

¹⁴⁹ *ibid.* 20. July 1992, p. 14

through the merging of independent states, which made the idea of a contract between Yugoslav nations to dissolve it absurd.¹⁵⁰ Any attempt of separation can, therefore, be legitimately opposed even by the use of force. He pointed out that what Yugoslav nations can agree on is the internal make up of the state, not its territory. It is very important to notice that Djindjic wrote this in 1990, before his eventual change for a more nationalist rhetoric – therefore it is safe to assume that these were his real views, not the pragmatic populist rhetoric.

Strangely enough, perhaps, on this point there was the least disagreement between the political actors – there seemed to be no opposing arguments to the official view. The only difference was in the significance attributed to this argument – some, like Milosevic, used it with a strong conviction and attributed a lot of importance to it, some barely mentioned it or simply were silent on the issue.

3.1.1.5 Disillusionment with the implementation of the self-determination principle

As it was demonstrated so far, in the early 1990s, the majority of Serbia's politicians and public figures were convinced that the proper subject of self-determination, if implemented, would be the nations and not republics or minorities. They also were of the implicit or explicit belief that the will of nations wishing to remain in the existing state would have priority over that of nations that wished to exit from it. As events turned out, practically none of these expectations proved to be correct. While some among Milosevic's opposition tended to blame this "failure" on the catastrophic mistakes of the ruling regime and Milosevic himself, the majority of both the opposition and the ruling forces blamed the unfortunate turn of events on the mistaken decisions of the international community, dominantly that of the EC and its Arbitration Commission.

Gradually, the view emerged, shared by all the main Serbian political forces, and also by the general Serbian public, that the way self-determination was implemented in the Yugoslav crisis by the international community was "not proper" and was "unjust" towards the Serbian interests. None of the proclaimed goals, which Milosevic promised to Serbs within and outside of Serbia, of national and state

¹⁵⁰ *Borba* 30. June 1990, p.3

unification of Serbs and the preservation of Yugoslavia could be realized in the existing international environment. This conclusion was certainly valid for any goals that were pursued by the use of force. Disillusionment about the feasibility of these goals was becoming slowly but steadily evident after 1991. It was therefore only natural to see Milosevic spare no effort to place the entire blame on the international community and “domestic traitors,” to divert attention from his own mistakes. This is one reason why Milosevic created and supported all kinds of foreign conspiracy theories and xenophobic statements about the outside world. The majority of the opposition parties, of course, did not fail to point out the mistakes and the guilt of Milosevic himself. However, many of them also shared Milosevic’s view that the international community not only failed to interfere in a fair and impartial manner, but has been prejudiced, unjust and harmful to legitimate Serbian interests.

In order to illustrate the gradual change of attitudes on the Serbian political scene that corresponded directly to the legal and political decisions made by the international community during the crisis, I will differentiate three stages with different levels of self-confidence and disillusionment present among political actors in Serbia. These three distinct stages can be established as follows: the first lasted from the Hague peace conference to the international recognition of Slovenia and Croatia (October 1991- January 1992); the second from the recognition of Slovenia and Croatia until the recognition of Bosnia and Herzegovina (January 1992 – April 1992); and the third can be counted from after the recognition of Bosnia and Herzegovina (April 1992 and later). The first period was characterized by surprise, but also by still a relatively high level of self- confidence, one could even say, arrogance, that leading politicians in Serbia expressed. Attempts were still made to influence the legal and political course of decisions made by the international community. The second stage was marked by more open frustration, protest, and barely hidden threats that these international decisions will lead to war – though some significant dissenting opinions already began to appear. Finally, the third stage marks a total disappointment, a confusing mixture of depressive and aggressive reactions, public quarrels between the major political figures in Serbia and xenophobic closure into the domestic arena and a fear of the future.

3.1.1.5.1 From the Hague peace conference 1991 to the recognition of Slovenia and Croatia in January 1992

Disillusionment with the international community started as early as 1991. It was first triggered by Lord Carrington's proposal of October 1991. The starting points for further negotiations in this proposal were potential confederal solutions for Yugoslavia and an eventual independence of all Yugoslav republics that desired it. Most influential Serbian politicians were, however, still convinced that the diplomatic battle for Yugoslav succession could be won.

Official view

Even after they received this proposal, the political leadership in Serbia refused to accept that events might turn out differently than they expected. An important political battle was lost, but they believed that legal and political war could still be won. In response to Lord Carrington's proposal, Milosevic presented some of the key questions regarding the possible implementation of the self-determination principle in former Yugoslavia to the Arbitration Commission.¹⁵¹ Milosevic requested that the Arbitration Commission should take a stance concerning three questions:

- “1. Who is the subject of the right to self-determination, nations or federal entities;
2. The legality of secession in international law and conditions under which it can be achieved and
3. The status of internal administrative borders as compared to the status of external state borders in international law.”¹⁵²

Serbia could not accept lord Carrington's proposal, because it suspended the Constitutional order of SFRY and Yugoslavia as a state that had existed over 70 years, Milosevic protested. The decision to dissolve the state could not be made by any international forum, or even by the highest constitutional power in the country, for this decision could only be made by those who formed Yugoslavia, the Yugoslav nations, through a referendum. Unilateral acts of secession, declared unconstitutional by the Constitutional Court of SFRY, could not be taken as a starting point for the

¹⁵¹ *Borba* 19-20 October 1991, p. 2

¹⁵² *ibid.*

discussion; all the less so as these acts were themselves the causes of the crisis. Milosevic pointed to the problem of the status of the Serbs in Croatia, and insisted that there should be no international recognition of new republics before a comprehensive solution for all claims in Yugoslavia was found.

Following Milosevic, the Presidency of SFRY under his control sent a message to the Arbitration Commission of the Hague Conference claiming that the international borders of SFRY were established by international contracts and agreements, and were therefore binding in international law.¹⁵³ Administrative borders between the federal units were drawn in war circumstances during the Second World War and later established by republican laws on territorial distribution. Since these borders were never recognized by the relevant federal body, they neither had internal, nor external legitimacy, and therefore could not be treated as the borders of internationally recognized independent states. The decision of some republics to declare sovereignty and independence represented an act of secession from the point of internal as well as international law. These decisions did not respect the equal right to self-determination of all Yugoslav nations. The self-determination right of the constitutive nations of Yugoslavia could not be treated separately from the question of territorial borders because, in that case, the right to separation would become the matter of a simple declaration. Because of the historically mixed populations of Yugoslavia and its republics, except for Slovenia, drawing ethnic borders was an extremely complicated, and, in BiH, an almost impossible task. Thus, the unilateral decision to recognize Croatia and BiH as independent states within their present administrative borders would not only have been an unconstitutional but also a very dangerous and irresponsible act.

Views of the opposition

The major point of difference between the opposition and the ruling parties was that they blamed Milosevic himself, along with the international community, for the unfavorable turn of events. Opinions within the opposition diverged as well: DS emphasized the criticism of the international community proposals, while SPO criticized Milosevic himself and was the only party who actually accepted the Hague proposal.

DS, the first major opposition party on the Serbian scene, joined Milosevic in his criticism of the proposal from the Hague. The Democratic Party rejected Carrington's proposal, considering it as a suspension of the country and a finale to the failed policy of Serbia.¹⁵⁴ According to Vojislav Kostunica, Milosevic brought about not only the end of Yugoslavia but also of Serbia, for Carrington's proposal contained very strong rights for ethnic minorities anticipating a situation in which minorities would become a state within a state. This would represent a dangerous situation for Serbia, he warned, and added that the previous proposals of confederation and asymmetric federation were better solutions than the one offered by Carrington.

Micunovic considered the Hague proposal as the "the barbarity of international legal character," because it suspended the sovereignty of peoples and the free will of citizens to decide what state they wished to live in. Parts of the Serbian nation were scattered and divided among the new states not imaginable as democratic in the near future, having no rule of law and protection of minorities. The Serbs outside of Serbia, degraded into a status of ethnic minorities, would be faced with a dilemma whether to turn to Serbia, or to live in great insecurity, and Serbs in Serbia would be in a great dilemma about their conscience and responsibility towards those outside of Serbia.

According to Djindjic, even if the Hague proposal was accepted, it would not stop the war.¹⁵⁵ Simple solutions, such as the turning of the Yugoslav republics into states, only made the situation worse. Neither was Milosevic's demagogic insistence on Yugoslavia, on the nation's right of to self-determination the solution. His phrases were not convincing or politically realistic. War in Croatia was a concrete fact, and not a question of legal and constitutional principles. Serbia had to, without complexes, insist on the separation between Serbs and Croats in these areas, under the supervision of the international community. Due to its unreasonable politics, the Serbian political elite now faced a choice between two evils. It was wrong to accept the Hague proposal, concluded Djindjic, but it was also wrong to reject it.

Peace couldn't be established in the Hague conference, because the main source of conflict was not established.¹⁵⁶ The main source of conflict in Croatia,

¹⁵³ *Borba* 31 December 1991, p. 8

¹⁵⁴ *ibid.* 21 October 1991, p. 4

¹⁵⁵ *ibid.* 6 November 1991, p. 7

¹⁵⁶ DS Memorandum about the solution of the Yugoslav crisis in *Borba* 4 November 1991, p. 8

according to DS, was the nature of the emerging Croatian state, which was the national state of Croats based on ethnic and national principles. This national state of Croats could not in a legitimate way include territories that were occupied by other nations – in this case, by Serbs. The only solution, according to DS, was to create new boundaries between a state that would be ethnically Croatian and territories with Serb a majority. The Hague proposal defined the Croat state not as a national but as a territorial state, with a specific status for Serbs. That could not lead to peace. As soon as autonomies for Serbs were created, they would start working on their secession from Croatia, calling upon the right of nations to self-determination, in the same way that Croatia claimed this right in respect to Yugoslavia. The Croatian state would try to prevent this by suspending the autonomy for Serbs. Therefore, the conflict would continue, despite the efforts of the international community.

The Hague proposal was also completely unsuitable for Bosnia and Herzegovina. An independent Bosnian state was not possible either as a national state, since there was no dominant nation, or as a state comprised of Muslims, Serbs and Croats. With Serbia and Croatia at its borders, Bosnian Croats and Serbs living on compact ethnic territories would try to join their states. Therefore, an independent Bosnia would be permanently unstable. This development could only be prevented by some kind of confederate solution based on an ethnic principle for Bosnia and Herzegovina. The DS proposed that Slovenia, Serbia, Montenegro and Macedonia became independent states, as well as Croatia, and that a special Confederation of states / regions should be established on the territory of the current Croatia and Bosnia and Herzegovina.

The question for any careful observer, of course, was: what was the difference between this position of DS and the position of Milosevic himself? Indeed, in 1990, DS and its leaders Micunovic, Djindjic and Kostunica were probably the greatest and most elaborate critics of Milosevic's national politics. It seemed that there could be no reconciliation between their two diametrically opposing positions on national politics. Therefore, it is perhaps shocking to realize that, in late 1991, this difference seems to have been so diminished and blurred, that it made little difference if one was listening to the statement of some Milosevic propagandist, or the speaker of the Democratic Party.

There were also some opposition leaders who adopted a different view. Unlike DS, the other major opposition party, SPO, put more emphasis on Milosevic's, rather than the European Community's mistakes. Vuk Draskovic (SPO) was of the view that Hague was the defeat of the short-sighted and unwise politics of the Serbian leadership, which subordinated national interest to its unrealistic personal ambitions.¹⁵⁷ Draskovic asked why the proposal for confederation was rejected, why the competition in genocidal fascism with a Croatian leadership was accepted and why Serbia supported the least wise among the Croatian Serbs. Europe has punished the Serbian regime in Hague but, unfortunately, additionally they also punished the Serbian nation. The question then was, continued Draskovic, what were all the graves for? The Serbian regime has learned no lessons, he warned. "I fear that if the war reaches Bosnia, the cataclysm is immanent, and there will be no power to stop the disaster. It is better to accept the dictate of Europe, than to lead Serbian and Muslim youth to slaughter."¹⁵⁸

In addition to these critiques, Draskovic opposed most other Serbian political leaders, above all Milosevic himself, and urged Milosevic to accept the agreement in Hague: "The interest of Serbia commands you to accept the peaceful solution of the Serbo – Croatian conflict and end the agony of all, in Yugoslavia. You must end the fatal politics of pushing Serbs in the war against all."¹⁵⁹ "Politics is the art of achieving the possible. What we could achieve yesterday, even without Europe, today is not possible. You refused asymmetric federation and confederation, and if you refuse the Hague document now, you will risk that we cannot achieve it later," warned Draskovic.¹⁶⁰ "Serbia has no strength, no will and no reason to go to war with Europe and the world. You have no right to force us to a disaster under the bombs of some new 'Desert Storm.' From all of the possible choices, the Serbian president has yet again found unquestionably the worst and the most fatal one for Serbia."¹⁶¹ Draskovic was the first to recognize this fact that all Serbian politicians would have to accept later, under a lot of pressure and after many tragic deaths: without the support of the international community, no small state could protect its national interest.

¹⁵⁷ *Borba* 21 October 1991, p. 2

¹⁵⁸ *ibid.*

¹⁵⁹ *ibid.*, 2-3 November 1991, p. 7

¹⁶⁰ *ibid.*, 6 November 1991, p.7

¹⁶¹ *ibid.*

Serbian independent legal experts on Milosevic's questions to the Arbitration Commission

Interestingly enough, two Serbian independent experts on international law did answer the questions Milosevic put the Arbitration Commission differently from the Commission itself. Milosevic and his apparatus were not the only ones surprised by the Commission's Opinions, some independent analysts predicted different results as well. As I have argued in Chapter 2, the decisions of the Commission were indeed rather disputable, and, perhaps, it should not be so strange that they came as a surprise to all Serbian politicians and analysts, not only to Milosevic.

One of those legal experts, Konstantin Obradovic, considered that only nations had the right to self-determination and that the internal composition of a state was a sovereign decision of every state.¹⁶² There was no international law on secession, and international law only recognized international state boundaries, argued Obradovic.

Another lawyer, Dejan Janca, believed that the right to self-determination was connected to the nation, and that the result of the implementation of self-determination in practice could be a new international entity – a new state. The decision to join another existing state could also be made. On the other hand, international law does not allow the change of borders (even in case they are achieved by the right of self-determination). The two international principles, self-determination and the sanctity of borders, are reconciled by the fact that the self-determination right can be exercised only through a voluntary acceptance of the change of borders by all concerned. Plebiscites can be used for this purpose, but only in peacetime and under international control. The right of secession, understood as a unilateral decision, is opposed to the territorial integrity of the state and therefore unacceptable. The question in the Yugoslav case, however, was if the territorial sovereignty of the state existed in practice. It was not clear how to qualify the withdrawal of the army from Slovenia with regard to territorial sovereignty. International law does not recognize “internal administrative borders,” therefore it cannot guarantee them, he concluded.

It is obvious that answers these two experts on international law gave differed significantly from the opinions the Arbitration Commission proposed. Even moderate individuals in Serbia predicted a more favorable result from the Serbian point of view

than the one the Arbitration Commission eventually adopted. Certainly, however, they were not so self-confident as the ruling party. Since Milosevic rarely paid attention to pessimistic warnings coming from the Serbian independent or opposition circles, his surprise and disappointment with the outcome of the legal battle for the Yugoslav succession, which was even worse for Serbia than his internal opponents predicted, must have been great.

3.1.1.5.2 From the recognition of Slovenia and Croatia until the recognition of Bosnia and Herzegovina January 1992 – April 1992

The Serbian diplomatic activity in the months before the recognition of Slovenia and Croatia proved to be an unsuccessful last minute effort to change the course of events. The decisions of the European Community recognizing their independence in January provoked heated debates in Serbia. In this second stage, aggressive statements and barely hidden threats were dominant.

Official view

The first Serbian politician to react to the recognition of Slovenia and Croatia was Milosevic's close associate and the second man in his party, at the time, Borisav Jovic (SPS).¹⁶³ He first tried to calm down passions by stating that what was important in this situation was that UN forces came to Croatia. These territories would be under the protection of the UN, and police, administrative and judicial power would be local and not Croatian. This meant that de facto Croatian sovereignty in these areas was limited and that Croatia was recognized only on the territory it controlled. Obviously, this was intended to diminish the disappointment of the domestic public, who were promised quite a different solution by Milosevic. Yet, the threats were still present. Jovic warned that the European recommendation to BiH to organize a referendum about its independence would directly lead to catastrophe.¹⁶⁴ There was no majority nation in BiH; therefore, the decision about its future, according to the BiH Constitution, could not be made without the agreement of all 3 nations. If, despite this, the decision to separate was made, Bosnia would fall apart

¹⁶² *ibid.* 22 October 1991, p. 4

¹⁶³ *Borba* 17 January 1992, p. 4

and war would start. That is why this European recommendation would lead to war. “It is a crime to intervene in a dispute if you do not understand all of its elements,” Jovic accused the Arbitration Commission of the EC, the author of the idea about referendum. “That is a totally irresponsible move threatening to push this republic and the whole Balkans into dramatic problems. If there is war in the Balkans, the Arbitration Commission will be responsible, for she encouraged it.”¹⁶⁵ This was a rather effective explanation, aiming to achieve several important points for the ruling party: first, to argue that, though other kinds of solutions were promised, the recognition of Croatia was not as bad as it sounded, for the UN forces would be there to protect Serbs; second, to divert the attention from one unsuccessful adventure in Croatia by pointing to another, much bigger one, the crisis in Bosnia and Herzegovina; and third, to redirect the anger of the domestic public from Milosevic to the international community, by putting the blame for everything that did or might happen on “those unjust foreign powers.”

As the ruling party members in Serbia must have been aware, this was a fruitless attempt. The discrepancy between the actual events and the promises Milosevic made was just too great. The only way Milosevic could redirect public anger and disappointment from him was by creating a new, and much greater crisis. This was something he specialized in. And the unfortunate place of the new great crisis could not be more obvious – the multinational Bosnia and Herzegovina, whose important position of a central Yugoslav republic had suddenly vanished. It would have taken exceptional politicians with a great democratic capacity and legitimacy, a political vision and a good will, both within BiH and among its neighbors, to maintain peace in this republic, had Yugoslavia dissolved quickly. No such politicians in power existed in the 1990s, in Bosnia and Herzegovina, or its neighbors, Serbia or Croatia.

At this stage, there was little else Milosevic was able to do on the international scene through diplomacy but complain in vain. Protests against the recognition were immediately issued through the official channels. In the memorandum of the Government of SFRY directed to the UN, the OSCE, the EC, the USA and others, it was stated that the leadership of secessionist republics launched the thesis of

¹⁶⁴ *ibid.* 5 February 1992, p. 13

¹⁶⁵ *Borba* 5 February 1992, p. 13

“dissolving” the state instead of applying the legal term, secession.¹⁶⁶ They wanted to achieve the separation of the two republics from Yugoslavia, which would not have been a problem if done in a democratic manner and with respect to the Constitution. The secessionist goal was to dissolve the federation into separate units, so that the federation and the republics not wishing to secede lose the status of an international legal subject. What made this goal achievable was the biased approach of the Arbitration Commission claiming that Yugoslavia dissolved, which was a term unknown in international law. As a founder member of the UN, not denying the right of every nation to self-determination, Yugoslavia asked for an understanding from other states in defense of its sovereignty.

The sovereignty of Yugoslavia this memorandum addressed, however, existed no more. No foreign influence, or domestic effort, could have saved the Yugoslav state at that point any more. Serbian politicians were certainly aware of that. Even if no plans for military confrontation in Bosnia and Herzegovina were made before by Serbian ruling circles, in this period, chances for peace in this ethnically mixed republic were rapidly diminishing. The recognition of BiH that soon took place, following the example of Slovenia as if there were no differences between these two republics at all, insured the outbreak of the bloody war. Any foreign observer of the Serbian reaction to the recognitions of Slovenia and Croatia, both in Serbia and in other Yugoslav republics, could without any doubt predict the events that followed in BiH. One thing that made war absolutely certain was the premature recognition of BiH, which, ironically, followed almost immediately.

Views of the opposition

Most leaders of the opposition shared the disappointment and anger with the decisions of the EC as well. Like the ruling parties, they opposed the recognition of Slovenia and Croatia within existing administrative borders. Dragoljub Micunovic, for instance, regretted that “we have fallen into the trap of the Arbitration Commission very naively.”¹⁶⁷ He argued that DS warned the Serbian public and officials that the Commission was given too much power, and the fact that Yugoslav sovereignty should not have been entrusted to international institutions, especially

¹⁶⁶ *ibid.* 6 February 1992, p. 7

¹⁶⁷ *ibid.* 29 January 1992, p. 7

since Serbs had no lobby groups abroad on whose support they could count. It was predictable that the foreign decision would be at a Serbian disadvantage, due to the unpopularity of the Serbian regime abroad and the strong lobby groups other republics had, which is a defeat of the ruling Serbian policy and the undemocratic and inflexible regime of Serbia whom Europe, rightfully, distrusted, but also a tendency of Europe to be prejudiced easily. The European unity of views was kept at all costs. Some countries, such as Germany, demonstrated interest in destroying Yugoslavia. The EC kept its inner cohesion, as well as the good US-German relations, at the expense of Yugoslavia. Micunovic recommended that Serbian officials and opposition insisted that self-determination was applied further, after the recognition of republics, to the Serb majority areas in Croatia and Bosnia and Herzegovina.

Unlike the parties in power, the politicians of the Serbian opposition at least, had no reason to hide Milosevic's role in the events. At this time, it was already quite clear that the political battle for the recognition of legal principles under the conditions desired by Belgrade were lost. Zoran Djindjic warned about this as well, in an interview entitled "The fatal flirt of the President".¹⁶⁸ Djindjic warned that the 1974 Constitution and AVNOJ were time bombs that would, inevitably, explode, though not necessarily in the form of war. It was only a question of skill which of the Yugoslav nations would be able to turn them in their own favor.

Djindjic further argued that the Serbian political elite due to negative selection, lacked talent, and even conspiracy did not manage to take the lead. Milosevic was switching all the time between the Memorandum of the SANU¹⁶⁹ and the Program of the KPJ¹⁷⁰ - between Serbian nationalism and the legacy of communist rule. The result was in favor of other Yugoslav nations. His holding on to the ethnic principle when the state started to fall apart would have been understandable to the democratic world. The other principle could have been the territorial one: "we are interested to remain with those that wish to be with us." However, in that case he should not have acted as a Serbian nationalist. Milosevic, however, flirted with both options, which put the Serbs in the position of total losers.

Tudjman was more skillful, he continued, – by advocating a uninational Croatian state, he won a territory of the republic that was not comprised of only one

¹⁶⁸ *Borba* 14 February 1992, p. 14

¹⁶⁹ Serbian Academy of Sciences and Arts

nation. Had Milosevic said from the very beginning: “Our goal is that Serbian people are given the right to self-determination,” that is, not the right to live in Yugoslavia but the right to choose the state in which they wanted to live, the Serbian position in the world would have been much better.¹⁷¹ Milosevic wanted the right of Serbs to stay in Yugoslavia, but since Yugoslavia existed no more, Serbs had nowhere to stay in. In this way he weakened the position of the Serbs in the Croatian Krajina, in Bosnia and in Serbia. “This is now an irreversible process. In the next ten or twenty years, we will have to deal with the consequences of Milosevic’s fatal strategy of the instrumentalization of national goals,” Djindjic warned.¹⁷²

Disregarded warnings

Besides Djindjic, many other independent analysts sent alarming signals that things were going in a very wrong direction from the Serbian point of view. The writer Leon Koen, for instance, noted that “Serbian national politics has suffered a double defeat.”¹⁷³ Its maximal goal, to preserve the federal state, could hardly have been achieved by any regime in Serbia, just as Russian leaders could not prevent the disintegration of the USSR, even if they were more skilful politicians and more democratic than Milosevic. As soon as the West decided to support the dismemberment of former communist federations, their fate was sealed. The breakdown of communism in Europe would only leave uninational states. However, Milosevic suffered a defeat even on the minimal goals of national politics. Even by the means of war, Serbs could not protect their equal right to self-determination in Croatia, and they would not be able to do so in BiH either. With his political arrogance and inability to compromise, Milosevic united everybody against himself, both inside as well as outside of Serbia. Blind to the inevitable internationalization of the Yugoslav crisis, Milosevic realized the importance of diplomacy only when all the cards were already dealt. The international isolation he pushed Serbia into would be the hardest to fight in her recent history. In order to break out of it, it would be necessary to give concessions even if they were directly contrary to national interests.

¹⁷⁰ Communist Party of Yugoslavia

¹⁷¹ Djindjic in *Borba* 21-22 March 1992, p. XIII

¹⁷² *ibid*

¹⁷³ *ibid.* 15-16 February 1992, p. VIII

Serbs have brought themselves into a situation where the world could not distinguish the reasonable majority from the irrational marginals, warned legal expert Vojin Dimitrijevic.¹⁷⁴ “War creates unrest in society that erases all social differences and foregrounds people of doubtful accountability, whose words and actions the nation cannot renounce any more. If Serbs want to find their way in contemporary international environment, they must respect the “rules of the political game,” which are not always clear and should sometimes be patiently learned.”¹⁷⁵ The right to self-determination, for example, was indeed mentioned in the UN charter but it was not well described, so it was unclear if it was a legal or a political principle. The UN decided that this right couldn’t be a reason to partly or totally abolish territorial integrity and political unity of a sovereign and independent states. A state exists as long as it has control over the population of a certain territory. If this control lacks, the recognition of a state is nothing but an empty political gesture, and if this condition is present, the formal recognition is just a question of time. Recognition is just an acceptance of the existing state of affairs, of course, politically colored. One should fight for or against it by political means, above all, by influencing the public opinion of other states, but in a much more rational and efficient way than Serbs did.

The self-determination principle “is in a need of reexamining,” warned Andrej Mitrovic, professor of History at Belgrade University, in yet another analysis that pointed to the danger of flirting with the self-determination principle, especially in the 1990s Yugoslav conditions.¹⁷⁶ Plebiscites in Yugoslavia were conducted in an atmosphere of decay and hopelessness. The representatives of retrograde nationalism misused the crisis in the society. In modern times, the principle of self-determination changes from a means of integration into a tool of petty divisions. It also serves as a tool of manipulation by large aggressive states. This is contrary to the dominant trend of globalization and the creation of larger communities, respect for existing borders and peaceful conduct.¹⁷⁷

As I will argue, these reasonable voices achieved but one result – to represent historical evidence that there were, indeed, other possibilities and proposals during the crisis, as well as reasonable warnings. They were not heard, in fact, they produced no

¹⁷⁴ *ibid.* 18-19 January 1992, p. III

¹⁷⁵ *ibid.*

¹⁷⁶ *ibid.* 19 February 1992, p. 9

¹⁷⁷ *ibid.*

political difference at all. Serbia, along with other Yugoslav republics, is suffering the consequences of this complete neglect to this day.

3.1.1.5.3 After the recognition of Bosnia and Herzegovina - April 1992 and later

Regarding the implementation of the self-determination principle, the final and fatal blow, during the crisis in the early 1990s, came to the official Serbian position with the recognition of Bosnia and Herzegovina. This decision was harshly criticized by most influential Serbian actors. However, by this time, politicians in Serbia no longer expected that the consequences of the European Community's decisions could be reversed. Their protests were, thus, directed primarily towards the domestic public opinion and used in internal political struggles. Depression and hopelessness, as well as stubborn resistance against all hope, were soon more present among Serbia's top politicians than self-confidence.

Official view

Violence in Yugoslavia started only with the unilateral acts of Slovenia and Croatia, protested Slobodan Milosevic.¹⁷⁸ The Serbian side was following the provisions of the Constitution about the right to self-determination of nations to the letter. The secessionist republics proved their statehood by attacking territories on which Serbs lived. For the second time in recent history, Serbs were faced with the threat of genocide. The Serbs outside Serbia had to decide for themselves if they wished to join new Yugoslavia. Serbia was ready for the recognition of Croatia and others, but that does not apply to the territories under the protection of the UN. One of the main reasons for the bloody civil war that erupted in Yugoslavia was the premature recognition of the secessionist republics by the member states of the European Community that created a great confusion by constantly changing their attitude towards the Yugoslav crisis. While repeating slogans about the sanctity of borders in Europe after the Second World War, they recognized the independence of the secessionist republics in Yugoslavia one after the other. The only solution in

Bosnia and Herzegovina was a compromise between Muslims, Serbs and Croats. Since the EC agreed with this, it was not clear why they have contradicted themselves by recognizing the results of a referendum that was unconstitutional.

The war in former Yugoslavia was the result of mostly foreign efforts to promote changes satisfying foreign interests.¹⁷⁹ Since it was hard to acquire the cooperation of all Yugoslav nations, the only way was to confront them with each other and provoke war, so that all those who had pretensions to its territory or influence could have an easy target. The war in Yugoslavia was enforced upon it because its destruction was not possible in peacetime. “We support the just fight of the Serbian nation throughout former Yugoslavia for equal status in every aspect,” said Milosevic.¹⁸⁰ The political motive for economic sanctions was to force Serbia to accept humiliating terms and renounce the possibility to show solidarity with Serbs outside of Serbia and help them to fulfill their legitimate rights. The other goal was that Serbia allowed the political and economic destruction of its own territory. That was out of the question.

“Serbia is doing everything it can for peace, but if we are attacked we know how to defend ourselves. There are no innocent sides in Bosnia and Herzegovina. Everybody lost by this war,” said Milosevic.¹⁸¹ However, the Serbs are the victims of yet another war – a media war led in the interest of great powers. Germany, Vatican and the USA, under pressure by Islamic countries, encouraged the secessionism of breakaway republics. This behavior culminated in the recognition of BiH, which was actually another “small Yugoslavia,” without the concern for the Serbs that comprise 35% of BiH population.

SPS, as Borisav Jovic defended their politics, supported the right of every nation to self-determination, but with the condition that it was not a unilateral violent act and that the same right was recognized for other nations in the breakaway republics.¹⁸² The secessionist republics did not respect these principles and that was the main cause for the conflict. Germany, the USA and some internal forces twisted the reality in order to make Serbs look like the promoters of war and aggressors who should be deprived of their right to self-determination. The European community

¹⁷⁸ *ibid.* 11. May 1992, p. 2 and 14. May 1992, p. 7

¹⁷⁹ Milosevic in *Borba* 23. July 1992, p. 6

¹⁸⁰ *ibid.*

¹⁸¹ Milosevic *ibid.* 4. January 1993, p. 5

demonstrated double standards by not recognizing the same right for Serbs as they did for the other secessionist republics. They have also practiced a double-faced politics by denying recognition for the “shortened” Presidency of SFRY left by secessionists, but giving recognition to the “shortened” Presidency of Bosnia and Herzegovina left by the Serbs of BiH. Serbs in Croatia had the right to a referendum under the supervision of the UN. The war in BiH could only be stopped by the political agreement of all three nations, which was the condition for Serbia to recognize BiH.

The EC’s decision to recognize BiH was premature, ignored the law and provoked the conflict that was threatening to develop into a full-scale civil war, warned Vladislav Jovanovic, Minister of the Foreign Affairs of Serbia.¹⁸³ Serbia was opposed to the recognition of former Yugoslav states until the Peace Conference was successfully finished. Unfortunately, “the attitude of some European countries has made this path impossible,” he stated. Serbia would respect the will of the nations of Yugoslavia and their right to self-determination, but it would not support the politics of force and the disrespect for the rights of others, which, in the case of Bosnia and Herzegovina, was the right of the Serbian national community.

Finally, in 1993, the Serbian leadership decided that Serbian interests were so severely damaged by the Arbitration Commission and EC decisions that they declined any further participation in the Commission’s work. Vladislav Jovanovic, in his capacity of the Minister of Foreign Affairs, sent an open letter to Lord Owen and Thorwald Stoltenberg with this purpose. In this letter he argued against the use of the “so-called Badinter Commission” in further negotiations and threatened that Yugoslavia would suspend its representatives in the negotiations about succession, if the demand is not met.

The Commission has broken the international legal norms both in terms of procedure, as well as in terms of application of material law. [...] In practice, the opinions of the Commission as the *advisory* body of the International Conference for former Yugoslavia, designed to give opinions as to how Yugoslav participants should reach agreement by consensus, have been used as verdicts and bases for concrete decisions about relevant issues in former Yugoslavia. The government of the SRJ, therefore, considers the opinions of the so-called Badinter Commission and all decisions based on these Opinions null and void and non-binding for SR Yugoslavia.¹⁸⁴

¹⁸² *ibid.* 24-25. October 1992, p. 4

¹⁸³ *ibid.* 10. April 1992, p. 15

¹⁸⁴ *ibid.* 3-4. July 1993, p. 5

Views of the opposition

The majority of politicians of the opposition were similarly disappointed. The decision of the European Community to recognize Bosnia and Herzegovina represented a further step in the implementation of Genscher's idea about the prevention of armed conflict in the region by the dissolution of Yugoslavia into independent states, protested Vojislav Kostunica (DS, DSS), for example.¹⁸⁵ The European Community overlooked the fact that the ethnic principle, which was applied to destroy Yugoslavia, and which the EC did not recognize in their own states, must sooner or later be applied to Bosnia and Herzegovina also, because Bosnia and Herzegovina represented a "small Yugoslavia" in itself. By recognizing Bosnia before the question of its internal makeup was solved, Europe has acted as "a man who adds fuel to the fire." Therefore, the European decision could only be judged as double-faced and irresponsible. When asked to judge the creation of a Serbian entity inside BiH, Kostunica found the idea hard to defend because there was no clearly defined territory in which it could function. The main responsibility for Bosnia's condition lied in the hands of the European Community because it missed the opportunity to sort out the question of the internal makeup of BiH before its international recognition.

There were some cautious warnings as well. Serbia had only two choices, commented Vuk Draskovic (SPO). "We can mobilize all we have, cross the Drina river and go west. We still have enough arms and people, and in 15 days we can pull as far as Triglav (Slovenia). Along the way, half of us will be killed, and what is left will be eradicated by the international army and that will be our final biological end. It is completely clear that this option is suicidal."¹⁸⁶ What was to be done depended on how one perceived this ultimatum, as an ultimatum to the Serbian people, or as an ultimatum to the Serbian regime. "I firmly believe that there are no anti-Serb feelings in America and that the US and the international community is against Belgrade only because of this leadership,"¹⁸⁷ Draskovic explained. The only solution for Serbia is to create a new elite that would start its substantial democratic reconstruction, enabling the country to break out of isolation, to reinforce old friendships on the international

¹⁸⁵ *ibid.* 8. April 1992, p. 5

¹⁸⁶ *ibid.* 22. April 1992, p. 4

scene and to become the focal point of integration processes in the former Yugoslavia and the Balkans in general. Only such a Serbia can protect Serbian interests in BiH, Croatia and Macedonia.

Unfortunately, Draskovic was quite alone. Events at hand took everybody's attention, and monitoring the erupting war soon became more important than lamenting over the diplomatic battle for political principles that the Serbs had lost anyhow.

Disregarded warnings

However, there were at least some people in Serbia who offered an alternative view and a different perspective on the decisions of the international community. Mostly, they were experts on international law, three of whom voiced opinions questioning the political consensus between most of the parties in power and in the opposition.

One of the rare public voices that actually supported some of the Arbitration Commission's findings belonged to the international law expert, Konstantin Obradovic.¹⁸⁸ He believed that the Arbitration Commission did their job relatively well. The objection one could make was that they only paid attention to the constitutional arrangements of republics, and not what would happen in practice. The problem was with Serbs in BiH, who became a national minority. But that should not have been important, for neither Croatia nor BiH got the permission for independence from the Commission. "What I as an international lawyer consider scandalous is the fact that EC members created the laws and conditions through the Arbitration Commission, just to reject and ridicule their own rules and recognize Croatia, but not Macedonia."¹⁸⁹ According to formal criteria, correctly recognized by the Commission, only Slovenia and Macedonia could have been granted independence.

Not only did both Slovenia and Croatia gain recognition, but, to Milosevic's surprise, Serbia and Montenegro, joining the restructured SR Yugoslavia, had problems with international recognition. The decision if SR Yugoslavia (comprised of Serbia and Montenegro) would be recognized to be the successor state to the former SFR Yugoslavia was a question for the international community and not Serbia,

¹⁸⁷ *ibid.*

¹⁸⁸ *ibid.* 5 February 1992, p. 13

warned Tibor Varady.¹⁹⁰ The Badinter Commission did not decide that there was a process of secession, but that Yugoslavia was a state in the process of dissolution. The commission probably had in mind the constitution of Serbia, which hardly even mentioned Yugoslavia. It could be called the first separatist constitution in former Yugoslavia, since it established the right of Serbia not to respect the sovereignty of Yugoslavia if that was “contrary to its interest.” This act legally undermined Yugoslavia and no rhetoric about the continuity of Yugoslavia could change that. When organizing elections in Yugoslavia was a question of crucial importance, it was Serbia and Slovenia that blocked it, which was extremely important, for, it was crucial in which order the new organization was established, on the federal or on the republican levels. The problem was that several people put their personal authority behind this since they were fighting more for their self-esteem than for the interests of their country.

Contemporary legal experts carefully analyzed both legal dilemmas that troubled the Serbian political elite, the problems with denial of recognition of the new Yugoslavia as well as the recognition of other former Yugoslav republics in their administrative borders. Some of these analyses were really comprehensive. “The dismantling of Yugoslavia is a complicated process even if it is to be done in peaceful times,” warned, for instance, another internationally known legal expert, Vojin Dimitrijevic.¹⁹¹

From 1918, when it was created through voluntary unification and through conquest, Yugoslavia followed the pattern of growing integration and mutual interdependence of its members. The republics were not ready for a transformation into independent states. One so closely interconnected federal state could disappear in several ways, or could be transformed into a new one. If we considered the dilemma of separation or dissolution, which was a fundamental question in international law, it was without a doubt that at first Slovenia and Croatia separated from Yugoslavia. Their governments, however, did not use secessionist language, but assumed that Yugoslavia at one point simply vanished. The other extreme was promoted by the governments of Serbia and Montenegro, which claimed that Yugoslavia still existed,

¹⁸⁹ Obradovic *ibid.*

¹⁹⁰ Tibor Varady, an internationally recognized expert on international law and Minister of Justice in the Yugoslav government in 1992. He analyzed the mistakes of Serbian legal actors in 1994. *Borba* 24-25 December 1994, p. VI

though reduced to only two republics. The separation of one or several federal units did not necessarily mean that the state had ceased to exist, as the example of Pakistan and Bangladesh showed. The recognition of Slovenia and Croatia did not mean the disappearance of Yugoslavia, nor was it meant to be so by foreign countries. They have kept their missions in Belgrade accredited by Yugoslav, not Serbian authorities. Yugoslavia could survive in a smaller territory, with the continuity of the previous state, while the new states would be successor states. It was quite possible that the new state, perhaps not called Yugoslavia, would be recognized as the state that maintained continuity with previous Yugoslavia, as the example of Russia and USSR showed.

Since the separation of Slovenia and Croatia, however, the conditions changed greatly, Dimitrijevic explained.¹⁹² On the one hand, Macedonia and Bosnia and Herzegovina put forward their candidacy for international recognition in an answer to European Community's call, while Serbia and Montenegro did not. Serbia and Montenegro decided to "reconstruct" the SFRY as the SRJ, federal republic of Yugoslavia. By doing so, the supporters of the Yugoslav continuity lost an important argument about an unchanged state. Those who claimed that secessionist republics could not be internationally recognized as states and that the new Yugoslavia must have been recognized as a state having continuity with Yugoslavia did not understand the nature of international law. The evaluation of the right circumstances for the recognition of new states in the international community was decentralized, the decisions were made by international bodies or, in most cases, individual states. Therefore, each state would recognize a new state individually.

The other big obstacle for Serbia and Montenegro was the membership in international organizations. Members decided whether a state existed and was accepted by voting. It was clear to everyone that political sympathies play a major role but this could not be avoided in an imperfect system such as international law, warned Dimitrijevic.¹⁹³ In crucial moments the one that did not enjoy any sympathy would protest in vain. His calls upon international law were fruitless, for the state that was not accepted into international organizations had no one to appeal to. After the proclamation of the SRJ, the world definitely took the view that Yugoslavia had

¹⁹¹ *ibid.* 30-31. May 1992, p. XII

¹⁹² *ibid.*

dissolved, despite the contradiction of this claim with the actual chain of events. To the international community, the relations in former Yugoslavia, with the exception of the relations between Serbia and Montenegro, became international relations, with all the consequences this fact produces in terms of humanitarian law, responsibility for war damages and so on. Those not taking this into consideration would suffer the consequences for a very long time, even after the long awaited peace came.

The recognition of some former Yugoslav republics was a political decision, which could politically be criticized but not legally evaluated, thus lawyers often had to suppress their political or moral disgust with some of the political actors' decisions in former Yugoslavia. Conditioning the recognition, especially on human rights issues, was a novelty that should be greeted. Unfortunately, not even the first step in the fulfillment of human rights conditions was monitored carefully, Dimitrijevic warned. The new entities in former Yugoslavia did, and most still do for the foreseeable time, need international help to find the "most reasonable direction." The international community should give better advice and ideas than the ones leading to mass tragedies, genocide and the forceful exchange of population.

There is little to add to some of these contemporary legal analyses a decade after they were conducted. The fact remains that the legal decisions made in the early 1990s, by all parties involved, not only did not resolve the crisis, but led to the worst violence and bloodshed in Europe since World War 2, instead. The only possible benefit for the future could be if politicians, as well as international lawyers, drew some conclusions that would help them resolve similar crises in a much more constructive and efficient way.

Conclusion

In conclusion of the subchapter on self-determination, it can be stated that by 1995, most politicians and public figures of Serbia, except Milosevic himself, agreed that the result of the political battle to implement the principle of self-determination in a way that was considered to be favorable to the Serbian national program was a total defeat. None of territories populated by Serbs in Croatia or in BiH were treated as proper units for self-determination. The territorial integrity of Yugoslav republics was respected, rather than the territorial integrity of Yugoslavia itself. It was Yugoslav

¹⁹³ *ibid.*

republics, not Yugoslav nations who decided about the fate of the Yugoslav state. The nations that wished to remain in Yugoslavia were not given priority over the ones trying to exit from it, rather, things seemed to have worked out the other way around. Even the assumption that Yugoslavia's minorities would have no say in the Yugoslav dissolution proved to be deceptive, after a while, in the Kosovo crisis, though this crisis erupted only after the period examined here.

The political opposition within Serbia readily blamed this turn of events on the catastrophic mistakes of Milosevic and the ruling elite, and both them and parties in power agreed that the EC and the international community in general acted in a biased way and made matters much worse instead of bettering them. There is no doubt that they were right to a great degree, for both the ruling elite in Serbia and the international community made many mistakes. Some Serbian analysts and politicians, such as Zoran Djindjic or Vojin Dimitrijevic, predicted early on these possible dangers and their grave warnings came true to the letter. But these voices were too weak, too uncoordinated and too confused to make much of an impact, even without taking into consideration Milosevic's admirable media manipulation skills. Worse still, many of them were not consistent over time. They simply changed their positions once it was obvious that the rational solutions they had advocated were no longer possible. Though some members of the opposition resisted this kind of political pragmatism, many others changed their positions radically over a relatively short time. Having in mind the radical changes that Milosevic himself made in his politics, it was not really clear to the significant part of less patient and careful voters in Serbia, who was advocated precisely what among the elite leading them or aspiring to come to power.

3.1.2 Territorial integrity and borders

The predominant opinion in Serbia, in the 1990s, was that the proper holders of the right to self-determination were the nations of Yugoslavia but not its minorities or republics. Consistent with this view, most of Serbia's politicians had a clear idea of the conditions under which they could imagine the breakup of Yugoslavia. From the Serbian point of view, separation could have happened with Slovenia and Macedonia without any problem, for these republics were either uninational (Slovenia) or had no

significant Serbian presence (Macedonia). From the Serbian point of view, no border changes were necessary in these republics. Serbia itself was considered to be multiethnic, but significant parts of its population, not ethnically Serb, did not belong to any of the Yugoslav nations - they were Yugoslav minorities (Albanians and Hungarians) with kin states outside of Yugoslavia.¹⁹⁴ There was a wide consensus that Yugoslav minorities did not have the right to self-determination. That is why a firm stand was adopted that territorial integrity and borders of Serbia itself could not be changed. In Croatia, however, there existed an ethnic mixture of both Croat and Serb nations, and large parts of Serbs living in Croatia occupied territorially compact areas close to BiH and Serbia. BiH itself was an ethnic mixture of the Muslim, Serb and Croat nations. Since all of these nations were seen as constitutive, in accordance with the belief that all constitutive Yugoslav nations have the right to self-determination, both Serbs in Croatia and in BiH and Croats in BiH were seen as having the right to separation from those republics. In practice, this meant that the borders of Croatia and BiH were *not* considered to be adequate and a new territorial redistribution of these borders was advocated throughout the crisis. This overall goal was shared by the great majority of Serbian parties in the 1990s, though the view about the desirability and permissible means to achieve these territorial redistributions varied greatly over time.

Official view

Perhaps this view about the desirable territorial solutions can be traced most clearly by analyzing the speeches of Slobodan Milosevic. Already in June 1990, Milosevic made it clear that if there was to be a confederate Yugoslavia, he would not consider it a State but a confederation of States. In that case there could be no confederation within the existing administrative republican borders – “the question of the borders of Serbia will be open.”¹⁹⁵ The fate of Yugoslavia could only be decided by the Yugoslav nations themselves and not the republics, since they did not exist at its creation, nor in 1919, neither in 1943.¹⁹⁶ “Administrative borders of the republics cannot be simply proclaimed as state borders, they are not the frames in which the nations of Yugoslavia live,” warned Milosevic. “It is the undeniable fact that the right to self-determination in a multinational state cannot be territorially limited to existing

¹⁹⁴ With the exception of Sandzak region where there exists a relatively small Muslim minority

¹⁹⁵ *Borba* 26. June 1990, p.2

administrative borders of the republics.”¹⁹⁷ The republican borders in Yugoslavia were never state borders. It was well known that they were created arbitrarily in the past. The right to self-determination could not, therefore, be reserved only for the majority nation in a nationally mixed Republic. The question of borders was not important for the nations that support Yugoslavia, this was rather a problem faced by those that wished to exit from Yugoslavia. “We did not open the question of borders, the secessionists did,” warned Milosevic. “If you wish to change borders, to create an independent state and to separate, than you are automatically creating this problem.”¹⁹⁸ The SFRY Presidency¹⁹⁹ and even the Patriarch of the Serbian Orthodox Church, Pavle repeated similar views about the desirability of territorial division.²⁰⁰

Dobrica Cosic made open suggestions about border changes including population exchanges, early on in the crisis, though he modified his views somewhat, once he held high political positions. Serbian people would not live together with those who hated them, threatened Cosic, referring to Slovenes and Croats.²⁰¹ The decision about borders had to be freely expressed by citizens living in ethnically mixed areas. All forms of political autonomies, including planned relocations and exchanges of population, were possible. Though most painful, these solutions were better than living together in hatred and murdering each other. Here, however, we have yet another example of how political views in Serbia easily shifted. “SRJ has no territorial pretensions towards BiH and respect its territorial integrity and borders,” stated Cosic in 1992, as the newly elected president of SRJ.²⁰² SRJ did not question the independence of Bosnia and Herzegovina and was ready, after the peace conference about BiH was successfully ended, by an agreement of all three nations, to establish diplomatic relations with this republic. This confusing mixture of statements, both supporting the division of Bosnia and also recognizing its sovereignty were, unfortunately, typical for Serbian politicians, in the 1990s. Cosic was only one of the important figures practicing this rhetoric.

¹⁹⁶ *ibid.* 16. January 1991, p.5

¹⁹⁷ Milosevic *ibid.* 31 May 1991, p.5

¹⁹⁸ *ibid.*

¹⁹⁹ *ibid.* 31 December 1991, p. 8

²⁰⁰ Patriarch Pavle stated that it is necessary that just peace is reached as soon as possible in former Yugoslavia. He emphasized that Serbs from both parts of the Drina river are brothers and that borders that divide them should disappear. No trouble or misery should divide Serbs. (Cf. *Borba* 25-26 February 1995, p. 3)

²⁰¹ *ibid.* 26 July 1991, p. 9

Views of the opposition

Yet another example of this confusion and changes in opinions early on in the crisis was Vuk Draskovic (SPO), who was also sending similar messages. “We have to tell them one basic thing: you cannot take what we brought into Yugoslavia with you.”²⁰³ That meant for Draskovic that everything Serbs had since 1918 “earned in three bloody, just wars” had to be returned to them. That, in his view, meant the creation of one or two autonomous provinces in Croatia for Croatian Serbs, including the areas of Lika, Kordun, Banija, Baranja and Slavonija and the division of Bosnia into three provinces.²⁰⁴ He insisted that after the eventual secession of Slovenia and Croatia the rest of former Yugoslavia, including Bosnian Muslims, Macedonians and Montenegrins, should form a new state and form a kingdom under the Karadjordjevic dynasty. He repeated this attitude in 1990, and even in 1991, though every time in a less threatening manner.²⁰⁵ However, as it was already demonstrated in previous subchapters, after 1991, Draskovic dramatically changed his views and fiercely opposed territorial divisions in Bosnia, especially the ones produced by force. In fact, he was the most popular Serbian opposition politician who resisted prevailing nationalist propaganda and firmly stood for the end of hostilities in BiH, during the period of 1991-1995. This was a highly unpopular stand in the heat of the war, for which Draskovic deserves respect.

Few opposition parties had the courage to openly join Draskovic in his opposition to the war in BiH during the worst years of bloodshed. Instead, most of them used aggressive language intended for the domestic public, attacking both Milosevic and foreign states. Kostunica (DS, DSS), for instance, harshly criticized the politics of the ruling party in early 1995, “which was promoting a moderate and partial solution by creating the border on the Drina. There will be no peace in the Balkans as long as Serbia is not spread on both sides of Drina,” and nobody has the right to force the Serbian nation to live in hostile states.²⁰⁶ Kostunica warned that there could be no delay for solving the Serbian national question, and that it could not be solved in parts but only as a whole.

²⁰² *ibid.* 27-28. June 1992, p. 3

²⁰³ Draskovic *ibid.* 13-14 January 1990, p.6

²⁰⁴ *ibid.* 2. March 1990, p.3

²⁰⁵ *ibid.* 2. October 1990, p.3 and 23 July 1991, p. 11

Still, it was visible that no consensus on this question was achieved, especially on the question of *how* those new borders were to be created, and many warnings were directed against the forceful creation of border changes. It was already mentioned that Djindjic (DS) had some grave doubts about the border changes early on in the crisis, when he stated that “Yugoslav nations would probably separate easily psychologically, if they knew how to do it technically”²⁰⁷ and that “what Yugoslav nations can agree on is the internal make up of the state, not its territory.”²⁰⁸ As explained before, though, Djindjic changed this attitude and supported border changes after the dissolution of Yugoslavia. The parties in the opposition, such as the DS and the DSS, even when they evidently supported territorial divisions, remained unclear about their views on the forceful change of borders. They never supported aggressive war efforts in the manner of the Serbian Radical Party and some statements made by Dobrica Cosic. Nor did they ever threaten with retributions towards the international community like some radical nationalists did. The question of the appropriate *means* to achieve border changes remained an ambiguous and disputable issue throughout the crisis.

Disregarded warnings

Of course, there were some independent analysts trying to change the dominant political discourse in Serbia. They warned about the difficulties involved in the process of border changes. It was not possible to make perfect borders in Yugoslavia, warned Milovan Djilas, a former prominent member of KPJ²⁰⁹ and Yugoslav dissident since 1954, who actively participated in drawing the republican borders after the Second World War. “The northern borders between Croatia and Serbia are well known to me, since, in 1945, I was leading the communists from Serbia, Croatia and Vojvodina that created them,” explained Djilas.²¹⁰ “This is a just border. The inter-republican borders in Yugoslavia should not be changed. It is not possible to create borders that would include ethnically clean territories and that would not endanger one or other nation.”²¹¹ Djilas proposed that in the southern parts

²⁰⁶ Kostunica in *Nasa Borba* 2-3 March 1995, p. 4

²⁰⁷ *Borba* 1-2 May 1990, p.3

²⁰⁸ *ibid.* 30. June 1990, p.3

²⁰⁹ Communist Party of Yugoslavia

²¹⁰ *ibid.* 29 August 1991, p. 6

²¹¹ *ibid.*

of Croatia, where Serbs were a majority they should have autonomy without the change of the borders of Croatia. In the north of Croatia, Serbs should have guarantees for their national rights. However, in 1991, in Croatia, there were some areas proclaimed Serb, even in territories with a Croat majority. In these areas, the army supported by Serbia, argued Djilas, was leading an aggressive war for territorial expansion against Croatia.

Few party leaders of some smaller political parties also consistently argued against border changes, sometimes with a lot of conviction. The Civic Alliance of Serbia - GSS (see Vesna Pesic in Appendix 1) was, perhaps, the only party that never supported or speculated about any border changes at all, especially if achieved by the use of force. In fact, GSS was perhaps one of two parties which differed from the usual pattern of political life in Serbia, by never changing their principle political stand for peaceful solutions, regardless of the changing political context or pragmatic electoral considerations.²¹²

For instance, in 1992, the Civic Alliance of Serbia (GSS) published a Document suggesting a way to resolve the crisis in Yugoslavia and establish peace.²¹³ This Document suggested the elimination of aggressive nationalism, the establishment of the rule of law and democracy, the demilitarization and gradual reintegration of the Yugoslav area under European rules with the goal of joining Europe. The preconditions for successful negotiations were the ending of war and hostilities, as well as an unconditional recognition of all ex-Yugoslav republics in existing borders and with full respect for their territorial integrity. The question of Serbs in Croatia should be solved by the joint temporary rule of the local Serbian population, Croatian authorities and international participation. The people in this territory should have the right to decide their status by means of a referendum after a certain period of time. After the end of the hostilities, Bosnia and Herzegovina should be arranged as a federation based on 8-10 cantons created upon ethnic, economic, cultural and other factors, such as existing traffic connections, for instance.

Pesic, the leader of GSS, did not change her opinions and beliefs throughout the crisis, as was so typical for other Serbian politicians. She consistently and with conviction stood for peace and democratic solutions and against war and violence.

²¹² The other party was Seselj's Serbian Radical Party, who also rarely changed their views, but they stood on the opposite side of GSS – they stood for the extreme nationalist solutions and confrontation.

This principled stand failed to attract many voters for GSS, though, and, while Pesic was a moderately popular politician, her party never managed to attract a significant number of voters. The war and dominant nationalist propaganda prevented any party with moderate and liberal values to attract large numbers of voters in Serbia, as was the case in all other former Yugoslav republics as well.

Pesic was particularly openly opposed to territorial changes. She stated, in 1991, that “the nation itself seems drugged by some exits to the sea and territories, instead of protecting every man and individual. We cannot create new maps and new borders, because that was already not possible in the 19th century either. All these sacrifices will be in vain, for the world today does not allow the right of the stronger.”²¹⁴ The acceptance of the change of borders would mean a support of forceful methods. Pesic remained strongly opposed to border changes throughout the crisis, as can be seen from her bitter comments from 1995.

Though I have great aversion towards maps, I have studied all the proposed maps so far and I arrived at the conclusion that the division is not possible without a great transfer of population.²¹⁵ In order to produce such a transfer further war is necessary. The division of Bosnia is not possible, and until that is understood no peaceful solution can be found.²¹⁶ If nothing else happens, we will witness the ending of war, which will be so ugly that it will give an observer a spin in the head and an urge to throw up in the stomach. I must say we had this feeling already when we saw the enormous exodus of Serbs from Republika Srpska Krajina²¹⁷ into Belgrade, and when people were running away from Srebrenica. We felt great sorrow for those poor people who were stumbling and moving from their houses and leaving behind those few things they were able to acquire with their 10 fingers throughout their whole lives. All this is so sad that there is nobody who can look at this without a spin in the head, despaired Pesic.²¹⁸

In conclusion, the attitude of most influential Serbian political actors towards the question of borders was relatively unanimous and clear: the territorial integrity of republics with a mixed ethnic composition of one nation and no minorities or one or more Yugoslav minorities (Slovenia, Macedonia and Serbia were considered to fit this description), was to be respected within existing borders. In republics that were

²¹³ *Borba* 21. August 1992, p. 12

²¹⁴ *ibid.* 27 September 1991, p. 14

²¹⁵ Pesic in *Nasa Borba* 24 August 1995, p. 10

²¹⁶ *ibid.*

²¹⁷ the Serbian entity created on the territory with a Serbian majority, during the conflict in Croatia.

²¹⁸ *Nasa Borba* 24 August 1995, p. 10

ethnically comprised of more than one nation (like Croatia and BiH), each of those nations should have had the right to self-determination, therefore, their borders were not to be respected, according to the prevailing opinion in Serbia, at the time. While this attitude was disputed only occasionally and by smaller political parties, there was much more disagreement about the permissible or desirable *means* to achieve these border changes and many warnings were raised against the use of force as the method the ruling elite eventually adopted. These warnings will be further analyzed in the subchapter on the use of force (3.2).

3.1.3 Referendum

Unlike the questions of self-determination and borders, about which Serbia's politicians had more or less clear ideas, at least on the question what the desirable final outcome should be, the question of a referendum caused more confusion among them. They were divided even about the desirability of a referendum, in the first place.

Official view

Perhaps, one thing relatively common to all strong supporters of the referendum, and the ruling party and politicians associated with Milosevic were certainly among them, is that they saw it as a Yugoslavia-wide act to be conducted simultaneously. This pro-Yugoslav stand was not defended with clear conviction, though, and alternative possibilities were explored, at the same time. Dobrica Cosic, for instance, argued for "a plebiscite on the level of whole Yugoslavia and all its citizens, in order to establish the will of the people about Yugoslavia's existence," and that "the possibility of Yugoslavia's survival lies in a radical democratic transformation of its political and economic structure and the creation of a pluralist and open society with free citizen at its basis."²¹⁹ This transformation must begin by a referendum of all Yugoslav citizens if they wish to be a part of federal state, with a "[...] free and real use of the right to self-determination up to the point of secession, as well as the free choice of state structure."²²⁰ Slobodan Milosevic himself stated

²¹⁹ *Borba* 6 February 1990, p.6

²²⁰ *ibid.* 7 February 1991, p.8, taken from *Svet* magazine.

that “a national referendum is the only democratic way to exercise the right of the nation to self-determination,” that “its results must be comparable, therefore, it must be organized according to the same questions, on the same day and by the same procedure in all of the republics.”²²¹ It is quite difficult to estimate on the basis of these statements what the real attitude of Cosic and Milosevic was, was their support of a referendum sincere, and if so, what kind of referendum did they have in mind?

The crucial problem was the territory that would be responsible for holding the referendum. This was usually rather unclear in Milosevic’s statements. Between the lines, it could be read that he preferred the referendum of all citizens of Yugoslavia, since there were good chances that a referendum on a Yugoslav level, with the question “do you support the continual existence of the Yugoslav state?,” would produce a positive answer. Indeed, many reasonable politicians, not only in Serbia, supported this idea. However, this was not the only possibility, for republican leaderships in Slovenia and Croatia demanded republican, and not Yugoslav referendums. Milosevic, apparently, also had an alternative plan: instead of a strong support for a Yugoslav referendum, a series of national referendums were also acceptable to him.

While a federal referendum was probably the best option to avoid confrontation and find some solutions acceptable to everyone, the other Milosevic option was, in fact, destructive; it meant that every Yugoslav nation separately decides its path by means of a referendum. This could only lead to war in ethnically mixed areas, as, for instance, Djindjic warned in some texts already mentioned. Indeed, reacting to the dilemma whether it was citizens or nations who were to express their will, Milosevic said: “both at the same time,” thus completely blurring and confusing the issue. “Even if the results of the referendum show that there is a will to exit Yugoslavia, this can only be done by the change of the Yugoslav constitution that will not be opposed by any other republic or nation,” Milosevic continued.²²² He proposed that a new constitutional law was created that regulated the right of self-determination of the nation. A referendum should have been held based on the decision of the Parliament of Yugoslavia, on the same day and by the same procedure and questions. New borders should have been established based on the

²²¹ *Borba* 20 August 1990, p.9 and 31 May 1991, p.5

²²² *ibid.* 31 May 1991, p.5

results of the referendum with a new constitutional law, and, finally, new multiparty elections held for the parliament of Yugoslavia.

Were all these proposals by Milosevic realistic in the contemporary Yugoslav situation? Hardly. Especially problematic was the mention of “new borders,” for if the real goal was indeed the continuation of the Yugoslav state, why were they needed in the first place? There was much more clarity and conviction needed, in reality, to push through a federal referendum. If this was ever his real goal, Milosevic was pitifully incapable of achieving it. His alternative plan, to push through referendums “of nations and not citizens of republics,” with the aim of a total reorganization of most internal borders within Yugoslavia, was in practice completely impossible to achieve and could only lead to war and destruction.

At least a partial clarity about the desirable goals was created, not through the explanations of political leaders, but by the decisions of the SFRY Presidency. In September 1990, the presidency of SFRY proposed a legal mechanism to resolve the constitutional crisis in the country.²²³ According to this proposal, it was necessary that all Yugoslav nations decide if they wish to live together, and if so what character would this union have – the current or a new federation, an asymmetric federation, or a dissolution into separate states. A territorial solution in the event of secession could only be found on the basis of the freely expressed will of “the citizens and nations” in a referendum, after a period of transition into a new state. The Presidency of SFRY published two more Opinions, which stated that “in the republics where there are more than one Yugoslav nations, the necessary majority is established for each nation separately.”²²⁴ If any of the Yugoslav peoples voted against the separation, all the communities in which this particular nation had a majority and was adjacent to the rest of Yugoslavia, remained in SFRY. The right to self-determination belongs to the nation, and not to the “demos.”²²⁵ This meant that the right to self-determination could not be established by a referendum held for a whole region or republic or state, except if it was comprised of one nation. If all the nations in an ethnically mixed republic were forced to vote in a referendum about separation together, the right to self-determination would be turned into the right of the citizens of the republic – “demos”, it would no longer be the right belonging to nations.

²²³ *Borba* 28. September 1990, p.1

²²⁴ *ibid.* 3 September 1991, p. 9

It was only after these guidelines from the Presidency had been published that a more firm and clear principle was promoted by Milosevic and the ruling party, according to which, nations and not republics should be the proper “units” for a referendum. Protests made later against a referendum in BiH were founded precisely on this basis. “The only solution in Bosnia and Herzegovina is the compromise between Muslims, Serbs and Croats,” warned Milosevic in 1992. “Since the EC agrees with this, it is not clear why they have contradicted themselves by recognizing the results of the referendum that was unconstitutional.”²²⁶ However, once he failed to convincingly support a referendum on a federal level, all Milosevic’s attempts to prevent separation along republican lines were fruitless, as many political leaders of the Serbian opposition warned it would happen.

Views of the opposition

Had Milosevic listened to Djindjic at the beginning of the Yugoslav crisis, he might have avoided some of the catastrophes that followed. Djindjic perfectly explained all the problems that deciding by means of a referendum in the actual Yugoslav conditions would involve. “All this talk about the referendum sounds very nice and democratic, however, it is based on one great flaw,” Djindjic warned. “It is not at all clear in what formations citizens would vote in this referendum. Would they vote as individual citizens, as members of the republic, or as members of the nation?”²²⁷ Though the first possibility is the closest to the meaning of a “referendum in Yugoslavia about Yugoslavia,” this possibility was excluded. It was not possible because, for some political leaders, “the citizens of Yugoslavia” did not exist, therefore, they could not make decisions – what did exist were the republics. If it was a republican referendum that decided, meaning that republics were acknowledged as sovereign, and the referendum would be about the creation of the new state or some different state(s), it would have implied that Yugoslavia did not exist, but was about to be created. Every attempt to do this would have resulted in the immediate break up of the republican borders, in the places where they divided great ethnic groups – Serbs in Croatia and Bosnia, Muslims in Sandzak and so on. It was therefore obvious, stressed Djindjic, that a republican referendum would automatically lead to demands

²²⁵ *ibid.* 20 December 1991, p. 2

²²⁶ *ibid.* 14. May 1992, p. 7

for an ethnic referendum in nationally mixed areas. And an ethnic referendum would lead to the decomposition of Bosnia and Herzegovina and a partial decomposition of Croatia, as well as an explosion in the south of Serbia.

There was nothing one could object, in principle, to the fact that the Slovenian, Croatian or Serbian nation decided their own destiny, however, what did this mean in practice? Who had the list of all the Croats and Serbs living in Yugoslavia? What would have been the criteria to make such a list? Would it have been self-declaration, and if so: how could one prevent half of the Serbs from declaring themselves Croats so that they avoid the expression of their own “free will,” asked Djindjic.²²⁸ The notion of the sovereignty of nations was a pure political metaphor. It could serve as political myth and influence political action, however, the subject of political action and decision never would and never could be the nation. “It is not our nations that are sovereign, for they could not possibly be so; it is their republics. This completely confusing idea about a referendum shows that the only clear goal of the Serbian politics is to prevent the formulation of a clear attitude towards Yugoslavia and the position of Serbs inside it.”²²⁹

Still, it was not only Milosevic who refused to listen to these warnings. Djindjic himself changed his own position after 1990. In the Declaration of his party (DS) of December 1991 about the future of Serbia, it is already stated that Serbia should be a sovereign state within existing republican borders.²³⁰ DS also supported the right of Serbian people who live in compact areas in Croatia and Bosnia to freely decide about the future state they wished to live in. DS believed that, as the result of this free expression, new territorial and political units would be created, statelike and with a Serbian majority population.

As already mentioned, Djindjic later changed his rhetoric and attitude even more towards desirable solutions. This change went so far that in 1994 Djindjic supported the politics of Radovan Karadzic, the war leader of Serbs in Bosnia and Herzegovina, “because it leads towards the fulfillment of our national goals, towards

²²⁷ *Borba* 15-16. September 1990, p.2

²²⁸ *ibid.* 1-2 September 1990, p.2

²²⁹ *ibid.* 29-30. September 1990, p.2

²³⁰ *ibid.* 9 December 1991, p. 6

the peace in which our nation will be able to freely decide in which state it wishes to live, without being pushed by other nations or foreign powers.”²³¹

Disregarded warnings

Already early on in the crisis a number of independent political analysts warned strongly that a “nation” was and could not be a practical unit for a referendum, and that this legal tool would not be possible to implement properly in conditions of war and violence. A referendum is not the appropriate tool to resolve ethnic conflicts in progress; it should rather be used only in peacetime, warned the lawyer Konstantin Obradovic.²³² “International law does not allow the change of borders,” he wrote, “not even if it is connected to the self-determination right. The two international norms are reconciled by the fact that the self-determination right can be exercised only through a voluntary acceptance of the change of borders. Plebiscites can be used for this purpose only in peacetime and under international control,” warned Obradovic.²³³

Another lawyer, Dejan Janca, argued for a similar idea.

On the territories in dispute, he said, where conflicts have erupted and where, according to the 1991 census, Serbs were in majority, an international protectorate should be established for a period of 15 years. After this period, this area could decide by a plebiscite if they wish to continue to be under international governance, or to be put under a condominium – the joint rule of Serbs and Croats. Since after fifteen years borders in Europe will lose relevance, both sides could be satisfied with this solution.²³⁴

Andrej Mitrovic, professor of History at Belgrade University, warned in 1992 that use of plebiscites in conditions of ongoing violence was problematic, and that the self-determination principle in recent times was turned into a tool for nationalistic manipulation.²³⁵

Some plebiscites, most certainly those in Yugoslavia, were conducted in the atmosphere of decay and hopelessness, in societies where no new political forces came forward and the representatives of retrograde nationalism misused the crisis in the society. In modern times, the principle of self-determination is transformed from being a means of

²³¹ *Borba* 25. April 1994, p. 5

²³² *ibid.* 22 October 1991, p. 4

²³³ *ibid.*

²³⁴ *ibid.* 4 November 1991, p. 10

²³⁵ *ibid.* 19 February 1992, p. 9

integration and overcoming local divisions into a tool of creating petty divisions. This is contrary to the dominant trend of globalization and the creation of larger communities, and to respect for the existing borders and peaceful conduct.²³⁶

After 1992, when the outcome of the political and legal battle for Yugoslav succession became more and more obvious, many analysts explored the problem connected to the unit for the establishment of “free will” and the mistakes made both by the ruling elite in Serbia and by the international community. They argued that it was not true that the world denied self-determination right to Serbs.²³⁷ The world simply did not allow any right to be implemented by force, which also applied to the right to self-determination. The right of Serbs to self-determination would surely be prioritized, but only after the war ends, because the international community had long ago put war outside of law.

It is, however, not clear what the final outcome will be, because it is not clear what the right to self-determination really means. Every nation has the right to choose the political, economic and cultural system in which it wishes to live. If that is achieved, and the state is multinational, it is further necessary that the government represents the whole population of the state. In this case the self-determination right is fulfilled. If this is not possible, the question of separation and the creation of a new national state arises. In accordance with the imperative rule that force is not allowed, self-determination is not allowed through forceful means. On the other hand, the international community never established a clear procedure that would show the way to peaceful self-determination. This way, there might be a national plebiscite under international control as in Namibia, however, the right to a separate national state, at the time, was connected to the process of decolonization.

When this problem appeared in independent states before the Yugoslav case, the attitude of the international community was not clear or consistent. The creation of Bangladesh was, for example, accepted as legal, while the same attempt in the case of the Iboas tribe in Nigeria was denied. As for former Yugoslavia, the right to self-determination was recognized ex post facto, after Slovenia and Croatia already gained independence. As the conflict intensified and the self-determination right started to be called upon by Serbs in Croatia and all three nations in Bosnia, the international community retreated. This shows that the state practice in this area is not clearly

²³⁶ *Borba* 19 February 1992, p. 9

regulated, rather it is a matter of political decisions. Obradovic explained that he was convinced that the right of Serbs to self-determination was not denied and would be resolved by political means once the war ended.

The lessons learnt from the dissolution of the USSR, Czechoslovakia and Yugoslavia were also explored by Branko Milanovic, economist and expert on globalization, who wrote an article entitled “The rules of the deadly game: self-determination and secession.”²³⁷ He pointed quite precisely to the crucial problem of the proper unit or level on which this right could be claimed.

His first question is: on which level should the principle of self-determination be applied? Theoretically, there is nothing to be objected to the principle of self-determination – every group of citizens has the right to decide for themselves in which state they wish to live, or if they wish to create a new one. However, the problem that immediately appears in practice is: which group of citizens are we talking about? Can self-determination be applied to municipalities, cities, provinces? Perhaps, as Milanovic describes, the best illustration is a comparison between former Yugoslavia, Great Britain and Canada. If the whole state represents the unit that makes the decision, it is likely that the majority would vote for the survival of both united Yugoslavia and Canada, just as in 1920 the majority voted to keep Great Britain united. If, however, the unit that decides were a republic in Yugoslavia, a historical province in Britain (England, Wales, Scotland, Ireland) or a province in Canada, the result would be different. In the Yugoslav case, four republics decided to opt for independence, in the British case Ireland would almost certainly do the same, in the case of Canada, probably Quebec.

But if we go further, continued Milanovic, does the right to self-determination not also belong to the ones inside the new independent states that wish to remain in the old state, as well as to those that voted for independence but live in the republics that voted against it? If we accept that, we have the following situation: Serbs in Bosnia and Herzegovina and Croatia, occupying a relatively homogenous territory, wish to remain in Yugoslavia, Albanians in Serbia want to secede, Croats in BiH want to join Croatia, protestants in Ireland want to stay in Britain, and Indians in Quebec in Canada. Therefore, we are immediately faced with new territorial entities:

²³⁷ Konstantin Obradovic *ibid.* 20-21. March 1993, p. IV

²³⁸ *Borba* 27-28. February 1993, p. VII

Serbian Krajina in Croatia and BiH, Kosovo, Herzeg- Bosnia, Northern Ireland and Indian territories. We can go further, inside these territories, there are those who have the opposite opinion to the majority: Croats and Muslims in Serbian Krajinas, Serbs in Kosovo, Catholics in Northern Ireland or francophones in the north of Canada inside Indian territories.

A theoretical answer to the question of self-determination is therefore very difficult, the answer to the question of referendum concerning secession is No - Yes – No – Yes as we go from bigger to smaller territories. Where does this end? Logically, we should accept the smallest possible unit, although it is possible that the territories are completely mixed. According to this solution, Croatia would be independent, the republic of Serbian Krajina within Croatia as well, and some Croatian villages inside the Serbian entity would be part of Croatia. There would be a similar situation in Kosovo: Kosovo would be independent, and some municipalities in Kosovo would be a part of Serbia. Northern Ireland would remain a part of Great Britain, but some of its parts would join Ireland. Quebec would be independent, but some parts of it would remain in Canada.

Milanovic's second question is who has the right to secession in practice. In the last few years, the map of Europe changed dramatically with the disbanding of the Soviet Union, Czechoslovakia and Yugoslavia along the former republican borderlines. This result is more the consequence of ad hoc decisions, than of some historical precedents. This differs from the decisions taken after the First World War, when the Austro-Hungarian empire did not dissolve exactly according to its internal administrative borders.²³⁹ If we accept that this new principle is now valid, and that federal states dissolve on the borders of their federal entities and that the process ends there, implications are obvious, claims the author. There is no independence for Serbs in Krajinas or Croats in BiH, or for the Albanians in Kosovo, for Chechens or Tatars in Russia, or for Russians in Moldova. The implications are, however, also obvious for other federal states: Canada, Germany, Spain, USA, India and even Italy. Following the example of USSR, Czechoslovakia and Yugoslavia, Quebec, Bavaria, Catalonia, California, Kashmir or Lombardy have an internationally recognized right to secession. However, here the new international principle already collides with

²³⁹ Milanovic makes a reference here to the new border between Hungary and Czechoslovakia after the First World War.

reality: Quebec has the right to secede but this right does not belong to California or Kashmir. The constitutions of the USA and India prohibit unilateral secession. Therefore, the principle is corrected and now states the following: federal units have the right to secession, unless it is prohibited by the federal constitution. According to this corrected principle, the dissolution of the USSR and Czechoslovakia was legal, because in the first case the constitution of the USSR explicitly permitted secession, and in the second the dissolution was voluntary.

The conclusions politicians can draw from this last experience of the dissolution of federal states, as Milanovic claims, are the following. First, change the constitution so that it prohibits secession. Second, do not allow the establishment of any federal entities in the first place, which is an even better solution. This is why, for example, Kurds in Turkey or Corsicans in France cannot secede, because there are no institutions that would be in control of an administrative unit and declare it independent. Separate municipalities with a Kurd majority could ask for secession but no one would recognize it. On the other hand, if Turkey were to give them a right to territorial autonomy, the Kurdish parliament would easily ask for independence and would have all the chances of getting it. It follows that the lesson of the dissolution of the three federations is quite discouraging: instead of further decentralization, the central governments have a great interest to do exactly the opposite, e.g. to fight against federalism, so as to prevent state destruction in advance, concludes Milanovic, and his warning also represents an introduction to the last remaining topic concerning the legal and political principles - debate – the debate about a (con)federal solution for Yugoslavia.

In conclusion of the subchapter on referendum, it is obvious that, early on in the crisis, Milosevic and the ruling establishment had a confusing and uncertain stand concerning the appropriate unit for a referendum that would establish the “will of the people” about the desirable solution for the crisis. Zoran Djindjic was, perhaps, most acutely aware, in 1990, of many dangers that lied in the belief that “nations are sovereign and should decide for themselves,” and argued that this was not possible in practice. Citizens and nations could not both express their will at the same time, as Milosevic would have wanted it, in May 1991. After 1990, however, Djindjic gave up his own warnings and Milosevic disregarded the fight for the Yugoslav federation and fought for “national” referendums. Instead of the support for federal organs and a firm

demand that the whole Yugoslav territory was the appropriate unit for a referendum, which was the only logical step if the goal really was to preserve Yugoslavia, as Milosevic claimed, he later demanded new separate plebiscites for Serbs in Croatia and BiH. By 1991, however, the new practice that republics were to decide their future for themselves was already imposed. And as soon as the war began to spread, the plebiscites held in war conditions, like the ones in BiH, were of a highly dubious value, as many independent analysts immediately noticed.

3.1.4 Federation-confederation debate

Closely connected to the questions of self-determination and territorial integrity, the debate about the possible federal or confederal arrangement for the republics of former Yugoslavia was also present. As in the case of the referendum, there was some confusion about its desirable outcome, only, the decisive difference was not in the problem of unit or territory, but in the varying views about the feasibility of the achievement of various alternative outcomes for the Yugoslav crisis.

Official view

Early on in crisis, while Yugoslavia was still holding together and the prospects of the breakup and its results were uncertain, the majority of the politicians, not only in the ruling party, supported two extreme ideas – either a centralized federation or a total breakup into separate states. In June 1990, Slobodan Milosevic, for instance, made it clear that if there was to be a confederate Yugoslavia, he would not consider it a State but a confederation of States. In that case, he promised to open the question of future Serbian borders.²⁴⁰ In November 1990, Milosevic explained that Serbia supports Yugoslavia above all as a federation because Serbs live in many of its parts. He argued for a peaceful and democratic way of living in one state, the Yugoslav federation, a state in which all nations were equal. “We wish to solve the Serbian national question inside Yugoslavia by peaceful and democratic means, but we cannot accept violence to be perpetrated against the parts of the Serbian nation outside Serbia.”²⁴¹ Even in 1994, he repeated that “it would have been better for all

²⁴⁰ *Borba* 26. June 1990, p.2

²⁴¹ *ibid.* 2. November 1990, p.2

Yugoslavs if they stayed within Yugoslavia. None of these peoples will find a better future outside of Yugoslavia.”²⁴² Whatever the rhetoric, Yugoslavia existed no more, without a doubt, very much due to Milosevic’s own politics.

Views of the opposition

Like Milosevic, Zoran Djindjic (DS), also supported the federation early on in the crisis but from a rather different perspective. For him, a democratic order within the federation was the main goal. For instance, in June 1990, he stated that “the joint state, as a Serbian national interest, can be convincingly promoted only with the condition that every possibility of national or any other privilege is completely excluded. Therefore, it is possible only within a democratic federal order.”²⁴³ The same could have been heard from Micunovic (DS), in 1990, who stated that

the Democratic Party considers a federation as the only solution for Yugoslavia, because it believes that the Yugoslav federation is the best option for a Serbian national program. Since Serbs are spread throughout the whole region of the (former) Yugoslavia, the best protection of their individual and collective rights is in a united state. In the confederation, those rights would depend on the good will of the regimes of the members of the confederation.²⁴⁴

Micunovic proposed the creation of a Council of citizens and a Council of nations as the optimal solution for the new federation. In a separate interview, Micunovic stated his reasons against the confederation more explicitly: “We are against the confederation because it means that independent states are joining into a union, which means that Yugoslavia first has to be broken apart. If there was an agreement about the borders, this thing would be technically possible, although irrational. However, since all these states were made under illegitimate conditions, there is no agreement on the final territorial distribution. (...) When there is no agreement on the borders, and different sides aspiring to draw borders cannot agree, they go to war. Therefore, the confederation proposal represents the danger of civil war, or, perhaps, some kind of military dictatorship to prevent it.”²⁴⁵ “We (DS) believe that it is much better to create a democratic federation in which all the citizens are equal in the chamber of citizens, and all the republics are equal in the chamber of

²⁴² *ibid.* 23 December 1994, p. 4

²⁴³ *ibid.* 30. June 1990, p.3

²⁴⁴ *ibid.* 19 July 1990, p.9

²⁴⁵ *ibid.* 26. September 1990, p.4

republics. That is the way all modern states operate.”²⁴⁶ Micunovic repeated this belief several times in 1990.

Even GSS and Vesna Pesic, the most liberal contemporary politician in Serbia and the strongest supporter of peaceful solutions, did not like the confederation proposal in 1990. She said that “this proposal did not follow the minimal requirements for a consensus, nor did it follow necessary procedures involving all important actors.”²⁴⁷ She expressed her fear that “this proposal in its current form will not contribute to the stability of the future state” and argued that the solution of particular problems in Yugoslavia should be a priority.

Perhaps, some alternative views were offered by Vuk Draskovic (SPO), who supported the federation on some occasions, but his true views from 1990 were the following: “federation or confederation, we do not really care. We even want a confederation if we can all live under equal circumstances, and if we have to separate, let’s do it in a humane way so that we can live next to each other as good neighbors tomorrow.”²⁴⁸ In 1992, however, while most other politicians pragmatically shifted towards separatist positions, Draskovic shifted his position in the opposite direction. He advocated that the best solution for Bosnia and Herzegovina was “the confederation with Serbia, Montenegro and, at the same time, some similar although looser agreement with Croatia and Slovenia, since they would not agree to a confederation.”²⁴⁹ It is noteworthy that Draskovic and the SPO, besides Vesna Pesic and the GSS, were the only party after 1993 that stood for the reintegration of former Yugoslav territories in some form.

As time went by and new borders began to take shape, in 1991, many voices were raised in favor of the confederative alternative, proposing some kind of loose confederative ties. Already in 1991, Kostunica (still DS) warned that “previous proposals of confederation and asymmetric federation were a better solution than the one offered now.”²⁵⁰

Professor Vladeta Jankovic, the spokesmen of DEPOS- the Democratic Movement of Serbia, the temporary electoral alliance of SPO, DSS, GSS and some smaller parties, stated, in 1992, that “in the past, Serbia had many choices. The war

²⁴⁶ *ibid.*

²⁴⁷ *ibid.* 12. October 1990, p.5

²⁴⁸ *ibid.* 13 July 1990, p.9

²⁴⁹ *ibid.* 12. June 1992, p. 4

was not necessary.”²⁵¹ Serbia could have recognized independent Slovenia and let her secede peacefully from Yugoslavia. The army could have been withdrawn peacefully to the ethnic borders in Croatia, and the negotiations under international supervision could have been opened. “It was simple, if we had given up on Yugoslavia soon enough, as it was no longer sustainable, we could have accepted an asymmetric federation or confederation.” claimed Jankovic. This was all possible, and that was what the circle of Belgrade intellectuals and even some parties suggested. “However, socialists, in their stupid and aggressive persistence, have pushed us to the point that we have to salvage what we still can,” warned Jankovic. All Serbs in one state was an unsustainable idea, a dangerous parole by Milosevic that proved to be impossible.

We can dream about it, generations have, some of them even succeeded, but at present this idea seems very far from reality. We are in no position for maximum goals; we have to go for the minimum, to keep what is ours, not to let Serbia itself be butchered. In some future, when things have calmed down, we can, perhaps, talk about population exchanges or territories under international supervision, in order to solve the question of Serbs remaining outside of Serbia.²⁵²

To make the picture more complicated, after 1993, most Serbian opposition politicians did not support new ties between former Yugoslav republics. While only Draskovic held to his view about multiple ties between former republics and territories till the end of the crisis, in 1994, both Djindjic (DS) and Kostunica (DSS) argued against the integration of former Yugoslav republics and for the unification across Serbian territories.²⁵³ One can only speculate if this was the result of the war at hand, an opposition to Milosevic’s constantly shifting politics, pragmatic electoral considerations, or all of those factors together.

In conclusion, the position of Serbia’s politicians changed to a great degree according to the current realities and perceived possibilities for political gains. While

²⁵⁰ *ibid.* 21 October 1991, p. 4

²⁵¹ *ibid.* 27. May 1992, p. 9

²⁵² Vladeta Jankovic *ibid.* 27. May 1992, p. 9

²⁵³ Vojislav Kostunica, “Only in the Serbian state can Serbian people fulfill their national potential, and that is why DSS is against any reintegration of Yugoslavia, or the creation of some new state with neighboring nations.” The reintegration of Yugoslavia “has its price, and that price is the disintegration of the Serbian state. The Serbs as the nation must not pay that price. Any reintegration of Yugoslavia means war for future generations. It is in the interest of everybody to live in their own, hopefully democratic states.” *Ibid.* 28. March 1994, p. 11

Zoran Djindjic (*Borba* 2-3. April 1994, p. 2) stated that he considered the decision of Bosnian Serbs not to join the Muslim- Croat federation to be quite justified. He considered the idea about a new Yugoslavia flawed and without chances for success. He said that DS does believe in integration, but not in the joint Yugoslav state, “whose dissolution was not a mistake, but a realistic historical process.”

Yugoslavia was still strong, most of them wanted either to keep the existing tight federal structure, or to create a set of independent states with the aim to create a Serbian state including Serbia and Serbian territories in Croatia and BiH. In 1990, for various reasons, practically no political force in Serbia was ready to accept a loose confederative structure for the new Yugoslav state. However, as soon as it was clear that the dissolution would occur along the republican lines with no border changes, many voices promoting previous proposals for confederation or asymmetric federation were heard arguing that these, if genuine, were indeed better solutions. At least, some other forms of dissolution should have been negotiated instead of rushing into war.

3.2 Use of force

One of the, perhaps, most controversial issues that provoked many long-lasting debates in the Serbian public in the 1990s, besides legal principles, was the question of the use of force. The question was if force was a permissible tool to achieve the goal of self-determination for all territories in former Yugoslavia populated by a Serbian majority. Though a considerable part of foreign publicists portrayed the position of the ruling politicians in Serbia as aggressively militaristic, with a small minority in the opposition standing for peaceful methods, a careful examination reveals that this view simplified and, generally, poorly represented reality. As a matter of fact, the best term to characterize the position of most actors would be the adjective confusing.

Official view

Just like the position of the great majority of other actors in Serbia, the position of Slobodan Milosevic underwent some noticeable transformations. He shifted from the initial threats with war in 1990-1993 towards a more peaceful rhetoric 1994-1995 (whether a sincere one or not is another matter). Early on in the crisis, Milosevic claimed that “Serbia will not sit quietly if any violence is perpetrated on parts populated by Serbian people outside Serbia.”²⁵⁴ He warned in a more

²⁵⁴ *Borba* 11. May 1990, p.1

threatening way that if there was to be a confederate Yugoslavia, he would not consider it a State and “the question of the borders of Serbia will be opened.”²⁵⁵ In November 1990, Milosevic repeated that “we cannot accept violence to be perpetrated against the members of the Serbian nation outside Serbia. If there are forces ready for that, they will have to bear the responsibility for the consequences they will face. Nobody can realize violence against the Serbian people any more.”²⁵⁶ He made several other similar statements or even stronger ones than these.²⁵⁷ However, the deciding moment, which changed his attitude towards the war in BiH, was when he decided to support the Vance-Owen plan. “The main goal, equal treatment and freedom for Serbian people is achieved,” claimed Milosevic in May 1993, despite the RS parliament’s decision to reject this plan.²⁵⁸ “Peace has no alternative,” he emphasized. “Serbia has made enormous efforts and suffered greatly for its help of Serbs outside its borders.”²⁵⁹ “Due to this help, Serbs outside of Serbia have by now realized most of their interests. Now, Serbia must turn to itself, to its own economy, to the standard of its citizens in order to protect them from the violence and criminals that circulate freely between Bosnia and Herzegovina and Serbia, all a consequence of war. The support of the [Vance-Owen] peace plan is the support of peace, which is of existential importance for Serbia, and no one who does not care for Serbia’s vital interest can have our support”²⁶⁰ Milosevic promoted peace in the same threatening way he warned about the possible violence – there was “no alternative”, this time, to peace. From 1993 until the Dayton talks, it was clear to Milosevic that “the greatest Serbian national interest at this moment is peace. Nobody has the right to refuse peace in the name of Serbian people.”²⁶¹

What Milosevic himself was never prepared to state openly, Dobrica Cosic did not hesitate to say in public: “Serbian people will not live together with those who hate them,” stated Cosic, referring to Slovenes and Croats. (...) “All the forms of political autonomies, including planned relocations and exchanges of population are possible. Though most painful, these solutions are better than living together in hatred

²⁵⁵ *ibid.* 26. June 1990, p.2

²⁵⁶ *ibid.* 2. November 1990, p.2

²⁵⁷ Cf. *ibid.* 16. January 1991, p.5 and 8 August 1991, p. 2

²⁵⁸ *ibid.* 10. May 1993, p. 2

²⁵⁹ *ibid.* 12. May 1993, p. 3

²⁶⁰ *ibid.*

²⁶¹ *Borba* 1. August 1994, p. 3

and murdering each other.”²⁶² Later, as Yugoslav President, he toned down his rhetoric, still, he warned that “if the Croatian aggression on Krajina spreads to Slavonia and Baranja, I cannot guarantee that SRJ will sit quietly and will not defend its territory.”²⁶³ Throughout the crisis, Cosic’s speeches consisted of a confusing mixture of calling for democratic principles and peaceful methods, standing up to Milosevic at one time because of his “aggressive, despotic and unwise politics,” and of xenophobic warnings about the foreign world, accompanied by threatening statements about the dangers of neighboring Yugoslav nations.²⁶⁴

Views of the opposition

With rare exceptions, most of the politicians of the opposition either expressed ambivalent attitudes or, more often, shifted their position considerably over time. Perhaps, the best example of a radical change of view is Vuk Draskovic (SPO), whose rhetoric was extremely militaristic in early 1990, and who then advocated the position that “where our graves are – there are the borders of Serbia” and “we do not wish blood but we do not wish to be with the Croats either” and called for mobilization.²⁶⁵

However, already from late December 1990, Draskovic started to talk about peaceful means to resolve the crisis, and has ever since slowly become one of the strongest supporters of the idea that “Serbs should not seek the principle reason for the problems in Slovenes and Croats, but rather in Milosevic’s regime that is spreading war propaganda and preventing democratic change.”²⁶⁶ Draskovic called the emerging conflict a “dirty little war, a war with no goals and no sense, the war of hate that is waged in our shame and the one that suits the leaders of Belgrade and Zagreb perfectly.”²⁶⁷ In late 1991, he publicly urged Milosevic to accept peace proposals by the international community and he “joined the peoples rebellion against the chauvinist-fascist insanity” once war in BiH started to spread.²⁶⁸ In 1992,

²⁶² *ibid.* 26 July 1991, p. 9

²⁶³ *ibid.* 16. February 1993, p. 6

²⁶⁴ Cosic made lots of similar remarks throughout the 1990s, Cf. Dobrica Cosic in *Nasa Borba* 14 March 1995, p. 11

²⁶⁵ *Borba* 2. October 1990, p.3

²⁶⁶ *ibid.* 31 July 1991, p. 12

²⁶⁷ *ibid.* 18 September 1991, p. 7

²⁶⁸ After Bosnia and Herzegovina received formal recognition from the European Community, and the war throughout BiH started to spread, Vuk Draskovic also sent his appeal for peace. “In this decisive moment, when Bosnia and Herzegovina are on the edge of war and peace, I join peoples rebellion against the chauvinist-fascist insanity,” said Draskovic. (*Borba* 7. April 1992, p. 6) National leaders

Draskovic called Milosevic “a sponge of blood, which can exist only as long as there is hatred that he can thrive upon” and said that “we all owe each other a big apology and mutual redemption.”²⁶⁹

It is Vuk Draskovic who, late in the crisis, wrote some of the most passionate and colorful anti-war speeches, strongly condemning the behavior of some Serbs in the war.²⁷⁰ In one of these, Draskovic asked “the [Serbian] intellectuals” if they had known where their “patriotism” would lead.

If you did not know, don't call yourselves Serbian intellectuals. If you did know, you are monsters, which have, for the sake of a miserable pay and some bloody personal glory, pushed our nation into its greatest historical tragedy. Only for the most primitive one does history begin with himself. A reasonable and responsible man knows what he is, and because of that he has responsibility to keep his tradition and honor of his people. We are now what we really are not, and a lot of suffering, wisdom and time will be needed to become again what we really are.²⁷¹

It was also Draskovic, together with Vesna Pesic (GSS), as the only prominent Serbian politicians at the time, who strongly and passionately condemned the attack on UN guarded areas in BiH. He warned, in July 1995, that “the tragedy of concentration camps, the so-called protected areas Srebrenica and Zepa, is a cruel warning that our civilization will enter the next century as a moral cripple.”²⁷² Draskovic urged Serbian people that “our tumors must be removed by our own hands, while there is still time. Let Belgrade and Serbia spill over in the streets to state what we, as people and as a nation had a duty to say a long time ago: no to war, no to ethnic cleansing, the destruction of cities and holy places, no to revenge, shame and crime,” and that “however big it may become tomorrow, a Serbia built on crime and sin will be little and damned.”²⁷³

have legalized the principle that one's own right and happiness can be achieved only at the expense of injustice and unhappiness for our neighbors. Draskovic urged Serbs in the areas where they were in a majority to protect Muslims and Croats from extremists, and begged Muslims and Croats to do the same for Serbs in the areas where they were a majority. “Humanism and honor are older than the nation, religion or the state”, stated Draskovic. Let everybody silence and disable their own lunatics and let's not look for the guilty ones in our neighbors for death and destruction.

²⁶⁹ On the 28th of June, DEPOS staged a huge anti-Milosevic rally in Belgrade with 150000 participants. (*Borba* 29. June 1992, p. 2)

²⁷⁰ *Borba* 26. April 1994, p. 13

²⁷¹ this speech was meant to be read at the meeting of “Serb intellectuals,” but Draskovic was prevented from reading it out. However, the media published its integral version.

²⁷² *Borba* 22. July 1995, p. V

²⁷³ *ibid.*

Besides Vuk Draskovic, other leaders of the opposition often either left the question of the use of force partially unanswered, or their answers also changed over time. Dragoljub Micunovic (DS), for instance, stated that “it is better to reconstruct the Yugoslavian state into a democratic federation than to enter into a civil war.”²⁷⁴ If, however, separation proved to be inevitable, “Serbia must use all its comparable advantages in a democratic manner. Then, even the question of the internal borders would be posed in a different way”²⁷⁵ Since the dream about ethnic states in Europe was long abandoned, he claimed, Serbia would have to return to its national program and try to comprise most of its population inside the national borders. That would open new problems in mixed areas, therefore the agreement about Yugoslavia was the most rational solution. Micunovic repeated his dilemmas later by stating that “the Serbs outside of Serbia, degraded into a status of ethnic minorities, will be faced with a dilemma whether to join Serbia, or to live in a great insecurity, and we in Serbia will be in a great dilemma about our conscience and responsibility towards them.”²⁷⁶ What did this mean in practice? The support or the disapproval of forceful methods if diplomacy failed was not quite clear at the time. Only in 1995 did Micunovic make a clear-cut statement against the war and violence with no reservations, when he said that “the exit from the economic and political catastrophe is in a quick establishment of peace” and “politics cannot be pursued at any cost.”²⁷⁷

Another example of a politician from the opposition who changed his views is Zoran Djindjic (DS). Unlike most of the others, he argued quite clearly and very persuasively against violence very early on, when he said that

the solution is for national passions to cool down. Croats must demonstrate their will to recognize the collective rights of Serbs (not only the individual ones), and the same goes for ethnically mixed Serbia. Playing the ethnic card, used so efficiently to grab power within the republics, is directly counter-productive outside the republican borders, as Milosevic already realized. An agreement is necessary not only for living together, but also in order to split.²⁷⁸

In another article, Djindjic looked at the consequences of national mobilization for opposition parties. He developed the argument that nationalism,

²⁷⁴ *ibid.* 5. December 1990, p.2

²⁷⁵ *ibid.*

²⁷⁶ *ibid.* 21. October 1991, p. 4

²⁷⁷ *Borba* 26 May 1995, p. 10

²⁷⁸ *ibid.* 1-2 May 1990, p.3

though efficient in bringing the elite to power, would not be efficient in keeping this power.²⁷⁹ In Slovenia and Croatia, it was the opposition that used a nationalist ideology to come to power. But this ideology would lead to the destruction of the society itself, for it could not create efficient state institutions and fulfill its promises. In Serbia, this meant that the ruling socialists would face the anger created by the unrealistic promises made during the nationalist campaign, and that the opposition had to look for an alternative language to appeal to people's sentiments. The opposition could have tried to compete with the ruling party in order to win nationalist sentiments, but this was a lost battle.

Instead, argued Djindjic in 1990, the right way was to turn to reason, knowledge and modesty. Djindjic also warned that the joint state as a Serbian national interest, could only be convincingly promoted with the condition that every possibility of national or any other privilege was completely excluded.²⁸⁰ Thus, it was possible only within a democratic federal order. Since they did not believe in or use democratic means, Serbian communists, could not convincingly protect the Serbian national interest. According to Djindjic, that was the reason they insisted on the solution involving territorial redistributions.

Still, after these almost prophetic words, he dramatically changed his views, as it was already pointed out in previous subchapters. It was this same Djindjic who, in October 1993, stated that “we think that Serbian states should be created wherever there is a political and military potential to do so, because that is the consequence of the dissolution of Yugoslavia. Things happened as they did, and now everybody has the right to materialize this power.”²⁸¹ He thought that all the conditions existed for the creation of the Serbian state in Bosnia and promoted a confederation between Serbia and a Serbian state in BiH, because unification would only increase existing problems. The goal was a separate state, however, to avoid provoking negative reactions from the US, the UK and France, it should not be stated clearly. “I believe we should state that we stand for an independent Serbian state that will after five minutes of its independence declare its unification with Yugoslavia with the goal of

²⁷⁹ *ibid.* 26-27. May 1990, p.3

²⁸⁰ *ibid.* 30. June 1990, p.3

²⁸¹ *Borba* 23-24 October 1993, p. XI

gradual unification. Our goal is also that Krajina, if possible, became a state in the process.”²⁸²

In 1994, Djindjic even claimed that “the DS supports the politics of Radovan Karadzic because it leads towards the fulfillment of our national goals, towards the peace in which our nation will be able to freely decide in which state it wishes to live, without being pushed from other nations or foreign powers.”²⁸³ Djindjic admitted that the DS “has no right to create the illusion of objectivity,” because “it favors the Serbian side, a position which is natural and nothing to be ashamed of.”

In 1995, however, Djindjic somewhat modified his stand and stated in a more moderate tone that it was the constitution of SRJ that

obliges Yugoslavia to help members of the Serbian nation living outside Yugoslavia and Serbia, therefore, the US initiative for a recognition and cutting off Serbs across the Drina violates this Constitution and no one can sign any deal that violates the Constitution. Of course, the help provided for the Serbian nation outside Yugoslavia is not a military one, but it consists of food and advice. No additional act, on however high an international level it is signed, can break this constitutional obligation to help our nation outside Serbia and SRJ.²⁸⁴

Finally, in April 1995, Djindjic explained the position of his party throughout the period. “In a situation when the state is falling apart along ethnic lines, a political party cannot stay blind to reality and seek refuge in something abstract, such as the domination of the civil over the national and all other highly desirable and nice sounding principles which are not applicable in everyday conditions.”²⁸⁵ “The DS acts as a fireman putting out fire with the risk of inflaming and damaging pretty furniture. All this could have been predicted earlier”, stated Djindjic and added that he personally published texts that warned about the possibility of Yugoslav dissolution. The communist elite of all republics was guilty of the bloody course of the dissolution, and Kucan and Tudjman share no smaller part of this responsibility than Milosevic or Bulatovic. The DS was in an unfavorable situation to deal with the consequences of the crisis and war without participating in its causes. “Politics dictates that a war cannot end until its main protagonists satisfy, at least, a minimum of their demands. The minimum for Serbs in RS is their sovereignty. (...) This is a

²⁸² *ibid.*

²⁸³ *ibid.* 25. April 1994, p. 5

²⁸⁴ *Nasa Borba* 17 February 1995, p. 3

²⁸⁵ *Nasa Borba* 15-16 April 1995, p. V

conflict that involves a part of our nation and to be neutral in it would be highly hypocritical.”²⁸⁶ Djindjic continued by denying responsibility for territorial claims. “If Serbs in BiH were to say: we wish to live together in a Bosnia of citizens – we would open a bottle of champagne and noone would be happier. One should not forget that noone asks us and it is not us who give advice, no matter if we talk about Pale or Knin.”²⁸⁷ The question remains, though - if they had asked him, what answer would Djindjic have given? Would they have been two different answers in 1990 and in 1993-4?

A notable confusion existed also in the attitude of Vojislav Kostunica (DS, DSS), to mention just two examples: “the destruction of the SFRY left the Serbian state, just like all the others, the obligation to look after its territory and its borders. If these borders are not safe, they have to fight wars for their security,” stated Kostunica, in 1994.²⁸⁸ However, in 1995, he accused Milosevic of “rushing into war with no goals.” “If Slobodan Milosevic had tried to negotiate in 1991, instead of rushing senselessly into a war with no goals, means or allies, things would now be different. We have simply missed to defend something that is our legitimate right in a realistic way, and that is the right to self-determination.”²⁸⁹

Finally, it must be noted that at least two political parties in Serbia did not change their position during the whole observed period. The side that stood for a military option with no exceptions was clearly represented by the Serbian Radical Party - SRS and its leader Vojislav Seselj (see Appendix 1), whose position always was that “the only just solution for borders between Serbs, Muslims and Croats is the one that recognizes the existing frontlines,” provided that those frontlines were chosen at a time favoring Serbian territorial gains, of course.²⁹⁰ Vojislav Seselj stated, in 1995, that “if SRS was in power in RS, they would counter NATO strikes with all available means, destroy the rapid reaction forces and intensively bomb Sarajevo and other protected areas.”²⁹¹

GSS was on the opposite pole, who never accepted war as a means to solve the problem. “By forming our Center for anti – war action during the clashes in Slovenia,

²⁸⁶ *ibid.*

²⁸⁷ *ibid.*

²⁸⁸ *Borba* 13. May 1994, p. 13

²⁸⁹ *Nasa Borba* 28 September 1995, p. 2

²⁹⁰ *Borba* 12. March 1993, p. 3

²⁹¹ *Nasa Borba* 13 September 1995, p. 4

we were the first to publicly call for desertion from civil war,” stated Vesna Pestic (GSS), in 1991.²⁹² “Already then it was clear that a civil war was starting in Yugoslavia, which, in the end, turned into criminal war with the main goal of grabbing war loot. All this must fail one day,” warned Pestic, “and I was hoping that this politics of Serbia will fail much sooner. The nation itself seems drugged by some exits to the sea and territories, instead of protecting every man and individual. We cannot create new maps and new borders, because that was not possible in 19th century either. All these sacrifices will be in vain, for the world today does not allow the right of the stronger.”²⁹³ In 1993, she stated that “since the beginning, we are the victims of leaders who could have agreed on everything without the war but did not wish to. This is why it is wrong to consider us pacifists, for I believe that everybody has the right to defend himself, and I stand very firmly against this war.”²⁹⁴ GSS always represented the position that “in order to have a new politics in Serbia, it is necessary to have a clear awareness that the Serbian national question cannot be solved by war. The politics of war has already brought about great evils and disabled the development of democracy, industrial development and decent living standards for the citizens of Serbia,”²⁹⁵

“This all is so sad that I think there is nobody who can look at this without a spin in the head” commented Pestic on the attack of the safe areas in BiH. Vojin Dimitrijevic (GSS) kept warning since the beginning, from a more legalistic point of view, that “today we see how unreasonable those were who believed that the 70 year-old Yugoslavia can be dissolved by dismantling, separatism, or other legal ‘inventions,’ and, at the same time, forgetting the most important question: how to draw borders without spilling blood.”²⁹⁶

Amongst other events worth noting, there was also one noticeable attempt of a number of opposition parties (except DS) to jointly protest against the war early on in the crisis and a protest of the Belgrade circle and the Reformist party in support of the protest for peace in Sarajevo.²⁹⁷

²⁹² *Borba* 27 September 1991, p. 14

²⁹³ *ibid.*

²⁹⁴ *ibid.* 20-21. November 1993, p. VI

²⁹⁵ *ibid.* 29. Jun 1994, p. 4

²⁹⁶ *ibid.* 8 May 1991, p.3

²⁹⁷ On the eighth of May 1991, after the first fight in Croatia already took place, most of the opposition parties in Serbia (except the DS) made an Appeal to the Serbian and Croatian nation. “Presidents Milosevic and Tudjman brought you to the civil war,” stated the Appeal. “They have destroyed

In conclusion, a single standpoint to describe “the Serbian position” towards the issue of the use of force would be difficult to deduct. The views of the most influential politicians were too diverse and varied greatly over time. This was as true for Milosevic and his party, as for the ones in the opposition. They often directly opposed but sometimes also supported Milosevic’s decisions, with some relatively minor exceptions. Most politicians in the opposition agreed that Milosevic made terrible mistakes during the Bosnian crisis, but when exactly he made them and what should he have done differently was subject to different interpretations among them and, sometimes, even between two different statements of the same political actor.

3.3 The international community

There is no doubt that the most important factor that, in the end, had a decisive influence on the outcome of the crisis was not the ability of any of the Yugoslav parties to use force. Rather than forceful actions of Serbia or other republics, the decisive moments in the crisis that decided the outcome were political and legal decisions by the EC, as well as the, primarily US, diplomatic and military pressure. In other words, it was the attitude of the international community or its significant and powerful representatives that decided how legal and political principles should be implemented. Some of the other participants in the negotiations from former Yugoslavia understood this very well from the start. How accurately and closely the international consequences and possibilities were perceived by the leaders of other

national economies and joined forces with ghosts of the past. The flames of hatred that they spread are terrifying results of the politics of political and national intolerance. They are blaming everything on the ‘others,’ and pushing us towards a collective suicide and mutual destruction. Be wiser than the ones you chose and declare peace,” stated this Appeal of the opposition of Serbia. “Our joint interest is to live in peace and democracy, as free, tolerant and reasonable people, inside a free and united Europe.” (Cf. *Borba*, 8 May 1991, p.3)

“Reformists of Serbia admire brave citizens of Sarajevo in their desire to stand up to force, suffering and the chaos of war. We state that holding citizens hostage, with the help of hard core criminal gangs, with the goal of conquering territory and the ‘unity’ of any nation, must be condemned by all reasonable people in Serbia and the world public. There were too many excuses made for the politics of war and robbery in order for unscrupulous leaders to remain in power. The appetites of power holders cannot be satisfied, and there is no final number of victims that will make them become merciful. They will never stop and they will defend themselves to the last one of us, if we do not stand in their way. We do not allow that criminals protect the interests of any nation, for no nation deserves that fate. Citizens of Bosnia and Herzegovina, your resistance to the paramilitary and murderers is our great hope. If you win, we have won all.” stated the message to the people of Sarajevo by the Reformist party and the Belgrade circle. (Cf. *Borba* 6. April 1992, p. 19)

republics can be shown on the example of one statement by the Slovenian President, Milan Kucan, cited in the Serbian media: “it is a vital interest and a historic responsibility for us in Slovenia not to be considered as the part of Yugoslavia that is in the process of separation, because it has completely different international legal and other consequences than talking about a dissolution into several states, that are legal successors of present day Yugoslavia.”²⁹⁸ Unfortunately, Serbian politicians in power proved to be absolutely incapable to face the challenges they were expected to.

Considering the important role the international factor played in the outcome, one would have expected not only an active semi-public diplomatic effort, but also a lively and productive public debate on the Serbian political scene, in order to find the best way to define and explain the Serbian position in relevant international forums. That is why it is most surprising that the analysis of the Serbian public political scene of the period reveals almost no traces of such a debate, as if no Serbian politicians, of the ruling elite or the opposition, did publicly warn about the importance of international perception early on in the crisis, while the important decisions were still not made and the course of international decisions could have still been influenced by either side.

Official view

In fact, quite the contrary happened, instead of the debate how to explain their position to the international community, the ruling elite in Serbia mentioned the outside world publicly precisely for the opposite reason – as a part of internal political struggle in Serbia itself, and as an excuse for the results of their own failed policy. It is indicative to read Milosevic’s statement that “the decision to dissolve the state cannot be made by any international forum.”²⁹⁹ His position on the relevance of the international community is best described by his speech of 1992, when he said that “the war in former Yugoslavia is a result of mostly foreign effort to promote changes that would satisfy foreign interests.”³⁰⁰ “Since it was hard to acquire the cooperation of all Yugoslav nations, the only way was to confront them with each other and provoke war, so that all who had pretensions to Yugoslav territory or influence in it could have an easy target. The war in Yugoslavia was enforced upon it because its

²⁹⁸ *Borba* 16. January 1991, p.8

²⁹⁹ *Borba* 19-20 October 1991, p. 2

destruction was not possible in peacetime.”³⁰¹ The main reason for the bloody civil war that broke out in Yugoslavia was the premature recognition of the secessionist republics by the member states of the European Community, who created great confusion by constantly changing their attitude towards the Yugoslav crisis. While repeating their attitude about the sanctity of borders in Europe after the Second World War, on the one hand, they recognized the independence of one secessionist republic after the other in Yugoslavia, on the other.³⁰²

Milosevic complained that “the political motive for economic sanctions is to force Serbia to accept humiliating terms and renounce the possibility to show solidarity with the Serbs outside Serbia and help them fulfill their legitimate rights. The other goal is that Serbia allows the political and economic destruction of its own territory. That is out of the question.”³⁰³ He continued with accusations, “Serbs are the victims of the yet another war – a media war led in the interest of great powers. Germany, Vatican and the USA, under the pressure from Islamic countries, have encouraged secessionism of breakaway republics.”³⁰⁴ How much Milosevic underestimated (or even despised) the importance of the foreign factor in the Yugoslav crisis in his public speeches can be best understood by pointing to his statement of 1994 that “Serbia can stay a thousand years under the embargo, it won’t hurt her. Serbia is very strong, with a great agriculture and energy industry potentials, therefore the pressure to betray its national interest cannot succeed.”³⁰⁵ It was not until late 1994, after all the political decisions had already long ago been made, that Milosevic first admitted the role the international community could have played or did play in the crisis.³⁰⁶ Even then, these statements, in fact, served more to internally support his new “peace has no alternative” politics rather than to indicate some radical change in the foreign politics of Serbia.

Milosevic’s attitude was perhaps influenced by the opinion of Dobrica Cosic, who, despite his misunderstandings with Milosevic, shared a very similar negative view of the role of the international community. Cosic’s statements were a very

³⁰⁰ *ibid.* 23. July 1992, p. 6

³⁰¹ *ibid.*

³⁰² *ibid.* 11. May 1992, p. 2 and 14. May 1992, p. 7

³⁰³ *ibid.* 4. January 1993, p. 5

³⁰⁴ *ibid.*

³⁰⁵ *ibid.* 13. May 1994, p. 5

³⁰⁶ *ibid.* 21. October 1994, p. 4

confusing mixture of an extremely xenophobic, but, at the same time, also an apparently anti-nationalistic rhetoric. In January 1993, Cosic stated that “it is clear that a terrible injustice is done to us, that the new balance of power in the world has allowed our enemies from two World wars to turn their defeats into victories.”³⁰⁷ He claimed, like Milosevic, that “Serbs are, due to the fatal mistakes of the USA, Russia and the UN, who supported the destruction of Yugoslavia and the recognition of the state borders of secessionist republics, faced with this inter-national and religious war and finally with the terrible dilemma of either a political and military capitulation or suffering an attack of the most powerful states in the world.”³⁰⁸ However, he also warned that “in order to avoid these dangers, the nationalistic ideology turned into extremism and chauvinism with the only goal in power, which will not save us.”³⁰⁹ He repeated similar claims in 1992.³¹⁰

Views of the opposition

What is, perhaps, even more surprising is that Milosevic’s attitude had no great opposition from the most influential politicians of the contemporary Serbian opposition. They did, indeed, harshly criticize Milosevic for his mistakes just as they criticized the international community. Warnings about the necessity of cooperation with the international community were less often mentioned than the critiques of the way it conducted the crises. Dragoljub Micunovic (DS), for instance, estimated the Hague proposal, in 1991, as the “barbarity of international legal character,” and stated, in January 1992, that Serbs fell into “the trap of the Arbitration Commission.”³¹¹

The criticism of the international decisions was dominant. The decision of the European Community to recognize Bosnia and Herzegovina represents a further step

³⁰⁷ *ibid.* 7. January 1993, p. 2 and 3

³⁰⁸ *ibid.*

³⁰⁹ *ibid.*

³¹⁰ “the balance of power in the world is not favorable to our national and state interest. The dissolution of Yugoslavia was done in a most unfortunate way and turned into an international, civil and religious war in Croatia and BiH. Internal and international factors that supported and encouraged secession and the destruction of Yugoslavia have, with the help of domestic political mistakes and false beliefs, succeeded in presenting Serbia as the guilty party of war and ethnic cleansing. By abandoning the basic principles of international law, above all, the right of peoples to self-determination, and by applying double standards, European Community members and others in the international community, have portrayed Serbs as aggressors and put them in isolation. Serbs are isolated from the world and with no allies and no power to defend their freedom, justice and truth” Cosic, *ibid.* 5-6. September 1992, p. 2

³¹¹ *ibid.* 21 October 1991, p. 4 and 29 January 1992, p. 7

in the implementation of Genscher's idea about the prevention of armed conflict in the region by the dissolution of Yugoslavia into independent states, protested Vojislav Kostunica, in 1992. Europe has acted as "a man who adds fuel to the fire."³¹² Therefore, the European decision could only be judged as double-faced and irresponsible, he claimed. The main responsibility for Bosnia's condition lied in the hands of the European Community, because it was the EC that missed the opportunity to sort out the question of the internal makeup of BiH before its international recognition. Kostunica remained among the most consistent Serbian critics of the international community's actions throughout the crisis. In 1994, Kostunica's DSS still considered that "the international community bears the responsibility for the dissolution of former Yugoslavia and the war, because it recognized the right of Croats and Muslims to a state, while denying the same right of self-determination to Serbs. Based on these premises no lasting peace is possible."³¹³ In 1995, when even Milosevic changed his rhetoric significantly, Kostunica maintained that "NATO actions in BiH represent the obvious example of terrorism of Western military alliance. Preoccupied by their strategic interests and pre-election calculations, ignorance and prejudice, they are participating in something that could be characterized as war crime."³¹⁴

This does not mean that there were no warnings also about the necessity to cooperate with the world. Desimir Tosic, a prominent member of the DS, stated in an interview, in 1993, that "our entire politics in the last years was catastrophic and I can see no bright points in it."³¹⁵ The foreign policy of Yugoslavia did not take into account the new relations of power in the world. We could have accused Croatia and Slovenia only for one thing, that they seceded based on the right to self-determination without a previous arrangement of inter-Yugoslav relations. This objection would have had tremendous effect, if we had not reached for arms and used force. Great Powers also made big mistakes in the process of the Yugoslav dissolution. Up until November 1991, they defended Yugoslavia. Then, suddenly, when the EC recognized that this policy was failing, they reduced all their philosophy on the recognition of republican borders. Even though the main responsibility for the war in Bosnia

³¹² *Borba* 8. April 1992, p. 5

³¹³ *ibid.* 18. August 1994, p. 2

³¹⁴ *Nasa Borba* 14 September 1995, p. 4

³¹⁵ *Borba* 6. May 1993, p. 11

probably lied with the Serbian politicians in power, the EC should be right there next to them, stated Tosic. To recognize a Bosnia that did not exist as an independent state, and, at the same time, not to recognize a Yugoslavia that did exist, represented a supreme diplomatic amateurism. However, they were strong and enforced all the decisions.

The only really significant political actor of the opposition who openly and strongly advocated a closer cooperation with the world community in order to successfully solve the crisis, though not from the very start when it was perhaps most important, but at least from 1991 on, was Vuk Draskovic (SPO). In November 1991, Draskovic urged Milosevic to accept the agreement in Hague. “The interest of Serbia commands you to accept the peaceful solution of the Serbo – Croatian conflict and end the agony of all in Yugoslavia. You must end the fatal politics of pushing Serbs into the war against all. Politics is the art of achieving the possible.”³¹⁶ Draskovic noticed the sharp decline in possibilities that Serbia had. “What we could achieve yesterday, even without Europe, is not possible today. You have already refused asymmetric federation and confederation, and if you also refuse the Hague document now, you will risk that we cannot achieve it later.”³¹⁷ He realized the weakness of Serbian position: “Serbia has no strength, no will and no reason to go to war with Europe and the world. You have no right to force us to a disaster and under the bombs of some new ‘Desert Storm.’”³¹⁸

“I firmly believe that there are no anti-Serb feelings in America and that the US and the international community is against Belgrade only because of this leadership,”³¹⁹ Draskovic explained. The only solution for Serbia was to create a new elite that would bring about its substantial democratic reconstruction. This would enable Serbia to break out of isolation, to reinforce old friendships on the international scene and to become the focal point of integration processes in the former Yugoslavia and the Balkans, in general. Only this kind of Serbia could protect Serbian interests in BiH, Croatia and Macedonia, warned Draskovic, in 1992, and later stood by this conviction all through the crisis.

³¹⁶ *Borba* 2-3 November 1991, p. 7

³¹⁷ *ibid.*

³¹⁸ *ibid.*

³¹⁹ *ibid.* 22. April 1992, p. 4

Disregarded warnings

Some independent political analysts conducted a very good examination of the importance of the international community and Milosevic's mistakes, though it must be said that few of them had the influence to significantly change the wider public perception of the issue.

Some lessons could have been learned by monitoring the foreign policy of other former Yugoslav republics, whose leaders were much more skilful, as some analysts observed. Tudjman and HDZ did, indeed, provoke the war in Croatia by forcing their secessionist demands together with Slovenians, explained political analyst Laslo Sekelj, in 1991.³²⁰ However, they have learned the lessons of history on the example of Germany and Hungary. As soon as they came to power, HDZ and Tudjman immediately stopped their talk about "Croatia in its historical and ethnic borders," and became strong supporters of the sanctity of republican borders. On the contrary, in Serbia, both the parties in power, the president, and the parties of the opposition became supporters of the "all Serbs in one state" policy. This way, at the beginning of the process of ethnic homogenization and preparations for the war, Croats and Croatia positioned themselves as the protectors of the "European principle" of the sanctity of borders, while Serbian nationalists represented the revisionist position.

As Sekelj further argued, factors outside of Yugoslavia found it extremely complicated to understand all the nuances of the 1974 Constitution, the legacy of self-management socialism, the "administrative" borders, and why Serbs could not be a minority in Croatia, if Croats and Muslims could be a minority in Serbia. Serbs could talk about someone's interest to support secessionist republics, they could point to successful secessionist propaganda, they could talk about armed rebellion in Slovenia and then in Croatia – but to make the position of "all Serbs in one state" qualitatively different from the secessionist one, a Yugoslav argumentation and a convincing and sincere effort to preserve Yugoslavia were missing.

Secessionists were cunning enough, claimed the political analyst, to talk about republican borders as state borders. In order to make this story convincing, what was necessary was the destruction of the federal state, which, at least, meant the blockade of federal organs. If these organs became illegitimate, and that is precisely what

happened with federal presidency, this would become an ideal situation for secessionists. To make their position perfect, what was further needed was war, and if possible a war with a strong but incompetent army without a host state and without a legitimate command, in order to present secession as a victim of aggression in the eyes of the world. This was precisely what, first, the Slovene, and then the Croat secessionists achieved. Neither the Serbian government nor the Serbian opposition did anything to make “little Yugoslavia” attractive to Macedonians or Bosnian Muslims. By de facto reducing Yugoslavia to Serbia and Montenegro, the state-like character of Croatian borders was, in fact, confirmed. Since future Yugoslavia was rejected by everyone but Serbia and Montenegro, there was little that the European community could do but back up the option six republics – six states. But this did not mean that areas with a Serb majority in Croatia would be left to the mercy of Croatian ethno-democracy. A special status of the Hague document showed exactly the opposite intentions. It was certain that no one in the world would accept the forceful changing of the republican borders, which did not mean that a peaceful change of borders as a result of the plebiscite under international control would be rejected as well. Apparently, Sekelj’s advice was not taken seriously, and things turned out as he predicted: no forceful change of borders was possible, even after the years of the bloody war and violence.

A number of other warnings were already mentioned, like the one of the writer, Leon Koen, who stated that “Serbian national politics has suffered a double defeat.”³²¹ Blind to the inevitable internationalization of the Yugoslav crisis, Milosevic realized the importance of diplomacy only when all the cards were already dealt. The international isolation he pushed Serbia into would be the most difficult to fight in its future history. In order to break out of this, Serbia would have to make necessary concessions even if these were directly contrary to national interests.

The analysis of the legal expert, Vojin Dimitrijevic was also mentioned, who warned that Serbs brought themselves into a situation in which the world could not distinguish the reasonable majority from the irrational marginals.³²² The recognition of the state was the just acceptance of the existing state of affairs, of course, politically colored. One should fight for or against it by political means, above all, by

³²⁰ *Borba* 16-17 November 1991, p. XI

³²¹ *ibid.* 15-16 February 1992, p. VIII

influencing the public opinion of other states, but in a much more rational and efficient way than Serbs did. None of the mentioned pieces of advice received much attention at the time.

In conclusion, the Serbian politicians in power paid little attention to the international influence on the outcome of the Yugoslav crisis. Milosevic, for the most part, only responded to the choices that were already decided upon and made very little attempt to actively influence the opinion of the international community before the decisions were made. There was no wide and serious public debate on this issue. The ruling elite was usually more preoccupied with the presentation of events to the domestic public, than with engaging in serious negotiations with relevant international factors. Even when Milosevic did try to be cooperative, it was only after he had no other choice and/or could present these negotiations as a victory for domestic political purposes. In fact, in Serbia, throughout the crisis, the international community was publicly used as the scapegoat to be blamed for every failure in the achievement of the promoted national goals, economic or other hardships endured by the citizens, rather than as a serious factor and partner to be reckoned with in an attempt to resolve the crisis.

The most important politicians of the opposition often either supported this negative attitude towards the international environment, or their warnings were uncoordinated and weak. The best analyses of the mistakes made usually emerged after the events and from analysts and actors with little or no influence on state politics. They mostly passed unnoticed by the wider public, at the time.

3.4 Serbian national interest

The widely shared perception in Serbia towards the end of the Bosnian crisis was that the fight to protect and achieve Serbian national interests had suffered a defeat. One of the frequently heard opinions among some of the foreign journalists was that, in the early 1990, Serbia caused the devastation of Yugoslavia, because of its expansive and megalomaniac national politics and aggressive attempt to achieve its national goals. However, it is not easy to clearly define and explain what Serbian

³²² *ibid.* 18-19 January 1992, p. III

national interests precisely were, even by a careful examination of the public speeches of contemporary Serbian politicians. Those interests were surely not easily understood by less careful observers of Serbian politics from abroad. Moreover, they were extremely vaguely defined in the public debate within Serbia itself. Starting from the relatively widespread misconception that the single goal guiding Milosevic to start the “aggressive war for the territorial expansion of Serbia” was the “old program for the creation of ‘Greater Serbia,’” I will look more carefully into the existing public debate at the time and find some characteristic patterns that would indicate what was really considered to be “the Serbian national interest” by the Serbian political elite in the early 1990s.

Official view

First of all, it is, of course, necessary to explain the position of Slobodan Milosevic, as the single politician who had a decisive influence in defining the Serbian position and national goals in the early 1990s. This task is relatively simple – in all his public speeches, especially early on in the crisis, Milosevic talked about a Yugoslav state as the best solution for Serbs as well as all other nations. Unlike in some other aspects, Milosevic was quite consistent in maintaining this approach, which he changed very little during the crisis. However, there was another very important addition made to his proposal – the alternative to the continuing existence of Yugoslavia, according to Milosevic, was, in all likelihood, war, for the compromise on his terms would be very hard to achieve. Already in 1990, for instance, he warned that “Serbia supports Yugoslavia above all as a federation because Serbs live in many of its parts. A peaceful and democratic way of living in one state is living in the Yugoslav federation. We wish to solve the Serbian national question inside Yugoslavia, but we cannot accept violence to be perpetrated against the parts of the Serbian nation outside Serbia.”³²³ In 1991, Milosevic defined his stand more precisely, Serbs wish to live in Yugoslavia because they wish to live in a single state and do not wish to be divided.³²⁴

In May 1991, he added another very important point to the options if Yugoslavia did not survive. If that was the case, the question of internal borders

³²³ *Borba* 2. November 1990, p.2

³²⁴ *ibid.* 16. January 1991, p.5

would arise. “It is an undeniable fact, that the right to self-determination in a multinational state cannot be territorially limited to the existing administrative borders of the republics.”³²⁵ The republican borders in Yugoslavia were never state borders. The right to self-determination could not be reserved only for the majority nation in a nationally mixed republic. In June 1992, Milosevic reaffirmed that his politics “[...] has always been to keep Yugoslavia, as a state that existed. We are accused that we wanted to create Greater Serbia, but that was never our policy. We kept proving and explaining that Serbia has no territorial pretensions.”³²⁶

He repeated this attitude several times until the end of the crisis. He claimed that the war in Bosnia was supported from abroad, by the same actors that supported the breakup of Yugoslavia. Thus, it would have been better for all Yugoslavs if they had stayed within Yugoslavia, as none of these peoples would find a better future outside of Yugoslavia. “Slovenia is a second rate country, a district of Austria, Croatia is a German satellite, BiH does not exist at all, Macedonia had lost its sovereignty even before it acquired it. Only SR Yugoslavia remained to be an independent state, but is punished by the international community because it did not accept disintegration. This was all hidden by the media propaganda.”³²⁷ Milosevic was of the view that Serbia should support Serbs outside of Serbia in protection of their national interests but not at the expense of other nations that also have the same right. He argued that the US had a false image about Serbia since they did not know that Serbia stood for peace and the territorial integrity of Yugoslavia from the beginning of the Yugoslav crisis. Great Serbia was never identified as a Serbian goal, and after the dissolution of former Yugoslavia, in the new constitution of SRJ, it was very clearly stated that SRJ had no territorial pretensions towards any of its neighbors.

He thought it logical that since no one was denied their right to exit Yugoslavia, the nations that wished to remain in their country, Yugoslavia, should be granted the same right. “I do not see why we should all cease to exist if someone decides to leave the country. It is absurd that because we wished to remain in Yugoslavia, we here were accused of nationalism, while those who seceded by force

³²⁵ *ibid.* 31 May 1991, p.5

³²⁶ *ibid.* 5. June 1992, p. 6

³²⁷ *Borba* 23 December 1994, p. 4

from Yugoslavia in order to establish their nationalistic states, got support from the international community and were treated like democrats.”³²⁸

One last important point concerning Milosevic’s attitude during the crisis is to emphasize that, in May 1993, he changed rhetoric completely and became the greatest supporter of international mediation in the Yugoslav crisis in Serbia. He publicly established that “the main goal, equal treatment and freedom for Serbian people is achieved.”³²⁹ A completely different, cooperative and moderate stand he adopted towards the international community in 1993 was, thus, a part of his new “peace has no alternative” politics. “Serbia has made enormous efforts and suffered greatly for its help of Serbs outside its borders. Due to this help Serbs outside of Serbia have by now realized most of their interests. Now, Serbia must turn to itself, to its own economy, to the standard of its citizens (...)”³³⁰ From that point onwards, up until and immediately after Dayton, Milosevic, at least publicly, acted as if the Serbian national goals set at the beginning had been successfully achieved.

Relatively similar to Milosevic’s, though perhaps less clearly explained, was the stand of Dobrica Cosic. Ever since his mentioned statement that “the exit from Yugoslavia must be paid for,” Cosic welcomed the perspective of the unification of the Serbian nation.³³¹ How this unification was to be achieved, and what his attitude towards Yugoslavia was like, is much less clear than in the case of Milosevic. On some occasions, he passionately argued against the Yugoslav state, but on others, he was not so sure.³³² “SRJ has no territorial claims towards any of the republics, but the International conference on Yugoslavia should respect the principle of the self-determination of nations,” stated Dobrica Cosic, in 1992.³³³ When requested to form an opinion whether, by means of self-determination, Serbs in Croatia could join Serbia, Cosic asked that if it was “the self-determination of peoples, why should it be Serbia and not Yugoslavia? The idea of Great Serbia is a rhetorical, romantic and nationalistic syntagma, Great Serbia was never the goal of the Serbian national ideology.”³³⁴ Cosic’s public speeches, as it was mentioned previously, were often

³²⁸ *Nasa Borba* 28 September 1995, p. 10

³²⁹ *Borba* 10. May 1993, p. 2

³³⁰ *ibid.* 12. May 1993, p. 3

³³¹ *ibid.* 6 February 1990, p.6

³³² “Yugoslavia, as it is, has no future besides chaos, suffering and misery.” (Cf. *Borba* 6 February 1990, p.6)

³³³ *ibid.* 12. August 1992, p. 8

³³⁴ *ibid.*

self-contradictory, and he was much more aggressive and nationalistic as an independent political analyst, than during the time he held the Yugoslav presidency, at least, as far as his public rhetoric is concerned.

Views of the Serbian Orthodox church

It is interesting to note the somewhat ambiguous statement of Patriarch Pavle, of 1993. “the Serbian Church could never recognize a Great, or, indeed, a Small Serbia, if it was based on violence.”³³⁵ “As Orthodox people, we rather die than kill,”³³⁶ he emphasized. “Even if crime is the price for the survival of the last Serb, and if I am that last remaining one, I do not accept it!” he added. “War in BiH is a civil war, probably supported from the outside by mistake, but “our guilt is greater than the guilt of others.”³³⁷ While, no doubt, strongly condemning violence, the Patriarch did not make it quite clear if he supported or opposed the goal of “Greater Serbia” as such, provided that it could be achieved by some means other than war.

Views of the opposition

There was a lot of ambiguity in the statements of the politicians who opposed Milosevic regarding the Serbian national interest. Among the leaders of the opposition parties, Vuk Draskovic (SPO) stands out as the one who had the most clearly elaborated and detailed ideas about the desirable outcome, the only problem being that those ideas changed over time. For instance, in 1990, he proposed several detailed plans for the territorial division of Yugoslavia and warned that “Milosevic is in grave error if he thinks that Serbia exists only from Dragas to Horgos.”³³⁸ That was the time when he argued that “where our graves are – there are the borders of Serbia.”³³⁹ However, from the late 1990 on, a change in his attitude occurred after which Draskovic kept repeating that “he believes that Yugoslavia can only be saved by negotiations and reason. (...) Only in Yugoslavia can we achieve our national ideal – the unity of the Serbian nation in one state. I cannot see where and how we would draw Serbian borders, if Yugoslavia fell apart. I think that the same goes for Croats and Muslims. So, all things considered, Yugoslavia is still our destiny, if we think

³³⁵ *ibid.* 7. December 1993, p. 14

³³⁶ *ibid.*

³³⁷ *ibid.* 5. January 1994, p. 3

³³⁸ *ibid.* 2 March 1990, p.3

about the future and do not wish bloodshed.”³⁴⁰ Later still, Draskovic created several detailed plans for the reconstruction of some kind of Yugoslavia and consistently opposed the division of BiH throughout the crisis.³⁴¹

Opposing Draskovic, Zoran Djindjic (DS) at first sharply opposed the proposed territorial divisions and calls for the destruction of Yugoslavia, in a series of masterfully argued articles.³⁴² He even warned, still relatively in time, about the lack of any debate concerning the desirable solution that Serbs should seek in negotiations, and that “it is absolutely necessary to formulate what the Serbian national interest is on the level of state institutions. This way, the state left this formulation to the political parties, which is a terrible solution that political parties are not capable of and should not be responsible for.”³⁴³ He rightfully predicted that “only democracy would invalidate the excuse of those aiming for separate ethnic states claiming that their real goal is democratization, and only a democratic state would have the means and necessary authority to stop the secessionist movements. This way, however, the currently weak separatist movements have the long-term advantage.”³⁴⁴

However, his attitude also changed. From May 1991, Djindjic started to talk about the need to “rearrange republican borders,”³⁴⁵ and that the division of BiH was possible “because there are areas with a clear ethnic majority.”³⁴⁶ In 1992, Djindjic accused Milosevic that he was “switching all the time between the Memorandum of SANU³⁴⁷ and the Program of the KPJ³⁴⁸ - between Serbian nationalism and the legacy of communist rule.” Djindjic believed that the fact that Milosevic flirted with both options brought Serbs in the position of total losers.

³³⁹ *ibid* 2. October 1990, p.3

³⁴⁰ *ibid*. 18. December 1990, p.2

³⁴¹ *ibid*. 13 January 1992, p. 3

³⁴² *ibid*. 1-2 May 1990, p.3, 26-27. May 1990, p.3 and 30. June 1990, p.3

³⁴³ *ibid*.29-30. September 1990, p.2

³⁴⁴ *ibid*. 27-28. October 1990, p.2

³⁴⁵ *ibid*. 4-5 May 1991, p.XVI The Yugoslav crisis cannot be solved by the negotiations of the presidents of the republics, but only through the rearrangement of the republican borders, stated Zoran Djindjic.

³⁴⁶ In an answer to the question how the division of BiH was possible, if there were no ethnically compact areas, Zoran Djindjic stated that there were areas in BiH with a clear ethnic majority. He explained that Eastern Herzegovina was populated by Serbs, Western Herzegovina by Croats, Banja Luka region had a Serb majority and Cazina region a Muslim one, and that the middle Sarajevo area was dominantly Muslim and Serb. Based on this view, Djindjic explained his proposal on the new divisions. Banja Luka region would merge with Knin region, Western Herzegovina would join Croatia, while other regions would be partly independent like the cantons in Switzerland. Some or all regions would be in some kind of a confederate union. Cf. *Borba* 20 December 1991, p. 13

³⁴⁷ The Serbian Academy of Sciences and Arts

Still, in 1993, it was the same Djindjic who promoted “the new tactics” of the DS that promoted the unification of “all Serbian states.”³⁴⁹ In an answer to critics of the “all Serbs in one state” idea, Djindjic said that

it was not a plan, or idea that ought to have been carried out, it was a question of survival and equality. “The factual reality convinces us that there will be more states in this part of the Balkans, than there were republics. It is clear that Serbs in Bosnia have their state, their army and administration, and that there is no chance for them to be reintegrated in some kind of unitary Bosnian state. Serbs in Croatia have much less power to keep this factual and desirable condition long enough time for it to become de jure condition,” warned Djindjic.³⁵⁰

According to him the next steps should have been integrative, what should have followed was the integration of Serbian states. This, according to him, did not mean “Great Serbia,” for Montenegro would also be there. This should have been an association of related states integrated into their environment, for, without economic integration they would not have been able to survive. “It will not be, as nationalists imagine, ‘Great Serbia against the World,’ but rather an association of Serbian states integrated into the world. Only then can International recognition follow,” emphasized Djindjic.³⁵¹ He added that the political goal was that RS Krajina also enters this association, but, at the same time, it was in the interest of Krajina to be cooperative with Croatia on the basis of mutual interest and to prove to Croatia that it could function adequately this way. The problems of Serbs could have been solved if they had the possibility to express their political will. If their political question was later to be solved in some greater union was according to Djindjic an emotional, not a political question. “Nothing prevents RS, RS Krajina and Yugoslavia to communicate as if they are one state. Our goal, is not Greater Serbia, but we support the right of Serbs outside Serbia to decide about their destiny. Their wish not to be a national minority in a nationalist Croatian or a Muslim state is understandable.”³⁵²

From 1994 on, Djindjic added that he was against any kind of reintegration of the former Yugoslav state. He considered the idea about a new Yugoslavia “flawed and without chances for success.”³⁵³ He said that the DS believed in integration but

³⁴⁸ The Communist Party of Yugoslavia

³⁴⁹ *Borba* 23-24 October 1993, p. XI

³⁵⁰ *ibid.*

³⁵¹ *ibid.*

³⁵² *ibid.* 19. November 1993, p. 13

³⁵³ *ibid.* 2-3. April 1994, p. 2

not in a joint Yugoslav state, “whose dissolution was not a mistake, but a realistic historical process.”³⁵⁴ Djindjic estimated that “it is an undeniable fact that the vast majority of Serbs in BiH supports Radovan Karadzic.”³⁵⁵ In 1994, Djindjic argued that the DS supported the politics of Radovan Karadzic “because it leads towards the fulfillment of our national goals, towards the peace in which our nation will be able to freely decide in which state it wishes to live, without being pushed by other nations or foreign powers.”³⁵⁶ Djindjic admitted that DS “has no right to create the illusion of objectivity,” because “it favors the Serbian side, a position which is natural and nothing to be ashamed of.”³⁵⁷

Apparently, Djindjic’s critique of Milosevic’s decisions was most persuasive and could have prevented war and violence only if it was implemented very early on in the crisis. The problem was that already in 1991, after war broke out, Djindjic stood for the solutions that were in collision with his own proposals made the year before. In comparison to his persuasive early warnings, in the years after 1991, the difference of his later stand from Milosevic’s own attitude became blurred and confusing.

Quite close to his opinion, in later stages of the crisis, was also that of Vojislav Kostunica (DS, DSS). He stated, in 1994, that “only in a Serbian state can Serbian people fulfill their national potential, and that is why DSS is against any reintegration of Yugoslavia, or the creation of some new state with neighboring nations.”³⁵⁸ He added that “from the point of the Serbian national interest, nobody should even consider the joining of Republika Srpska to the Muslim-Croat federation, and even the Russian proposal of the asymmetric BiH that would join SRJ is unacceptable.”³⁵⁹ Kostunica warned that the potential reintegration of Yugoslavia

has its price, and that price is the disintegration of the Serbian state, which is a price Serbs as a nation must not pay. The processes of national integration are happening everywhere around Serbs, so they should also join them. Any reintegration of Yugoslavia means war for future generations. It is in the interest of everybody to live in their own, hopefully, democratic states. The promotion of “Bosnian unity” means the destruction of quite normal Serbian national feelings.³⁶⁰

³⁵⁴ *ibid.*

³⁵⁵ *ibid.*

³⁵⁶ *ibid.* 25. April 1994, p. 5

³⁵⁷ *ibid.*

³⁵⁸ *ibid.* 28. March 1994, p. 11

³⁵⁹ *ibid.*

³⁶⁰ *ibid.* 31. March 1994, p. 3

Later, he added that “Serbia is not aiming to create ‘Great Serbia,’ what is in question is a justified demand for the self-determination of nations in RSK and RS.”³⁶¹

In 1995, Kostunica, who was usually quite consistent in his politics, explained that Serbs could either come to terms with the idea that they would live in four states two of which were hostile to them, or solve their national question in a single state which will encompass all Serbian states and ethnic territories. “There will be no peace in the Balkans as long as Serbia is not spread on both sides of Drina,” warned Kostunica, and added that nobody had the right to force Serbian nation to live in hostile states. There could be no delay for solving the Serbian national question, and it could not be solved in parts but only as a whole.³⁶² Later Kostunica warned about the inconsistency in the treatment of Serbian interests, especially in BiH, since “Holbrook is talking about the annexation of RS by SRJ with a very clear negative connotation. Therefore, a Muslim-Croat federation and its ties created in Washington represent a confederation, whereas ties created between RS and SRJ would, in the eyes of the US, represent “annexation” and the creation of “Great Serbia.”³⁶³

It appears that Kostunica disagreed with Milosevic less about the goals than the means by which the Serbian national interest was to be achieved. His critique of Milosevic mostly dealt with the latter’s inability to successfully implement the kind of foreign policy that would make the unification of Serbian territories possible, which Kostunica attributed to the undemocratic nature of Milosevic’s regime, not so much to the problems with the proposed goals as such. Kostunica showed little change in this attitude, unlike some other political leaders in the opposition.

Relatively similar complaints could be heard from another leader of DS, Dragoljub Micunovic, only a little earlier in the crisis. The slogan “All Serbs in one state is understandable in Serbia but not abroad,” stated Dragoljub Micunovic in 1992. “This slogan should never have been taken literally, and it has no value abroad. We should not have said that ‘we wish to live together,’ rather, that we do not wish to be divided. This way, we would present ourselves as the defenders of an existing reality we had, for, most living Serbs were born inside the same state.”³⁶⁴ Micunovic explained that Serbs were objecting to the fact that they were being divided, and did

³⁶¹ *ibid.* 14 November 1994, p. 4. The RSK and RS - Republic of Serbian Krajina and Republic of Srpska – are separate territorial entities formed by Croatian and Bosnian Serbs.

³⁶² *Nasa Borba* 2-3 March 1995, p. 4

³⁶³ *ibid.* 14 September 1995, p. 4

not aim to expand Serbia territorially including Serbs from other states. This, according to him, was very important and, perhaps, the decisive moment. In the media, after Yugoslavia was broken into republics, Serbs were presented as if they were promoting the expansionist policy of Greater Serbia. “Instead of being perceived as victims, because it was precisely the Serbian nation that was broken apart and divided, we have allowed the opposite image to become dominant,” he stated.³⁶⁵

It would seem that in 1994, there gradually developed something like a widespread understanding among the political actors about the Serbian national goals. In April 1994, one of the rare occasions occurred that all major political forces agreed on a single issue.³⁶⁶ Zoran Djindjic (DS), Vuk Draskovic (SPO), Vojislav Kostunica (DS, from 1992 DSS) and Borisav Jovic (SPS) all expressed their view that economic, cultural and traffic ties of Serbia with other former Yugoslav republics were necessary, but all of them agreed that the reintegration of former Yugoslavia was no longer possible. Though no doubt they would disagree sharply in other details, or in another point in time, their differences in 1994 did not seem to be so great as could perhaps have been expected.

Probably, the most consistently opposed to the promotion of the “all Serbs in one state” policy, throughout the crisis, were politicians from less popular opposition parties, such as Vesna Pesic, the leader of GSS and Nenad Canak, the leader of LSDV/J (the party that stood for the increased autonomy of Vojvodina). “The Serbian national question is the key to keep the Yugoslav area together”, explained Vesna Pesic in 1993. “This does not necessarily mean that the entity has to be a Yugoslav state. The acceptance of Croatian separatist program was against Serbian interests.”³⁶⁷

The ease by which Milosevic’s politics engaged in the destruction of Yugoslavia, instead of its protection, she continued, was the key to a great mistake that led to a different way of solving the Serbian national question. This other way was filled with insecurity and dangers, for it involved calculations with the territory of other republics. By calling for the ethnic principle, the territory of Serbia itself was put into question. Only the quarter of Serbs in Croatia lived in Knin, and in BiH there was no uninational territory at all, it was created by war, murder and ethnic cleansing.

³⁶⁴ *Borba* 20. July 1992, p. 14

³⁶⁵ *ibid.*

³⁶⁶ *ibid.* 4. April 1994, p. 2

³⁶⁷ *ibid.* 17-18. July 1993, p. IV

That was why this path was incredibly irresponsible and put the Serbian nation into a very difficult position. “Since nobody liked it, we got sanctions and are in helpless position now,” concluded Pesic. “I think that Bosnia should be a federation with close ties to both Serbia and Croatia.”³⁶⁸

As for Serbs in Croatia, she asserted, the solution had to be found so that in agreement with Croatia and under international control they gained a great autonomy. The extreme demands of national groups had to be abandoned, so that borders could be opened, communication, economic and cultural ties could be established. “That is the only positive vision I see, otherwise we will have a perpetual war.”³⁶⁹

In 1993, she added that “it was always more important [for her] what political parties and their representatives say and how they act, and not what their program is.”³⁷⁰ She pointed to the program of DS that still stated that DS stands for a federative Yugoslavia.

I am closer to the national position of Vuk Draskovic, who was the first to publicly announce his anti-war position, and has refused to condone war crimes in the name of a Serb national interest. GSS understands the fact that the dissolution of Yugoslavia gave rise to the Serbian national question, but we believe that the solution of this question must be subjected to civilized norms and rational analysis, taking into consideration the costs for our own people, Serbia and the Serbian nation, but also the lives of other nations. The first interest for Serbs is that Serbia is democratized and on the way to economic prosperity. The government of Ante Markovic [the last Prime Minister of former Yugoslavia, see Introduction] was the last attempt to democratically transform the system in former Yugoslavia and it was defeated by three separatists (Kucan, Tudjman and Milosevic) aiming to create their ethnically clean national states through war. The destruction of the alternative that Markovic represented was the prelude for the war that came. Since the beginning, we are the victims of leaders who could have agreed on everything without war but they did not wish to do so. This is why it is wrong to consider us as pacifists, for I believe that everybody has the right to defend himself, and I stand very firmly against this war.³⁷¹

In September 1994, Vesna Pesic (GSS) explained the difference between her stand for peace and Milosevic’s new, also apparently pro-peace, attitude.

³⁶⁸ *ibid.* 17-18. July 1993, p. IV

³⁶⁹ *ibid.*

³⁷⁰ *ibid.* 20-21. November 1993, p. VI

³⁷¹ *ibid.*

The main goal for Milosevic is not hidden and everybody knows it: all, or the greatest possible part, of Serbs in one state. No one can know for sure the exact details of the war plan, which parts of Bosnia and Herzegovina and Croatia were meant to be included in this unitary Serbian state. However, it can be concluded that this size of the territory to be included is a matter of dispute between Milosevic and Karadzic. It appears that Milosevic considers half of Bosnia as enough, while Karadzic thinks that the percentage should be greater. One of the motives for Milosevic to accept the plan thus might be his opinion that the war is won. If so, it is natural that he no longer wants to wage war. In this case, he is a peacemaker who has won, as he is trying to portray himself. However, if Milosevic for any reason gave up on his original goal to unite all Serbs in one state, he is a peacemaker who has lost. Even so, it is quite normal that he as a politician wishes to portray himself as a winner. Finally, it is possible that no clear goals were set in the first place, but that they were accommodated to the situation, in which case it is very easy to proclaim the eventual outcome as a success. In essence, Milosevic's politics, even if he is now satisfied with half of Bosnia, represents the continuation of the old politics of reestablishing the medieval Serbian kingdom, and, as such, is fundamentally and conceptually different from the anti-war stand at the core of national politics that GSS represents. The politics of the obsession with broadening Serbian borders has throughout Serbian history had the consequence of the militarization of society, of provoking irrational national obsessions, fear and insecurity. Modernization and the improvement of the quality of life was during each conflict put to the backburner under the hypnosis of territorial fight. Opposing such mentality does not mean an abstract pacifism or cosmopolitanism, but rather the belief that the quality of life in Serbia must have a primary role over its territorial expansion, and, even more importantly, that the care and respect for the individual is the right way to care for the nation as a whole, too. Balkan nations are so mixed that no war can achieve ethnic homogeneity within "ethnic borders," because such borders simply do not exist. They can only be achieved through endless wars and redrawing, which will provoke new wars and close the circle of revenge and retribution. The example is the Croatian state that existed during the Second World War and did not manage to create "ethnically clean" borders through the genocide of Serbs, but did manage to create memory and a psychology of revenge for new wars.³⁷²

Pesic was very consistent and stood by her views throughout the crisis, she and her party were the most stable representative of the political option that opposed the war and tried to find alternative solutions to avoid bloodshed. Among the majority

³⁷² *ibid.*

of other politicians in Serbia, this politics was usually not considered as sufficiently “patriotic”. Unfortunately, in an atmosphere of extremely high nationalist propaganda, ongoing war, and Milosevic’s media manipulation, Pesic and her party never managed to attract a significant numbers of voters.

Even more eloquently than Pesic, Nenad Canak (the leader of LSDV/J – the local Vojvodinian party) made his protest already in 1991, in an article entitled “The crazy dream of the nation.” Canak warned that “the concept of Memorandum already started to take human lives. There is an obvious readiness to sacrifice hundreds of thousands of human lives in the coming period to fulfill the lunatic dream about a Great Serbia.”³⁷³ Canak was known for his harsh and blunt statements.

It is clear that the national-socialist regime in Serbia and its ‘face in the mirror’ in Croatia find war very desirable, because the questions of democracy and economy can remain unanswered in war conditions. Those are the questions these regimes have no answer to. A further escalation of the conflict, if it is not prevented by democratic means instead of the military and the police, will lead to a catastrophe, lawlessness and mass slaughter, and the main victims will be people from nationally mixed areas.³⁷⁴

It would seem that the differences among the leading political actors were not always so clear about the question of what the goal of Serbian national politics should be. Though the tactical moves and permissible tools were the object of very sharp disagreements, it is difficult, even for the careful observer, to clearly distinguish the position of the ruling elite and its opposition, of the period taken as a whole, without going into many details. A greater clarity in such a case can often be achieved not only by looking at the statements of politicians, but by reading carefully the scrutinies of political analysts of the time who produced some in-depth studies which could help explain the situation.

Disregarded warnings

There were surprisingly many good contemporary independent analyses available of the mistakes Milosevic made. The problem, of course, was that noone listened to them. Some of them were already mentioned, like the analysis of mistakes made in the international scene by political analyst, Laslo Sekelj.

³⁷³ *Borba* 4-5 May 1991, p.5

³⁷⁴ *ibid.*

Slobodan Inic, sociologist and political analyst, also conducted some excellent analyses of the mistakes of the Serbian opposition. In 1992, Inic said that the greatest mistake of the Serbian opposition was that they could not show to Serbian people how they differed from Milosevic as far as the national program and national politics were concerned. “Essentially, power and opposition in Serbia are much closer than it looks.”³⁷⁵ He claimed, that they were, in fact, mutually complementary when it came to nationalism, though they excluded each other personally. Just as the parties in power criticized the opposition, so was the opposition trying to compete with parties in power on the basis of national politics. The difference was just in the flavor, Milosevic’s socialists were the carriers of “red” (communist) nationalism, while the opposition favored the “black” traditional Serbian one. Having this in mind, the choices of the voters were more a matter of taste, than that of differences in the programs. If Milosevic practically reduced Serbian the national question to war, the moral responsibility of the opposition was in supporting him with their “black” traditional nationalism, especially in the early stages. Instead of criticizing him for not achieving the goal of “all Serbs in one state,” they should rather have criticized him for the tragic attempt to realize a goal that could not be realized without a war.

The Serbian nation did not know how to keep the peace and the Yugoslav union that was the most natural frame for a Serbian national existence. Serbs were led, and foolishly followed the path of war into evil, tragedy and civil war, explained Inic in 1994.

What is to be done, is the mutual recognition of the new states in the internationally recognized borders. It seems that the first move should be done by Serbia and Montenegro. The second move is to be done by the international community, and that is to withdraw the sanctions and enable the creation of economic ties between former Yugoslav republics. It is self-evident, that the leaders who started all this evil which drew us into war with our neighbors, friends and relatives cannot, even if they wanted to, guide us into the right direction.³⁷⁶

He argued that with a monetary and customs union, broadening the proposed US plan to the whole of Bosnia in confederation with Croatia and, in a way, with Serbia as well, Yugoslav people could regain the peace so much desired. That would

³⁷⁵ *ibid.* 22-23 February 1992, p. V

³⁷⁶ *ibid.* 19-20. March 1994, p. V

not be “old Yugoslavia” all over, as some critics would say, but a “Yugoslav condition, indeed.”

Other analysts concentrated more on the mistakes made by Milosevic himself and the reasons why he acted as he did. Former communist Yugoslav politician, Milovan Djilas stated, in 1994, that regarding “Greater Serbia” both parties in power and in opposition shared the same ideas.³⁷⁷ Milosevic never openly formed a program of uniting all Serbs and creating Great Serbia, rather he was talking about “helping Serbs” and their “right to self-determination.” Milosevic became a hostage to Serbs in Croatia and Bosnia and Herzegovina, for if he detached from them, he would lose support in Serbia that has become increasingly nationalistic since the war started.

Milosevic was also accused of being a “cynical” nationalist. With real nationalists in Serbia, the West would have had a hard time negotiating. With Milosevic, however, it was easy, because he was a cynical nationalist, explained Kosta Cavoski.³⁷⁸ Being a cynical nationalist means not to have nationalism as a true and basic conviction, but to use it solely as a means to achieve some other goal. In the case of Milosevic, this goal was to gain and keep power, and as long as the Serbian national interest served that purpose, he was a Serbian nationalist. This was, however, only a cold calculation, for as soon as he felt that Serbs were in the state of existential insecurity because of the tragic incidents in Kosovo and the fragility of the former Yugoslavia, Milosevic played the nationalistic card. He even promised to Serbs that they would live in one state. After Serbs in Croatia, encouraged by his words, rejected to obey the new nationalist power in Croatia, Milosevic warned the European countries and Tudjman that their insistence to keep Croatian Serbs under the sovereignty of the Croatian authorities was unrealistic. He enhanced the same separatist hopes in Bosnian Serbs, who at his advice rejected the control of Izetbegovic’s government and created their own state, right after the declaration of Bosnian independence.

Later, however, as Cavoski described, circumstances changed and playing the Serbian national card could only harm Milosevic’s rule. Milosevic immediately noticed that and started presenting himself, especially abroad, as the peace-maker who was ready to renounce even his basic goal- the unification of Serbs, as a noble

³⁷⁷ *ibid.* 14. February 1994, p. 12

³⁷⁸ Kosta Cavoski, legal expert and founding member of the Democratic Party *ibid.* 26. July 1994, p. 16

sacrifice to achieve peace in the Balkans. If Milosevic had been a true and sincere Serbian nationalist, he would have admitted that, due to the changed and extremely unfavorable circumstances, Serbian national goals could not be reached and Serbs must let their brothers in Croatia and Bosnia down. However, since he was really a cynic, he was trying to present the defeat of his national politics as a victory, and his sacrifice of the Serbs over the Drina as their own choice. His political program was, in reality, very simple: he wanted to rule, and this program was completely detached from any national ideology.

Besides cynicism, Milosevic was also accused of false judgment. The things the Serbian regime was counting on, in hope that the international community would not react, proved to be a false judgment, stated Sonja Biserko, NGO activist, in 1994. Milosevic was no longer in a position to negotiate- he had to obey orders. “The peace plan represents the end of the idea of Greater Serbia, not because Milosevic changed his politics, but because the international community forced this change. (...) The ethnic principle Serbs propagated in Croatia and Bosnia has been brought to absurdity. Nobody denies that they had problems there, but there surely were other means of resolving them.”³⁷⁹

In the end, all these mistakes made a constructive solution for the Yugoslav crisis impossible, as some analysts argued. The possibility for a Yugoslav state was gone. The Yugoslav dissolution was a retrograde historical event, according to the historian, Latinka Perovic.³⁸⁰ She added that political intolerance, demonstrated by the irresponsible role Serbia played in the talks about federation and confederation as solutions for Yugoslavia, brought about the negative historical outcome of Yugoslavia’s destruction. The new national states were the reality.

War was the result of the lack of maturity of political and other elite among Yugoslav peoples, and their inability to realize the historical moment and the demand of history to reform Yugoslavia. War could have been avoided. An important reason for war was the abandoning of important principles by politicians of former Yugoslavia, as well as of the international community, she argued. For Serbian politics, the problem was the mixing of historical and ethnic principles according to Serbian convenience. No stable solutions were possible on that basis.

³⁷⁹ *Borba* 3-4. September 1994, p. X.

³⁸⁰ *ibid.* 14 November 1994, p. 14

The international community also abandoned some of its principles and accepted that military conquests could be retained and ethnic cleansing could be approved, claimed Perovic. A nation state does not mean an ethnically clean state, and, therefore, the problems with democracy and with the minorities haunt the new states on the territory of former Yugoslavia.

In conclusion, the answer to the question what the Serbian national goals were, in the early 1990s, is complex. It would be a mistake to state that this interest was simply “to create Great Serbia,” for, indeed, not a single political actor supported such a goal. Neither Milosevic, nor anybody else was drawing his plans exclusively according to some imagined historical borders that would include all Serbs in a clearly predefined new “Great Serbian” state, with no regard for the existing reality. Nevertheless, what not only Milosevic but most other politicians did stand for, would probably, in effect, come close to the same result, still, their policy was based on a completely different line of thinking.

Instead of promoting an elaborate and historically grounded pre-established plan, the reactions of the Serbian ruling elite were much more adaptive and re-active to events already happening, rather than pro-active. As many analysts noted, Serbian national politics, to the point it was established at all, was based on the insistence on the radical combination of two mutually contradicting principles – ethnic self-determination and territorial integrity, taken exclusively in their most extreme forms. Self-determination was understood solely as the right to total separation, and territorial integrity was understood only as the right of the state to exercise full authority with very little or no essential concessions to the demands of the existing minorities. Combined and realized outside of the frame of the Yugoslav state, the full implementation of those two principles would, indeed, produce a result that could be regarded as the realization of some Greater Serbian project. That entity would include all ethnic territories populated by Serbs in the future Serbian state, within or outside of Serbia, as well as significant parts of ethnic minorities that would be kept inside Serbian borders. Indeed, a number of analysts and politicians warned that it would be extremely dangerous and unrealistic to aim for such a maximalistic goal.

Nevertheless, the unfortunate decision of the ruling Serbian elite to form its position on each of the crises separately, by choosing conflicting principles to call upon each time in a different, convenient and voluntary manner, produced, in effect, a

politics that clearly seemed biased, inconsistent and unjust to every outside observer. Combined with the underestimation, or, one could even say, contempt that the parties in power often expressed about the importance of the international community's opinion, it is little wonder that this arrogant stand of Serbian ruling elite since the early 1990s suffered a total fiasco in the political fight against their neighbors and the world. Though many voices were heard, sometimes very convincingly warning against such a dangerous gamble with national interests and legal and political principles, they were too weak and uncoordinated, as well as often too susceptible to radical changes, to make much of an impact until it was too late.

4. Conclusion

When the dispute about the resolution of political problems ends up in provoking a large scale war and destruction, there is no doubt that the sides involved committed some mistakes in the political battle that could prevent such an outcome.

The same conclusion is valid for the international community that acted as an arbiter and mediator and tried to resolve the crisis peacefully. The mistakes of international mediators were discussed in Chapter 2, and pointed out by many analysts, such as Hurst Hannum, Susan Woodward, Peter Radan and others. As I have argued, the EC and its Arbitration Commission failed in their attempt to find the appropriate legal solution that would resolve the crisis in an impartial and peaceful manner. They reacted to each of the subsequent crises in former Yugoslavia separately, though the situation was rather different from one republic to the other. The attempt to create the impression of consistency and calling upon universal principles of international law did not secure a peaceful and universally acceptable solution. On the contrary, international decisions seem to have hastened the dissolution and the accompanying violence. The solution proposed had, at best, a very shaky legal validity and it failed to prevent the war. The implementation of adopted decisions was problematic and inconsistent. All of these mistakes have been carefully analyzed and discussed among international scholars.

There were, however, no comprehensive attempts to analyze the mistakes the parties involved in the conflict made in the promotion of legal and political principles they fought for. The already huge and still growing literature dealing with the dissolution of former Yugoslavia is mostly concerned with the events at hand or their historical roots. The interpretation of legal and political arguments former Yugoslav actors made, such as their fight for the right to self-determination, is mostly mentioned only on the margins, and is rarely carefully described, let alone fully analyzed. In some less scholarly works, it is often even taken for granted, which is shown by remarks like “they were only fighting for Greater Serbia, Croatia” etc, or they were only fighting to protect “their right to exist in a hostile environment that put them in danger.”

In Chapter 3, I described in detail the position of the leading contemporary Serbian politicians towards legal and political problems that emerged during the crisis in Yugoslavia and Bosnia and Herzegovina. In this conclusion, I will sum up their crucial mistakes that yielded such a negative outcome, both for the peace in the region and the goals they were trying to promote. These mistakes can be summed up in the following four characteristics:

1. Double standards
2. Shifting positions
3. Confusion and vagueness
4. Disregarded warnings

4.1 Double standards

As it was explained in Chapter 3, there was a wide consensus in Serbian political circles, starting from 1993-4, excluding Milosevic himself and the ruling Socialist party, that the fight for “Serbian national interests” and political principles proclaimed as the goal before the war had suffered a defeat. They blamed Milosevic for this failure and demanded that he stepped down. The crucial problem, however, lied not simply in the unsuccessful implementation, but in the way those principles were proclaimed, in the first place. In all former Yugoslav republics, Serbia and Croatia being the best examples, the appropriate legal principles were conveniently chosen to fit the desired political outcome, and had little to do with consistently applying legal and political principles themselves. That is why there were different, and often directly conflicting principles promoted in different situations.

For Serbian actors this, above all, meant that where the majority population was Serbian outside of Serbia, the principle of ethnic self-determination was promoted, and territorial integrity and existing internal borders were of no significance. This was the case in Croatia and BiH. And the other way around, where the ethnic population was non-Serb within Serbia, territorial integrity was considered sacrosanct and ethnic self-determination was denied. A convenient excuse for this was found in the old Yugoslav distinction between “narod” (nation) and “narodnosti”

(Yugoslav minorities), but there was no answer how this distinction would be relevant for Kosovo Albanians, for instance, once Yugoslavia ceased to exist as a state.

Some of the best analyses that early on in the crisis clearly predicted this outcome, as I have argued, belong to Zoran Djindjic. As Djindjic correctly noted in 1990, in case Yugoslavia was destroyed “the theory about Albanians as a national minority with no right to its own state would no longer be valid, since it presupposes the existence of Yugoslavia and the advantage of the Yugoslav constituent nations in comparison to the national minorities in Yugoslavia. This is why all this talk about the ‘new deals’ is in reality a self-created minefield.”³⁸¹ Indeed, as he noticed, “since Serbia is proclaimed inside the existing borders in the case of confederalisation, it is hard to understand what all the noise and threats are about. If the new constitution represents the real position of Serbian politicians, Yugoslavia can dissolve peacefully on the day that constitution is proclaimed.”³⁸² As Djindjic emphasized, no foreign factor prevented the creation of the independent Serbian state, provided that it accepted its current republican borders. That was exactly what the new constitution did.

Serbia was indeed proclaimed within its borders, and it would only be logical, as Djindjic noted on that occasion, if it accepted the same logic for all other Yugoslav republics. The trouble was that

you cannot ask for yourself what you are not prepared to give to others. Croats want self-determination, but they are not prepared to give the same right to Serbs. Serbs want self-determination for themselves in Croatia and BiH, but they are not prepared to give some form of it to Albanians. There is no universalism, and there ought to be one. You can ask for yourself only what you are prepared to give to others.³⁸³

Indeed, the simple reason why every impartial observer must have found the position of Serbian (and not only Serbian!) politicians absurd in the 1990s is that they were almost simultaneously using (or fighting against) the same arguments, self-determination and territorial integrity, as justifications for their attitude in several subsequent crises one after another. And each time they would conveniently use the rhetoric that suited their immediate goals, even if it meant employing the very same arguments they were fighting against or that were used against them in the preceding

³⁸¹ *Borba* 15-16. September 1990, p.2

³⁸² *ibid.* 29-30. September 1990, p.2

³⁸³ Vojislav Stanovcic, a professor at the Faculty of Political Science, at Belgrade University and a member of the Serbian Academy of Sciences and Arts *ibid.* 26-27. February 1994, p. IX

case! Since such an arbitrary politics of a convenient use of principles could hardly have persuaded anybody on face value, even if a much more resolute diplomatic effort was made to promote it, it was not surprising to see the Serbian elite constantly complain that the foreign world “does not understand their arguments and is against Serbian interests.”

Double standards were not only used for arbitrarily switching between different principles according to current convenience, they were also used for the opportunistic interpretation of the same principle. In the case of former Yugoslavia, the double standards of Milosevic, Tudjman and others in the promotion of the right to self-determination can be summed up and criticized on three accounts.³⁸⁴ First, the right of any nation to self-determination is not problematic in itself; what is unacceptable is the illegitimate use of the right of the stronger and the use of force in order to achieve self-determination. Second, the rhetorical acknowledgment of equal right of others is not enough, what is, indeed, necessary is a concrete realization of those rights. Third, a nation-state is not the only path to satisfy the right to self-determination, as is the implicit and sometimes even explicit claim of the protagonists promoting the ‘all of these or those in one state’ politics. There are also autonomy, federation, confederation, special status, international guaranties and other means.³⁸⁵

In short, the arbitrary interpretation of the right to self-determination as the right to separation and state unification for Serbs in Croatia and BiH, and, at best, the right for a limited autonomy for Albanians and Hungarians but also for Muslims in Serbia, together with opportunistic choices between self-determination and territorial integrity principles in each of the subsequent crises, doomed the Serbian effort to promote its views about the desirable use of principles to solve the crisis to failure. This conclusion would probably be valid even if the international environment had been much more favorable for Serbian politics at the time.

4.2 Shifting positions

As it is obvious from numerous examples cited in the previous Chapter, one of the common features of most of the influential political actors in Serbia, in 1990, was

³⁸⁴ Milan Popovic, professor of Law at University of Podgorica in *Borba* 2-3. April 1994, p. XVIII and XIX

that they frequently, almost completely, switched their positions and arguments on many crucial questions in the crisis. This unbelievable readiness to adapt to a completely new set of beliefs, often in a direct opposition to the attitude defended before, in a matter of few years or even months considerably blurred the distinction between the main parties and their opponents and supported the claim of the public media controlled by Milosevic that there was no serious alternative to his politics.

The best illustration of these shifts could be found in the analysis by Miklos Biro, professor of psychology and political analyst, who in November 1993, published an excellent summary of the condition of the Serbian political scene. “In our recent political practice pragmatism is ever more considered not as a rhetorical skill to *present* ideas, but as the readiness for a quick *change* of ideas.”³⁸⁶ Instead of the subordination of the means to the goal, Serbian politicians started to subordinate goals to the means. Instead of making their ideas clearer, they kept changing their ideas.

Instead of learning from Seselj and Milosevic how to communicate with uneducated and confused voters, the leaders of the Serbian opposition adopted their story. They did not understand that in order to succeed, a politician has to have a mission, a political goal that will make the voters loyal to the idea, and, indirectly, to the politician representing it. The political success of Milosevic and Seselj was not due exclusively to the demagogic misuse of the national idea and the stealing of pooling votes, but also to political skill and a clear mission. The clear mission of Milosevic in the first elections was “the formation of the Serbian state,” and “keeping the dignity of the Serbian nation” in the second. For Seselj it was, in addition to a crystal clear communication with voters and despite occasional pathological outbursts of aggression, the demarcation line “Karlobag-Virovitica,” and later “equal wages and pensions.” All of this was tempting to the hungry voters, explained Biro.

The opposition also had a mission at the beginning, he noted; it was “anticommunism.” When that failed, they tried to promote “democracy,” but after it turned out to mean nothing to an uneducated voter, the opposition seemed to have lost the compass. “By suddenly accepting the mission ‘all Serbs in one state,’ some oppositional parties were trying to enter already occupied terrain.”³⁸⁷ Even more importantly, by doing so they did not present themselves as an alternative to the

³⁸⁵ *ibid.*

³⁸⁶ *Borba* 13-14. November 1993, p. IX

regime, and were, in fact, reinforcing the claim of the socialists that all they fought for was power. Federal Prime Minister, Milan Panic got more votes than the whole opposition together at the 1992 elections, because he represented an alternative, and had an alternative mission: “an end to war and sanctions.” An alternative mission, defended without the feeling of guilt of being a traitor and with courage is not only a question of marketing and electoral psychology. It is the essence of democracy, as the fight of different ideas. Only parties with a clear idea, formulated through a clear and charismatic mission, have the chance to survive the test of elections.

Unfortunately, and not surprisingly, even many years after Dayton, the mistakes Biro warned about in 1993 were constantly repeated by the majority of the most popular opposition leaders of the period. Between Zoran Djindjic’s brilliant and rational political analysis that persuasively argued against the dissolution and the coming war in 1990 to his drawing of new borders in BiH and close cooperation with Radovan Karadzic in 1994, and Vuk Draskovic’s passionate and inflammatory war cries in 1990 to his even more passionate and colorful condemnation of war crimes committed by Serbian hands in 1994 and 1995, the Serbian opposition never managed to make a consistent and persuasive united stand against Milosevic’s politics during the observed period. It is no big wonder, therefore, that Milosevic managed not only to survive quite significant policy changes he himself brought about, but also to find, at least some, support for his politics, most of the time, in one or the other of the opposing parties.³⁸⁸

4.3 Confusion and vagueness

As a consequence of the double standards political actors in Serbia used, as well as their readiness to a pragmatic quick change of sides and ideas, there was a visible confusion about the priorities and desirable outcomes of the Serbian national interest in 1990s. Taken as a whole, Serbian politicians could not even agree on the most basic principles and goals that Serbia should stand for, as a matter of fact, the position on the Serbian national question was the greatest division line among the

³⁸⁷ *ibid.*

parties in power and in opposition. What is, perhaps, most ironic is that this division remained very firm, though the positions that different parties had were in no way stable.

Therefore, the situation, roughly speaking, was that at the beginning of the crisis the DS was the party that stood for the preservation of Yugoslavia and peace, Draskovic and the SPO argued for a separate Serbian state and war if necessary, and Milosevic's SPS was somewhere in between; in the middle of the Bosnian crisis Milosevic and the SPS stood for war, while the SPO and the DS moved to the center; and finally towards 1995 the DS and the DSS stood for a prolonged war and the SPO and the SPS for peace! This apparent anarchy of positions, together with the extreme art of manipulation by Milosevic's media, produced the result of a total disorientation of an average Serbian voter, who was not used to thinking and making political decisions at all after 50 years of communism.

Already praised as a careful and very sharp observer, Zoran Djindjic, as early as 1990, seriously attacked the confusion about the Serbian national interest promoted by the ruling party in the mentioned article entitled "the Irony of the unclear idea." "The new constitution of Serbia," wrote Djindjic, "is the best illustration of the political disorientation of the official Serbian politics"³⁸⁹ The only clear goal of the contemporary Serbian politics was to prevent the formulation of a clear attitude towards Yugoslavia and the position of Serbs inside it. The official promotion of a "democratic federation" together with a simultaneous regeneration of authoritarian order inside the Republic could not lead towards the solution of the problem. "It is absolutely necessary to formulate what the Serbian national interest is on the level of state institutions. This way, the state left this formulation to the political parties, which is a terrible solution political parties are not capable of and should not be responsible for."³⁹⁰

Unfortunately, the elaborated problem of the frequent shifts of attitudes was also often accompanied with vague statements and unclear proposed solutions. This was not only the problem of the ruling party. It is, for instance, quite unclear how Kostunica imagined "the spiritual, cultural and every other type of integration of

³⁸⁸ Branko Milanovic, economist and expert on globalization, prepared one of the many existing good analyses about the changes in Milosevic's policy Cf. *ibid.* 11. August 1994, p. 9

³⁸⁹ *ibid.* 29-30. September 1990, p.2

³⁹⁰ *ibid.*

every nation in whatever republic it lives, according to the principle of non-territorial federalism”³⁹¹ in practice. The sophisticated, rational and intelligent proposals and warnings that were made by some of the politicians and analysts had little chance for success, if they could not be explained in plain words to the wide public. Worse still, they were of no value at all, if the very individuals that made them often failed to consistently and persuasively argue for them throughout the crisis. The existing turmoil about the question who- stands- for- what regarding Serbian national interests made the fight for ideals and principles seem obsolete. Instead, the only stable criterion left for an average Serbian voter was the personal appeal and charm of their would-be leaders, which, apparently, remained the most important factor influencing chances for political success in Serbia, for quite some time.

4.4 Disregarded warnings

Considering the gloomy picture on the main political scene in Serbia, at the time that was described so far, it slowly becomes clear why the more rational approaches and proposals that could, perhaps, have changed the course of events had so little impact. And, as it was shown, there indeed were quite a number of voices raised against the madness that followed. Many people, in fact, predicted very clearly the possible outcome and warned that the cost of war would be terrible and no goals would be achieved in the end, even in the eyes of those who considered some territorial “gains” worth the sacrifice.

A great number of these analyses were already mentioned before, such as early analyses by Zoran Djindjic, Vojin Dimitrijevic, Slobodan Inic, some colorful texts by Vuk Draskovic produced later in the crisis, as well as many others. A great example of an early warning about the outcome that followed much later was also a text by Slavko Curuvija, a journalist and independent analyst (brutally assassinated in 1999, by Milosevic’s regime), who said in February 1990 that

it was always perfectly clear that an independent Serbian state within its present borders would not be a good solution, for the simple fact that this state would leave half of the Serbian nation outside its borders. Even if Serbia could succeed, peacefully or with force, to unite all the Serbs, it would solve nothing, for it would be in the same

³⁹¹ *ibid.* 13 May 1991, p.7

situation in which it was in 1990. All the Serbs would be united, but among them also Albanians, Croats, Muslims, Hungarians – it would again be a ‘small Yugoslavia.’ The same goes for Croatia. Thus, the problems with Yugoslavia would not be solved either Serbia or in Croatia.³⁹²

Also, one of the very best warnings ever written, in other words, a perfectly clear prediction about the outcome for Serbia after the situation in Bosnia became progressively worse due to Milosevic’s mistakes, should certainly be mentioned in this context. It was, not surprisingly, a text by Zoran Djindjic, from 1991. “While the conflict with Slovenes, Croats and even Albanians takes place on the margins of the current or projected state of the Serbian people, the confrontation with Muslims strikes right at its heart,”³⁹³ warned Djindjic in his comment of the Belgrade agreement between the Serbian government and the MBO, the second largest Muslim party in BiH. By challenging the only relevant Muslim party,³⁹⁴ the Serbian regime brought ethnic conflicts into a new and more dangerous phase. Territorial redistribution was becoming less and less possible as a solution. The separation of Serbs and Croats was troublesome enough, however, it seemed an easy exercise compared with the separation of Serbs and Muslims.

In Milosevic’s politics, the whole strategy came down to tactics. And the tactic was: rock the boat. Once every unwanted passenger fell overboard, peaceful sailing would continue under the firm leadership of the captain. However, this naive tactics did not consider the condition of the remaining boat, or if it would survive not only the long journey, but also the rocking itself, warned Djindjic. The example of the “Belgrade initiative” showed what the model of democracy promoted by Milosevic was: “your representative is the one I choose.” That was why everyone who could abandoned that rotten boat, even though they did not enjoy the cold water either,³⁹⁵

concluded Djindjic this dramatic warning that came true as the worst political isolation of Serbia in its history.

The main problem of this as well as many other striking warnings was that it had insufficient support among other politicians of the opposition to break the media blockade and the overwhelming media propaganda produced by Milosevic’s regime at the time. There was no unified front until much later that would with a clear conviction and a firm resolution stand up to the coming violence, it was more the

³⁹² *ibid.* 17-18 February 1990, p.I

³⁹³ *ibid.* 24-25 August 1991, p. II

³⁹⁴ Izetbegovic’s SDA, which was only marginally consulted about the talks and later rejected the agreement

desperate voice of a number of intellectuals stating their protest in isolation, mostly unnoticed by the contemporary wider Serbian public. Worse still, even if some of them did manage to capture public attention and could have got through their message, the pragmatic political choices they made often diverted them from their original position towards the prevailing and politically profitable nationalistic rhetoric. Perhaps, this is one strong reason why it took over 10 years and several lost wars, with the defeat of virtually all goals proclaimed at the beginning of the crisis, and the bombing of Serbia itself, before such a united opposition front finally appeared and wiped Milosevic out of power.

In the end, I again wish to point out two mistakes that are often made about the Serbian political scene of the 1990's. The first one is to think that we can make a clear distinction between the so-called "good" and "bad guy's," with the former calling for reason and peace and the latter promoting violence and war. In fact, almost none of them had a 100% clear position on all issues. There was a discrepancy between the sometimes apparent similarity in the perception of Serbian national goals and the difference in the readiness to use certain means to achieve them. The second mistake would be not to notice that the position of most (though not all) of the politicians greatly changed over time, and it was not surprising to see the same people completely switch sides and arguments.

What I hope was clear from this analysis is that we can in no way talk about a uniform and united political front on the level of whole Serbia that stood firmly for certain ideas and solutions. Rather, we can talk about a full range of different, often confused, sometimes incredibly short-sighted, tragically destructive and counterproductive attitudes towards the open questions Yugoslavia faced in 1990. At the same time, for some it might be surprising to find excellent in-depth analyses, that pointed out many of the unresolved key questions and grave dangers that, unfortunately, lay ahead, as early as the very beginning of the Yugoslav crisis.

The analysis of the Serbian political scene also provides the possibility to answer some of the questions about the causes of the Yugoslav crisis, posed in the introduction. It is certain that the examination of the Serbian public political scene of the 1990s alone and arguments used publicly about the political principles fought for cannot fully explain the course of events that took place. Even so, some, at least,

³⁹⁵ *ibid.*

partially valid conclusions are obvious. There is no doubt that a significant number of factors in the late 1980s and the 1990s has put the Yugoslav state in a very difficult position (to mention just its economic problems, the fall of communism in the world and its repercussions for Yugoslavia's significance in the world, the weak federal institutions after Tito's death and the incapable politicians in positions of power, chosen through negative selection during communist times, compensating their lack of vision with nationalism).

However, by no means does that mean that its faith was doomed from the start. There is no doubt that wise and competent, legitimate republican political leadership(s) could have solved those problems successfully, or, at the very least, avoided the violence and secured some form of European future for their citizens. Macedonia in the early 1990s, arguably, provides one possible example. Indeed, in Serbia those reasonable voices were present from the very start of the crisis, and their rational warnings and suggestions were mentioned in this thesis. But these emerging democratic forces had an impossible task to fulfill; they had to fight three deadly enemies all at once: the communist apparatus remaining in power riding on nationalism; the unprepared international community that, through its disunited, confused and sometimes prejudiced approach, only made things worse; and their own political pragmatism, lack of unity and true commitment to democratic means and values, which was the most fatal one of all.

The only valuable thing that can come out of all of these tragic mistakes is a warning for the future. As this study has clearly shown, self-determination principle cannot serve its goal of promoting democratic governance and freedom from oppression in cases when devastating struggles for ethnic domination are taking place within the same territorial unit. Without a clear and practical unit that will be the "self" that is determining its will, considering mutually exclusive nationalist claims to this principle only adds fuel to the flames. In cases of struggles for ethnic domination over territory, as the example of former Yugoslavia clearly shows, the language of self-determination is nothing but a rhetorical distraction to obscure the real aim of rearranging political power and resources.

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Appendices

Appendix 1: Biographies of the party leaders

Appendix 2: Ethnic composition of Yugoslavia in 1981

Appendix 3: The map proposed by Vojislav Seselj

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Appendix 5: Ethnic composition of Bosnia and Herzegovina in 1991

Appendix 6: Bosnia and Herzegovina under the Dayton Peace Agreement and the front lines at the end of 1995

Appendix 7: Ethnic composition of Bosnia and Herzegovina in 1998

Appendix 1: Biographies of the party leaders³⁹⁶

1. Slobodan Milosevic (SPS – Socialist Party of Serbia)

Slobodan Milosevic was born on the 20 August 1941, in Pozarevac. He received a law degree from the University of Belgrade, in 1964, and began a career in management and banking. He started his business career as an economic adviser to the Mayor of Belgrade. Milosevic held the posts of deputy director and, later, general director at *Tehnogas*, a major gas company until 1978. Thereafter, he became president of *Beogradska banka (Beobanka)*, one of the largest banks in the Socialist Federal Republic of Yugoslavia and held that post until 1983. In 1983, Milosevic began his political career. He became Chairman of the City Committee of the League of Communists of Belgrade, in 1984. In 1986, he was elected Chairman of the Presidium of the Central Committee of the League of Communists of Serbia and was re-elected in 1988. In this function, he came into a fierce conflict with his former friend and protégée, Ivan Stambolic, who was the Serbian President at the time. At the Eighth Assembly of the Central Committee of the Serbian League of Communists, Milosevic won support for himself and removed Stambolic and his followers from power. On 16 July 1990, the League of Communists of Serbia and the Socialist Alliance of Working People of Serbia were united; the new party was named the Socialist Party of Serbia (SPS), and Milosevic was elected its President.

On 8 May, 1989 Milosevic was elected President of the Presidency of Serbia and re-elected, on 5 December that same year. After the adoption of the new Constitution of Serbia, on 28 September 1990, Milosevic was elected to the newly established office of President of Serbia in multi-party elections held on 9 and 26 December 1990; he was re-elected on 20 December 1992. After serving two terms as the President of Serbia, Milosevic was elected President of the Federal Republic of

³⁹⁶ The order of the biographies will match the approximate estimation of the overall parliamentary strength of the leaders' respective parties during the observed period, starting with the strongest one. As it was noted before, SPS and Milosevic were the strongest parliamentary party/individual politician throughout the period, SPO, SRS and DS fought for the second place, while DSS and GSS usually reached their limit only by getting enough votes to enter the Parliament. In addition, the biography of Dobrica Cosic (President of the Federal Republic of Yugoslavia from 15 June 1992 till 1 June 1993) will be presented at the end. For more detailed inside information about party ratings and election results in Serbia from the period consult: Brankovic, Srbobran. *Serbia at War with itself* Belgrade: Sociological Society of Serbia, 1995.

Yugoslavia, on 15 July 1997. Following the defeat in the September 2000 FRY Presidential elections, Milosevic stepped down from this position on 6 October 2000. On April 1, 2001 Milosevic was arrested and imprisoned by the Serbian Government. On June 28, 2001, the Government of the Republic of Serbia handed him over to the Hague Tribunal. He died in 2006.

2. Vuk Draskovic (SPO – Serbian Renewal Movement)

Vuk Draskovic was born on 29 November 1946 in Medja. He graduated from the Belgrade Law faculty, in 1968. From 1969 till 1978, he worked as a journalist in the Yugoslav press agency Tanjug, from 1978-1980, he was a press advisor to the Yugoslav Council of Trade Unions and, from 1980 till 1985, an editor of the magazine "Rad". After 1981, he wrote many literary works, most notable are "The Judge," "Knife," "Prayer," "Prayer 2," "Russian Consul," "The Night of the General."

In 1990, he founded the Serbian Renewal Movement (SPO). SPO was founded after the Serbian People's Renewal (SNO) split apart. At that time, the leaders of the latter were Mirko Jovic, Vojislav Seselj and Vuk Draskovic. The SNO fell apart into three factions, of which the SPO took over the biggest portion of members. In the 1990 elections, under the majority electoral system, SPO got 800.000 votes but won only 19 seats out of 250. Still, it became the strongest opposition party in Serbian parliament. Draskovic charmed the masses with his charismatic and energetic anti-communist speeches. SPO was at the front of all huge anti- Milosevic rallies in the 1990s, on March 9th 1991, June 28th of 1992, the three-months long election fraud protests in 1996 and 1997 and others. In 1999, together with three ministers, Vuk Draskovic stepped into the federal government. By this move, Vuk Draskovic temporarily left the opposition, a process which started by SPO and SPS ousting Zoran Djindjic from the position of Belgrade's mayor and SPO-SPS so-called "forced administration" in central Belgrade's municipality, in 1997. At the time of the war with NATO, Vuk Draskovic was expelled from the federal government because he once again opposed Milosevic. Draskovic was arrested twice by the Milosevic regime, during clashes with police on the 9th of March, 1991 and in June 1993 after spontaneous riots in front of the building of the Federal parliament, spending many days in prison and hospital. He survived two attempts of assassination. He stepped out

of the DOS coalition that brought down Milosevic, in 2000, which temporarily removed SPO as a relevant factor in Serbian politics. In 2003, he was again elected to Serbian parliament and SPO returned to the Serbian political scene. On April the 16th, 2004 Vuk Draskovic was elected the Minister of Foreign Affairs of Serbia and Montenegro.

3. Vojislav Seselj (SRS – Serbian Radical Party)

Vojislav Seselj was born on 11 October, 1954, in Sarajevo. He is a graduate of the faculty of law of Sarajevo University. He holds a Bachelor's Degree, a Masters Degree and a Doctorate obtained at Sarajevo University, in 1976, 1978 and 1979, respectively. From 1981 to 1982, he worked as a lecturer on political science at Sarajevo University, and as an associate of the Institute for Social research of the Sarajevo Political Science Faculty, until 1984. He also studied at the universities of Mannheim (1975), Greifswald (1977) and Michigan (1978). Among the books he published are “Time of Reconsideration,” “The Twilight of Illusions,” “Democracy and Dogma,” “Plea for a Democratic Constitution.”

Although he was originally a communist, Seselj eventually became critical of the communist regime in the former Yugoslavia, and, in the early 1980s, he developed close relations with a group of Serbian nationalists. In 1984, he was convicted of “counter-revolutionary activities” because of an unpublished manuscript and sentenced to eight years of imprisonment, two of which he served. He became famous after his hunger strike, which he did as a political prisoner, in Zenica jail. He was defended by the most famous lawyers of the times, who were appointed by activists of Dobrica Cosic’s Committee for the Freedom of Speech. In 1989, he traveled to the USA and met Momcilo Dujic, the chairman of the “Movement of Cetniks in the Free World”, who appointed him a Cetnik “Vojvoda”. On 23 January 1990, Seselj became the leader of the Serbian Freedom Movement, and on 14 March 1990, he formed an alliance with Vuk Draskovic and started the “Serbian Renewal Movement” (SPO). After they split, in June 1990, Seselj founded the “Serbian National Renewal Party”, subsequently renamed the “Serbian Cetnik Movement”. The authorities of the SFRY banned the “Serbian Cetnik Movement,” because of “arousing religious and national hatred.” On 23 February 1991, Seselj was appointed President of the newly founded

“Serbian Radical Party” (SRS). In June 1991, he was elected a member of the Assembly of the Republic of Serbia.

In autumn of 1993, after the Vance-Owen plan was rejected by Radovan Karadzic and the Pale parliament (though it was supported by Milosevic and Cosic), Seselj demanded a vote of mistrust against the state government of prime minister Nikola Sainovic. Milosevic dismissed the Parliament and he scheduled premature elections for December 1993. Mira Markovic, Milosevic's wife, regarded Seselj a “primitive chauvinist Serbia should be ashamed of.” On the other side, Seselj claimed that Milosevic was “the greatest criminal in Serbia,” and that Mira was “the red witch of Dedinje.” This verbal war culminated with the arrest and detention of Seselj and his party members because of violence in parliament and “harming the respectfulness” of the President of State.

In 1997, Seselj beat Zoran Lilic (SPS, so far federal president) in Serbian presidential elections. After they were nullified and repeated, thanks to an incredible theft of ballots in Kosovo, Seselj got defeated by Milan Milutinovic (SPS). In 1998, after three months of negotiations, the radicals got into the so-called “war” government of Serbia. Seselj and Nikolic became vice-presidents of the government.

There were pictures of Seselj with a machine gun in his hand, in his own paramilitary units in the torn-down Vukovar (1991). He wanted to rename the village Hrtkovci in Srem, with a Croatian majority, into Srbislavci, and he was also noted for making lists of “treacherous reporters.” Speaking in a popular TV- show in 1993, he promised the killing of Muslims with “rusty spoons.” He cooperated with Le Pen (France), Zhirinovskiy (Russia), Heider (Austria), and the Slovakian chauvinists.

Alongside with varying relations with Milosevic, Seselj had varying relations with people he was close to in the past. Vuk Draskovic was best man at his wedding, but when the original SPO fell apart, Vojislav accused Vuk of the theft of the money received from chetnik emigrants. Since then, they were the worst political and personal enemies. Dobrica Cosic got Seselj out of jail several times in the 1980s, which he “returned” by abolishing Cosic from the post of federal president in 1993.

In February 2003, following the indictment for war crimes between August 1991 and September 1993, in Croatia, Bosnia and Vojvodina, Seselj (unlike Milosevic) voluntarily surrendered himself to the Hague Tribunal. In front of his

plane in Belgrade, Seselj told hundreds of his supporters cheering at the airport: “I’ll blast them to pieces. I will come back from The Hague victorious.”

4. Dragoljub Micunovic (DS – Democratic Party, DC – Democratic Center)

Dragoljub Micunovic was born on July 14th 1930, in Merdare, in the south of Serbia. He spent his early childhood in Skopje, where his father worked. After the fascist occupation in 1941, his family was expelled to Serbia with other Serbian families. After the war, he continued his schools in Kuršumljija and Prokuplje. When he was a senior in high school, he was arrested and imprisoned, he spent twenty months in the infamous Goli Otok prisoner's camp. After being released, he passed the exam for the High school Diploma, in Prokuplje and enrolled at Belgrade University, majoring in Philosophy. He graduated in 1954 and started a career in teaching in Kruševac High School and the Teacher's Academy. After he returned to Belgrade in 1957, Micunovic was involved in educational reforms at the Center for Education and Institute for Pedagogy.

The Belgrade University hired him in 1960 in spite of objections from the Communist Party Committee of the Belgrade University. He defended a doctoral thesis on the application of logical methods in sociological research. He taught the History of Social and Political Theories in the Department for Philosophy and Sociology at the School of Humanities. Micunovic was on the editorial board of the magazine “Filozofija”, on the advisory board of “Praxis” and on the board of Korcula Summer School. In January of 1975, the Assembly of Serbia decided to declare Micunovic, with seven of his colleagues, politically unfit for teaching, and he was expelled from Belgrade University.

After the expulsion, Micunovic engaged in research at the University of Konstanz in Germany, in the late seventies and early eighties. Upon his return to Serbia, he was engaged at the Institute for Philosophy and Social Theory in Belgrade. As a member of the Yugoslav Forum for Human Rights from 1988, Micunovic dedicated his time to liberating political prisoners and reforming criminal law and criminal judicial procedure.

In 1990, with a group of dissidents, he initiated the founding of the Democratic Party. At the Inaugural Assembly in the 1990, Micunovic was elected

president, and he was reelected in 1992. He resigned from that position in 1994, after the split within the party, when Zoran Djindjic took over the leadership of DS. In 1996, Micunovic founded a new political party, the Democratic Center. At the first multiparty elections in Serbia, Micunovic was elected a member of the Serbian parliament. As a member of parliament on a state level, he was elected a delegate in the Chamber of the Republics of the Federal Assembly of ex-Yugoslavia, in the period 1991-1992. At the federal elections in 1992, Micunovic was elected a member of federal parliament as a member of the Democratic Party. As a member of the opposition coalition "Zajedno", he was reelected a member of federal parliament in the Chamber of Citizens, in 1996. At the federal elections of 2000, as one of the leaders of the coalition DOS, Micunovic was once again elected a member of parliament in the Chamber of Citizens of the Federal Assembly. After the victory of the Democratic Opposition of Serbia in October of 2000, he was elected President of the Chamber of Citizens of the Federal Assembly. When the State Union of Serbia and Montenegro was established, in March of 2003, Micunovic was elected President of the Assembly of Serbia and Montenegro.

5. Zoran Djindjic (DS – Democratic Party)

Zoran Djindjic was born on 1 August 1952 in Bosanski Samac. He graduated from Belgrade University's Faculty of Philosophy, in 1974. Djindjic obtained his Ph.D. in philosophy from the University of Konstanz in Germany, under the mentorship of Dr Jurgen Habermas. The essays and works of Dr Djindjic were published in the periodicals *Stav*, *Knjizevna Rec* and *Knjizevne Novine*. He is also well-known for his books "Serbia; neither East nor West," "Subjectivity and Violence," "Yugoslavia – the Partially Formed State" and "The Fall of the Dialectics." He spoke German and English.

As a student in Tito's Yugoslavia, Zoran Djindjic took an active role in the opposition movement. In the 1970s, he associated with Yugoslavia's New Left philosophers, a group of reform-minded socialists focused around the journal *Praxis*. He was arrested in 1974 and sentenced to a year's imprisonment for attempting to set up an autonomous student organization with fellow student leaders from Zagreb and Ljubljana. After spending several months in jail, Djindjic moved to Germany, where

he earned a doctorate in philosophy under the supervision of Jurgen Habermas, in 1979. He remained in Germany for most of the 1980s, returning to Yugoslavia in 1989 to teach philosophy at Novi Sad University. In 1989, he teamed up with prominent Serbian dissident writers and intellectuals to found the Democratic Party. A year later, at the annual convention of the Democratic Party, he was elected President of the executive committee. He was elected President of the Democratic Party in January 1994.

In 1990, he was elected MP in the Serbian Parliament, and in 1993, he entered the Chamber of Republics in the Federal Parliament. In 1996-97, he succeeded in uniting the Serbian Renewal Movement of Vuk Draskovic, the Civic Alliance of Vesna Pesic and his own Democratic Party against Yugoslavia's ruling parties. The alliance Zajedno (Together) won the local elections in Belgrade at the end of 1996.

When the government used legal tricks to annul the election result, tens of thousands marched each day in peaceful demonstrations in the capital. Following 88 days of student and civic protests, he was elected the mayor of Belgrade on 21 February, 1997. However, in June, just four months after Djindjic's election the Zajedno alliance broke down. In September, Djindjic was driven out of office by his former ally Draskovic, because of “incompetence”.

In June 2000, he became the coordinator of the Alliance for Change, the largest democratic coalition in Serbia. Djindjic is widely believed to be the chief strategist and main organizer behind the 24 September, 2000 Yugoslav presidential elections and 5 October, 2000 uprising that resulted in the overthrow of former Yugoslav President, Slobodan Milosevic. He is also credited with masterminding the December 2000 Serbian elections, in which the Democratic Opposition of Serbia (DOS), a coalition of 18 parties including a broad range of the political spectrum, won 65 percent of the popular vote. The DOS elected Djindjic to be Prime Minister of Serbia, on 25 January 2001. He was assassinated on March 12, 2003 in front of the Serbian government building.

6. Vojislav Kostunica (DS, DSS - Democratic Party, Democratic Party of Serbia)

Vojislav Kostunica was born on 24 March, 1944, in Belgrade. He graduated from the Belgrade Law Faculty, in 1966, received his MA in 1970, and PhD in 1974.

He was appointed assistant lecturer of the Belgrade Law Faculty, in 1970 but had to leave the position in 1974 during the political purges when he criticized constitutional changes made by Tito. From 1974 – 1981 he worked in the Institute for Social Sciences, and from 1981 in the Institute for Philosophy and Social Theory. He was the editor of several Law and Philosophy periodicals. Kostunica is a member of the Serbian PEN center. He speaks English, German and French.

He is the only prominent opposition leader of his generation who never joined the Communist Party. In 1989, Kostunica helped to found the Democratic Party. He founded the Democratic Party of Serbia (DSS) in 1992, by the faction of the Democratic Party that was determined to join forces with the Serbian Renewal Movement (SPO) and intellectuals in setting up the Democratic Movement of Serbia (DEPOS). At the time, after the United Nations imposed economic sanctions on the newly founded Federal Republic of Yugoslavia, the waves of student and citizen protests forced Milosevic to schedule a general election. The opposition succeeded in changing the electoral system to a proportional system with nine election districts, but it was also necessary for the opposition to establish its strategy: joining forces against the Socialist Party of Serbia (SPS) and uniting in one ballot - the DEPOS. DS voted against joining in but it was a very close vote. Dissatisfied members of the party led by Vojislav Kostunica, the vice-president of the party, at first, formed a faction of the party and then, after troubles with registration, established the Democratic Party of Serbia. Out of fifty seats in the republic parliament won by the DEPOS, the Democratic Party of Serbia got nineteen (out of the total of 250 seats). Kostunica remained a member of the Parliament from 1990 to 1997. DSS boycotted the 1997 republic and presidential elections.

Because he was never allied with Milosevic or with other, more controversial opposition leaders, Kostunica was considered a “clean slate” in Sept. 2000, when all 18 opposition parties united to support him in the election against Milosevic. In the presidential election race, a Kostunica campaign poster simply asked: “Who can look you straight in the eyes?” Although Kostunica won the election, the government refused to release complete results and Milosevic called for a runoff election. Kostunica stated that he would not compete in the runoff election scheduled for October 8. It was likely that he took this position, in the days after the September 24 vote, in order to allow the masses to simmer. This was exactly what happened on

Thursday, October 5, when people stormed at the Parliament building. After a general strike and massive demonstrations rocked the country, Milosevic stepped down and Kostunica took office. Still, Kostunica is more a pragmatist than a hell-raiser. In the week after the presidential election preceding the victory rally in Belgrade, when tens of thousands were expected to demonstrate against Milosevic, Kostunica appealed for calm and quiet lest Milosevic seize an opportunity to discredit opposition forces, perhaps, by declaring a state of emergency.

On March 3rd 2004 Kostunica became the new Prime Minister of Serbia.

7. Vesna Pesic (GSS – Civic Alliance of Serbia)

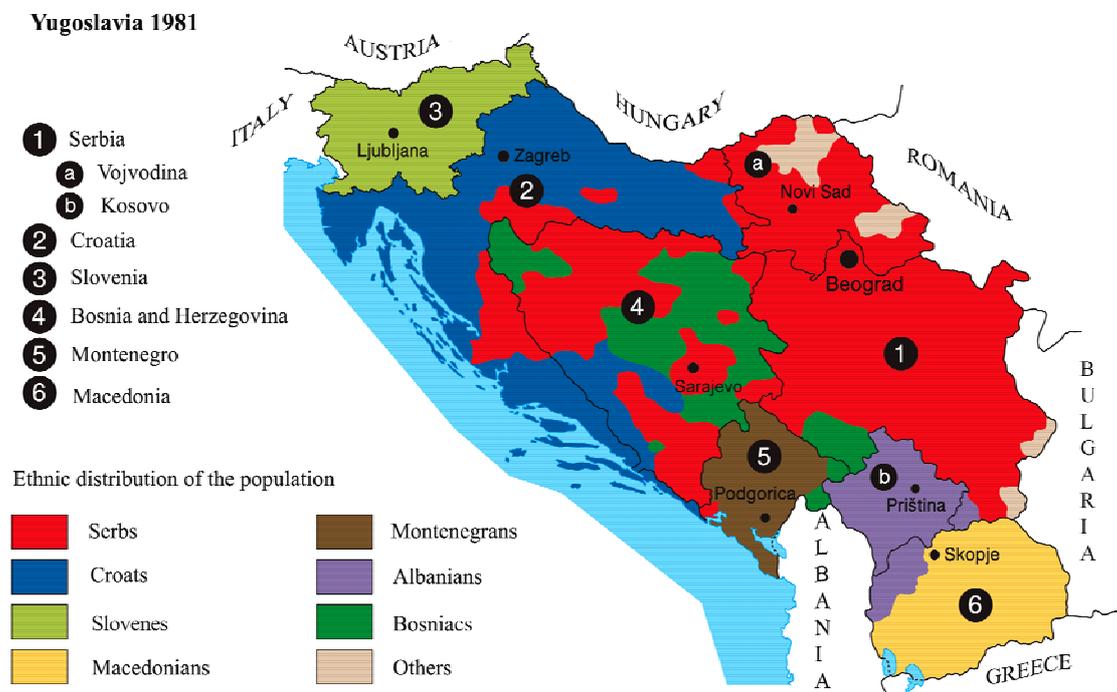
Vesna Pesic was born on 6 May, 1940, in Grocka. She graduated from the Belgrade Philosophy Faculty, gained her MA at the Belgrade Law Faculty in 1971, and her PhD in 1977. From 1964 till 1972, she worked at the Belgrade Institute for Social Sciences, from 1972-1978, at the Institute of Social Politics, and from 1978-1991, she taught at a third-level School for Social workers. From 1991 she worked in the Institute for Philosophy and Social Theory. Pesic was a Jennings Randolph fellow at the United States Institute of Peace during 1994-95. As a senior research fellow at the Institute for Philosophy and Social Theory at the University of Belgrade, she directed projects on ethnic nationalism, conflict resolution, and human rights. Pesic founded the Center for Antiwar Action, the first peace organization in Serbia in 1991, and is a founding member of the Association for a Yugoslav Democratic Initiative. Her efforts were recognized by the National Endowment for Democracy, which awarded her its biennial award for democracy. She was also active in human rights advocacy and was a founding member of the Belgrade Helsinki Committee. In 1990, she was part of a research team investigating human rights violations in Kosovo. She was the leader of the Civic Alliance of Serbia from 1992 till 1998, one of the leaders of the coalition Zajedno and a member of Parliament from 1993- 1997. In 1997 she was nominated for the Nobel peace prize. In 2001 she was appointed an ambassador of SRJ in Mexico.

8. Dobrica Cosic (President of the Federal Republic of Yugoslavia from 15 June 1992 till 1 June 1993)

Dobrica Cosic was born on 29 December, 1921, in Velika Drenova. He graduated from an agricultural high school and continued studies in philosophy. He fought in Tito's army during the Second World War and joined the Communist party afterwards. He had a prominent role up until his conflict with the Communist party, which occurred in mid 1960s because of his support of the Serb minority in Kosovo. After that, he became one of the leading Yugoslav dissidents and fighters for human rights in former Yugoslavia. He was the first President of the newly formed Federal Republic of Yugoslavia from 15 June 1992 till 1 June 1993, elected by the SPS-SRS majority, and dismissed at Seselj's initiative by the same alliance after his support of Prime Minister Panic in the Serbian presidential elections and opposition to Milosevics politics.

His books include "The Sun is Far Away," "Roots," "Seven Days in Budapest," (a written report on the Russian invasion of Hungary at the time when he was the correspondent of *Politika*) "Divisions," "Time of Death," "The Real and the Possible," "The Sinner," "The Apostate," "The Believer," "Time of Power." He has been a member of the Serbian Academy of Sciences and Arts since 1970 and an associate member of the Hungarian league of writers since 1991. His books written after the split with Communist party are concerned with the suffering of the Serbian nation during World War I and the methods used by the communists in dealing with dissidents. He was involved in the creation of the famous 1986 "Memorandum" of the Serbian Academy of Sciences and Arts. He is considered to be the father of Serbian nationalism and the man who prepared the psychological and ideological background for Milosevic to come to power.

Appendix 2: Ethnic composition of Yugoslavia in 1981



Appendix 3: The map proposed by Vojislav Seselj

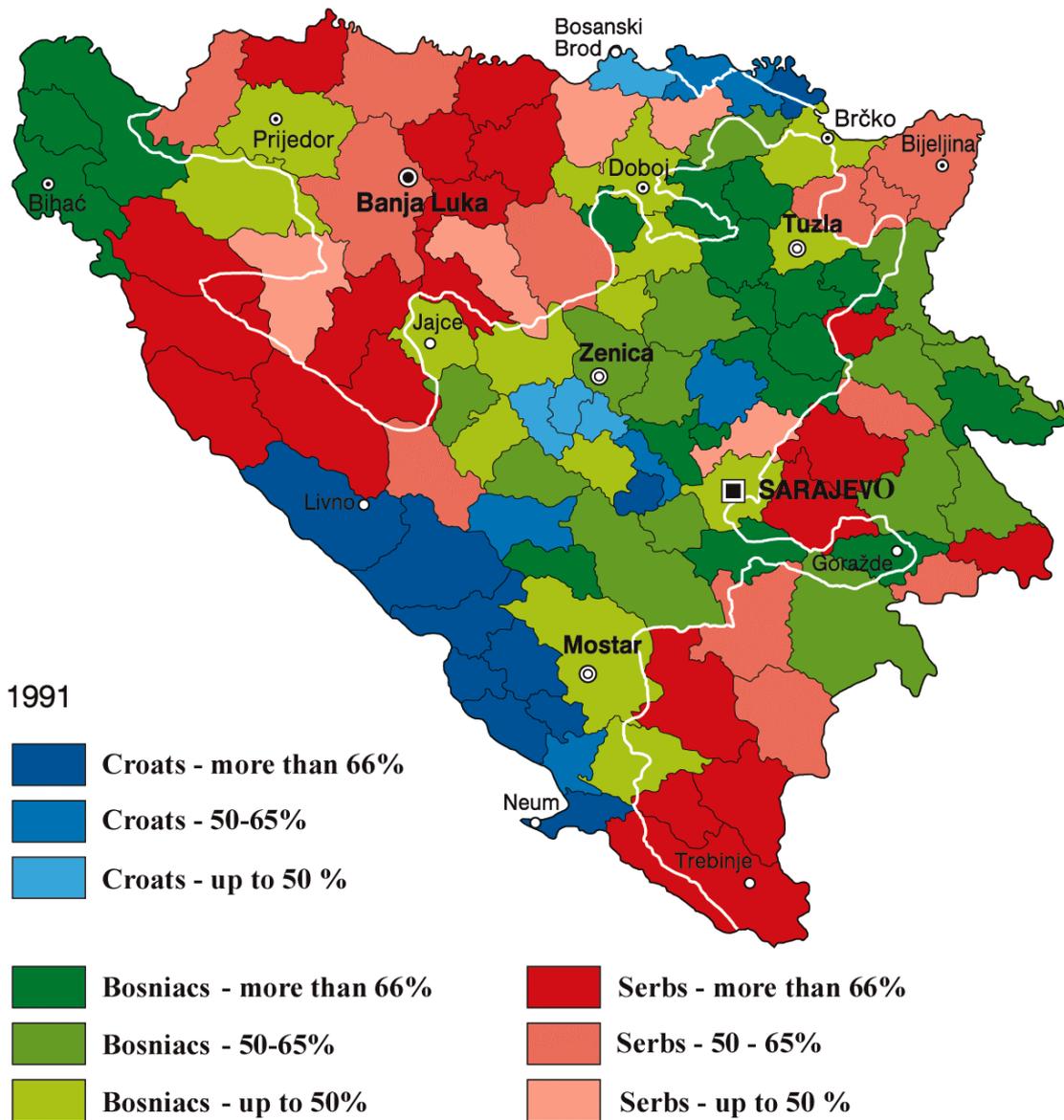


Appendix 4: The map proposed by Vuk Draskovic



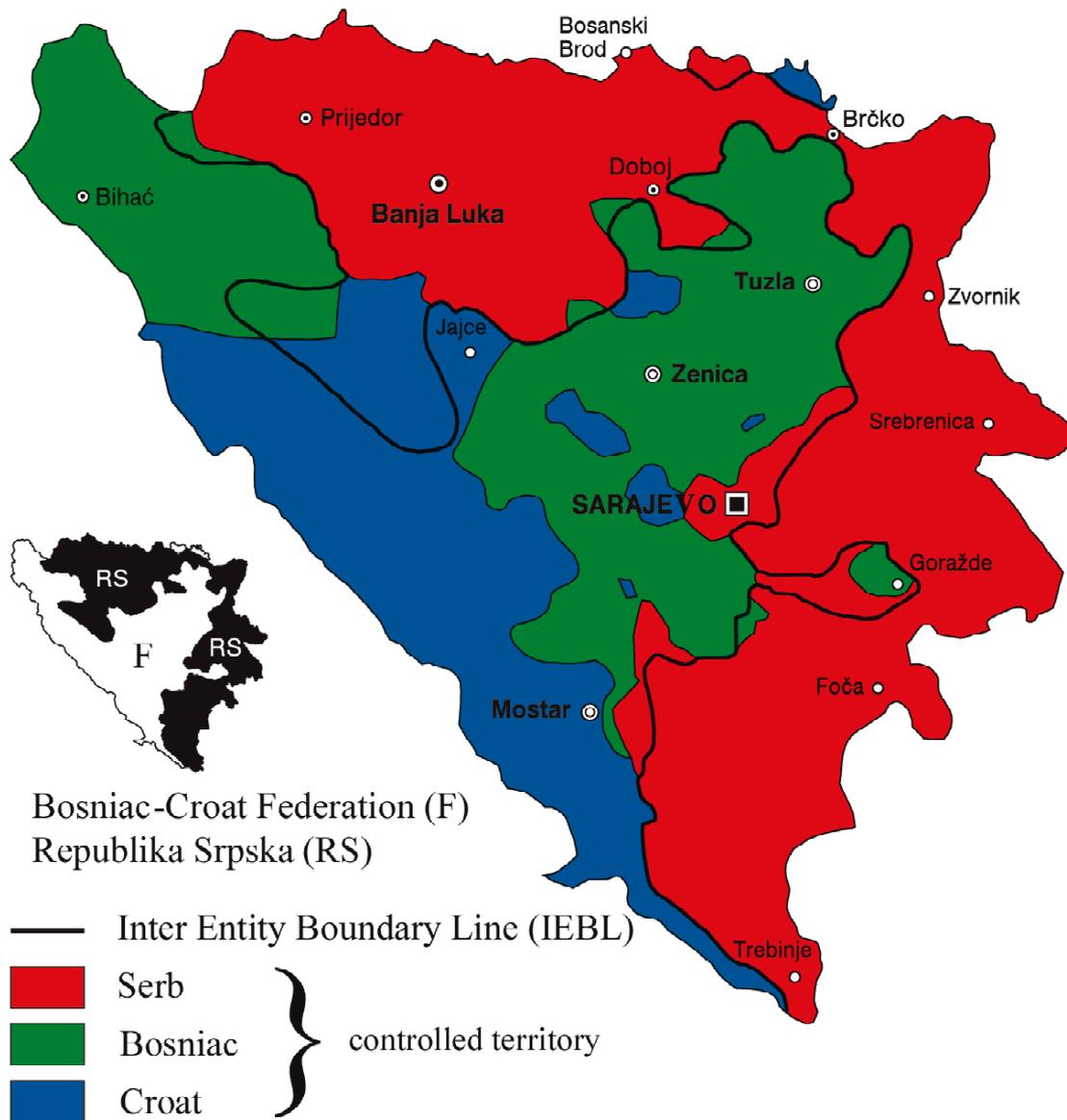
Appendix 5: Ethnic composition of Bosnia and Herzegovina in 1991

Ethnic composition before the war in BiH (1991)



Appendix 6: Bosnia and Herzegovina under the Dayton Peace Agreement and the front lines at the end of 1995

Bosnia and Herzegovina under the Dayton Peace Agreement and the front lines at the end of 1995



Appendix 7: Ethnic composition of Bosnia and Herzegovina in 1998

Ethnic composition in 1998

