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Derecognition: Exiting Bosnia

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Revising borders is the least costly way to end the Yugoslav war and get the UN out. Derecognition will not damage the foundations of international order, but continued floundering surely will.

Full recommendations, page 4

Summary: Negotiation is the best solution to the Yugoslav war. But efforts to get the Bosnian Serbs to accept unconditionally the UN Contact Group's terms won't work. If the West doesn't address minority Serb concerns in Croatia and in Bosnia, we will find ourselves indefinitely prolonging UN floundering or attempting a bloody extraction of UN forces. Instead, the West should back away from uncritical support of current borders and allow Serb areas in Croatia and Bosnia to confederate with Serbia. Such *de facto* "derecognition"

removes the fundamental issue under contention-legitimacy-thus opening new possibilities for stable cease-fire agreements. It restores western diplomatic leverage, without endangering the lives of thousands of United Nations peacekeepers. It also leads to an exit strategy, now as important a priority as containing or ending the war. A retreat from principle seems unpalatable, but the West doesn't have the strength or will to impose a settlement politically unacceptable to local peoples.

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IGCC is a multicampus research unit of the University of California, established in 1983 to conduct original research and inform public policy debate on the means of attenuating conflict and establishing cooperation in international relations. Policy Briefs provide recommendations based on the work of UC faculty and participants in institute programs. Authors' views are their own.

Western governments' hopes for a settlement in Bosnia now depend on getting Serbian President Milosevic to force the Bosnian Serbs to accept, without alteration, the Contact Group's peace plan. However, Western leaders grossly exaggerate the leverage they have over Milosevic. UN economic sanctions cut two ways. On the one hand, they weaken Serbia's economy, put people on the street, and makes it harder for Milosevic to govern. On the other hand, they focus popular discontent on the outside world, and Milosevic benefits politically.

Little Leverage Through Milosevic

Despite sanctions, Serbia's economic record over the past year and a half would be the envy of several other Eastern European states. Moreover, there is a possibility that with sanctions lifted Serbia's economy couldn't cope with the shock of exposure to Western markets. Milosevic can't be eager to risk a significant rise in unemployment and inflation. So, we should not assume Milosevic wants sanctions lifted even if he says he does; privately he may think he has little to gain by it.

Moreover, Milosevic has limited influence over local interests in Bosnia and Croatia. He can badger local Serbs, but he can't dictate fundamental policy. Closer to home, he dares not challenge powerful Serbian nationalist forces by turning his back on the project of building a territorially larger Serbia. When the chips are down, to survive politically he must support the Bosnian and Croatian Serbs.

1991-1992 RECOGNITION CHRONOLOGY

- ❖ **September:** Croatia and Slovenia formally secede from Yugoslavia.
- ❖ **December:** Germany recognizes Croatia and Slovenia.
- ❖ **January:** All 12 EC members recognize Croatia and Slovenia.
- ❖ **February:** Bosnian Independence referendum. Bosnian Serbs threaten armed uprising if Bosnian independence is internationally recognized.
- ❖ **March:** Based on referendum results, Bosnia declares independence.
- ❖ **April:** All EC members recognize Bosnia. U.S. recognizes Croatia, Slovenia, and Bosnia.
- ❖ **May:** All-out war erupts in Sarajevo.

Floundering is Bad

If the gambit with Milosevic fails, unless western governments try a new diplomatic track they will be faced with the choice between endless years of

UN floundering or a forcible UN extraction. Floundering costs a lot in dollars (nobody knows exactly how much; my guess is \$3-4 billion per year for peacekeeping, plus humanitarian aid), in UN credibility, and in the international community's general willingness to defend collective security.

Floundering pro-longs the war, because each side believes the limit-ed UN presence protects it as it tries for marginal positional advantage. The resulting proliferation of fighting forces on the ground greatly increases the risk to human life of a forcible extraction, making a political decision to extract unlikely. Thus, a vicious circle. The UN has stumbled into the equivalent of America's experience in Vietnam.

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Extraction is a Nightmare

Extraction is far more difficult than most realize. Perhaps NATO could do the job, but peacekeepers would have to fight their way out in major battles, suffering hundreds of fatalities, killing hundreds or thousands of locals-including civilians-on all sides. Despite creation of "rapid reaction forces," which could assist in extraction, no Western government wishes to take this risk.

Extraction by air won't work, because troop transports are vulnerable. Ideally, heavy armored divisions would roll to the rescue with equipment invulnerable to local weapons, but that is not possible because Bosnian roads and bridges can't support the loads. We would have to send tens of thousands of lightly armored infantry, plus additional tens of thousands of troops for immensely complex engineering work in mountainous terrain, some of the logistically most inhospitable in the world. The total rapidly could go much higher than the 60,000 NATO has pledged.

In Somalia we told everybody we intended to shoot impartially anyone who got in the way. Though ragtag Somali gangs took heed, Bosnian combatants-with vastly greater firepower and a habit of treating international forces with contempt-wouldn't. Even more complicated, fighting in Bosnia is all local: dozens of local war zones have different characteristics. Extraction forces wouldn't know who was on whose side, who would welcome UN extraction, or who would obstruct it.

Extraction will take months; there can be no element of surprise. Various factions-not only Serbs-will take more UN hostages. That alone may abort the operation. Then, as the UN withdraws, the Muslims will expect arms and equipment. Muslim leaders will try to take what they can, by force if necessary. The Serbs, paranoid that NATO may arm the Muslims, will be quick to escalate violent clashes. Extraction will affect Croatia, too, inviting Croatia and

Serbia to resume full-scale combat-war that for the first time could spread beyond the borders of the former Yugoslavia.

Thus, it is unlikely that Western governments will willingly stomach the bloodletting chaos of extraction if alternate courses are available. Besides, the operational window this year closes by August, at the latest, because of winter weather. Next year, America will be in full presidential campaign season, not in any mood for foreign misadventure. Europe doesn't have the ability to act alone. The signs are that-barring a sudden rush to extract or a diplomatic breakthrough-we are "on hold" for at least two more years.

WE HAVE FOUR CHOICES

- ❖ **War-fighting:** Least likely. The West has consistently refused to intervene on any particular side.
- ❖ **Extraction:** Would leave Bosnia and probably Croatia in shambles and invite a wider Balkan war.
- ❖ **Muddling:** Expensive and dangerous. Diplomatic coercion has failed.
- ❖ **De facto derecognition and negotiation:** The combatants aren't far from agreement. Closing the gap is easier than other options.

Pseudo-States

"The West opted for recognition on the basis of our understanding of who was most culpable for threats and violence. The two questions of recognition and acts of aggression should have been kept separate."

The West's ill-considered, premature recognition of Croatia and Bosnia contributes more than any other factor to worsening and prolonging the war. Recognition forced the combatants into maximalist demands, removing from the table those issues of legitimacy which should have been negotiated before recognition. This left only the worst option: decisive defeat of one side or another through war.

Initially Western governments had hoped recognition would stop the war in Croatia and prevent war from breaking out in Bosnia. But it had the opposite effect. After the Germans recognized Croatia in December 1991 fighting surged, with Croatian forces responsible for a majority of cease-fire violations. Recognition simply hardened Zagreb's demands for complete submission by the Serbian minority. In Bosnia, Western recognition was even more disastrous, leading to full-scale war within weeks, as Serbs went on the offensive in anticipation of a nationalist Muslim takeover of Bosnia's political institutions. Recognition did not answer underlying questions of self-determination. It was

never clear that Croatia and Bosnia had a "right" to forcibly include large Serb minorities while seceding from the former Yugoslavia.

Nor was it clear whether the Croatian or Muslim-dominated Bosnian local governments intended to treat their minorities according to international standards. Serbs in Croatia had good reason to fear the government approved revival of ustasha (fascist) symbols as well as numerous Croatian violations of Serb human and civil rights. Although Bosnian Serbs felt far fewer immediate provocations, they feared the Muslim nationalist party's aim, never fully disavowed, of creating a Muslim theocratic state. Indeed, the EC Commission set up to advise on the eligibility of Yugoslav Republics for recognition found Croatia did not meet European standards and deferred Bosnian eligibility to a referendum (which, it turned out, was boycotted by Bosnian Serbs, a third of the population). The reality is, the Serbian minorities were not ready to accept what the West tried to impose, nor is it remotely likely that they ever will do so. With recognition, the West put itself in the position of supporting governments with a dubious claim to legitimacy. Moreover, according to mainstream interpretations of international law, recognition-legally ambiguous at best-could be interpreted with considerable justification as a belligerent intervention in an unresolved civil war. Recognition of a separatist state should take place only after the parent state has resolved outstanding issues with it. The U.S., for example, denied foreign efforts to recognize the Confederacy. Similarly, if Soviet dissolution had been contested, Western recognition of the breakaway republics might have been construed by Moscow as an act of war. Today, who is prepared to recognize Chechnya? The case of Croatia and Bosnia only became ambiguous because many states followed the German lead, thus lending recognition a patina of legitimacy. In short, the West opted for recognition on the basis of political preferences which were largely determined by our understanding of who was most culpable for threats and violence. The two questions of recognition and acts of aggression, however, should have been kept separate.

The issue of recognition plays a critical role for dissident Serb minorities; unless and until recognition is somehow reexamined, the prospects for dialogue, and hence a negotiated peace, are slim. The good news is, it would be relatively simple to fold into existing proposals de facto questions regarding the status of recognition, while indefinitely shunting aside de jure questions. Despite their seeming irrational propensity for violence, the Bosnian Serb leadership has followed a consistent course. As early as 1992, they were willing to support a federal system of limited central powers brokered by (then) European Community negotiator Jose

Cutilheiro. The 1994 Washington agreement-which created the Muslim-Croat Federation in Bosnia and allows for its eventual confederation with Croatia-should be broadened in concept to allow the confederation of Bosnian Serb and Croatian Serb areas with Serbia. The symbolic remnants of Bosnia-its seat at the UN, embassies abroad, etc.-could simply and naturally dwindle in importance. Like Swaziland or Monaco, Bosnia would become a tiny statelet dependent for survival on friendly relations with its neighbors. The diplomatic result would conform to what Department of Defense analysts believe most likely to evolve on the ground: greater Croatia and greater Serbia, each of which absorbs part of Bosnia, leaving a Muslim rump state.

Derecognition

The West should offer both Croatian and Bosnian Serbs the possibility of confederation, as was done for non-Serbian ethnic groups in Bosnia through the Washington agreement. Given this option, most Croatian and Bosnian Serbs leaders would be eager to stop fighting. The real hurdle to agreement becomes the Croatians and the Muslims, who until now have followed a war strategy aimed at driving their Serb minorities into submission. But that war-fighting strategy depends upon the West to make up in political weight what the Croatians and Muslims lack in military power. It remains viable only so long as the West insists upon the legitimacy of the borders it recognized. Western governments should be aware that without a derecognition strategy, both Croatia and Bosnia will continue the war with the hope of further implicating the West on their side. Once the West puts borders on the table, however, Croatian and Muslim calculations about military prospects must be scaled back.

The West has already demonstrated its ability to persuade the Croatian and Bosnian governments that unpalatable concessions may be necessary. During 1993 negotiations in Geneva, Western pressure on the Muslims succeeded in limiting Muslim demands. Similarly, Washington's pressure on the Croatians in early 1994 succeeded in establishing the Bosnian Federation-in effect a first step to de facto derecognition of Bosnia. A broad set of confederal "swaps" admittedly would be more difficult, but is within reach.

The West might consider softening the blow through a massive reconstruction program. Ten to twenty billion dollars could "buy off" Croatian and Muslim objections and would be a bargain compared to indefinite Western expenses of \$3-4 billion a year. And we could avoid the estimated several billion dollars, not to mention lives, a forcible extraction would cost. The cease-fire that de facto derecognition and reconstruction aid produce is the easiest way, perhaps the only way, to achieve a peaceful UN departure.

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How to derecognize Balkan splinter states:

- ❖ Allow Bosnian and Croatian Serbs the opportunity of confederation with Serbia.
- ❖ Encourage the UN Contact Group to reopen a dialogue with the Bosnian Serbs and create a venue for the Bosnian combatants to negotiate directly.
- ❖ Pressure the Bosnian and Croatian governments to accept less than total sovereignty over the territory they claim.
- ❖ Offer substantial reconstruction aid to all sides, contingent on a durable cease-fire and political settlement.

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