

## **THE FAILURE OF SECESSIONIST MOVEMENTS IN BOSNIA AND HERZEGOVINA AND CROATIA**

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### **ABSTRACT:**

*THE CURRENTS OF POLITICAL AND LEGAL PHILOSOPHY OF HUMAN SECURITY ARE IN AN INCREASINGLY INTENSE DIALOGUE FOR A RETHINKING OF ISSUES ON THE ATTRIBUTES OF THE SOVEREIGNTY OF STATES, DIALOGUE REFLECTED ON THE PRINCIPLE OF COMMUNICATING VESSELS IN THE METAMORPHOSES OF THE INTERNATIONAL COMMUNITY. THE PARTICULARLY DELICATE ISSUES RELATED TO COMPLEX RELATIONS OF "VERTICAL INTEGRATION" WITHIN THE EU ARE KEPT FROZEN FOR NOW ON THE AGENDA OF THE EU BUT MORE LIKELY THAN THAT, THEY WILL BE THE FUTURE AGENDA OF THE EUROPEAN PARLIAMENT, AFTER THE EUROPEAN PARLIAMENT ELECTIONS IN 2014. THE SPECIAL LITERATURE IS ADVANCING A NUMBER OF SCENARIOS THAT CAN INDUCE A PALETTE OF PARADOXICAL SITUATIONS WITH ADVERSE INFLUENCE ON EUROPEAN ARCHITECTURE. A UNIFIED SOLUTION DERIVED FROM A PERSPECTIVE GOVERNED WITHOUT "EXCEPTIONS WHICH CANNOT TURN IN PRECEDENTS" IS PARTICULARLY ACUTE, AS THE UNANIMOUS OPINION IS THAT THE EUROPEAN TREATIES ARE DEFECTIVE AND THE SOLID AND HARMONIOUS VISION BUILT UPON THE PROTECTION OF NATIONAL MINORITIES IN THE FRAMEWORK OF THE EUROPEAN STATES IS BESET BY SEPARATIST MOVEMENTS IN EUROPE.*

*THE LAST FEW DECADES, AMID A GEOPOLITICAL GIANT REALIGNMENT, HAVE RECORDED A RATHER COMPLEX CONTRADICTORY PHENOMENON, THE DISSOLUTION OF STATE FEDERATIONS (USSR, SFRY, AND CZECHOSLOVAKIA) AND THE REUNIFICATION OF OTHER COUNTRIES (GERMANY) UNDER A FEDERATION. THE FUNDAMENTAL PARAMETERS OF ANALYSIS – HISTORICAL LANDMARKS, CONSTITUTIONAL FRAMEWORK, USE AND REFERENDUM LEGITIMACY, THE INTERNATIONAL COMMUNITY'S INVOLVEMENT, THE EXISTENCE OF ARMED VIOLENCE, THE RECOGNITION OF THE SECESSIONIST ENTITY STATUS FROM THE INTERNATIONAL POINT OF VIEW.*

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**KEY WORDS:** BOSNIA-HERZEGOVINA, CROATIA, SECESSION, THE INTERNATIONAL COMMUNITY

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In the 1990s, in Yugoslavia, elections were won by the Communist parties only in Serbia and Montenegro, while the other four republics of the Federation of nationalist parties come to power.<sup>2</sup> President Milosevic said that "If Yugoslavia breaks up, Serbia's borders should be redefined as a future Serb State must include all regions inhabited by Serbs."<sup>3</sup>

In 1991, according to the census, Bosnia and Herzegovina had 4.4 million inhabitants, of whom 43, 7% were Bosnians, 31% Serbs, 17.3% Croats and 7.6% other nationalities. The population is made up of various ethnic and religious groups: Bosnians are Muslims, Serbs are Orthodox Christians and Croats are Roman Catholics, the rest being made up of 17 groups of national minorities. Bosnia and Herzegovina has many natural resources (wood, ore deposits, and hydro-electric industrial potential), and by 1992 it develops industrial production with an average annual growth of about 1.5 percent. Per capita GNP was around \$ 2500 in 1991, and it was considered a medium-developed country.<sup>4</sup>

On March 2, 1992, when the results of the referendum (boycotted by many Bosnian Serbs) are announced and the desire to become an independent State is formally made public, Serbian paramilitary forces occupy positions around Sarajevo. Bosnia-Herzegovina is recognized as an independent Federal Democratic Republic internationally both by the European Community and the United Nations.<sup>5</sup>

On April 6, Serbian paramilitary forces opened fire on some demonstrators, after they had already bombed some cities in March, beginning not only the siege of Sarajevo but also the war.

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<sup>2</sup> The nationalists' victories are largely a reaction to the growing trend of Serbian power manifested during the previous decade. After the elections, Croatia and Slovenia leave the Yugoslav Federation and are recognized by European countries as independent States. View Paul Dănuț Duță, Teodor Frunzeti, Ion Panait, *Organizațiile internaționale și problema balcanică. Studiu de caz: Kosovo*, Political and National Defense Collection No. 34, Publishing House Media, (Sibiu: Tehno Media, 2009), 46 et seq.

<sup>3</sup> www.nato.int – NATO official site

<sup>4</sup> Agency of Statistics of Bosnia and Herzegovina. *About BiH*. Agency of Statistics of Bosnia and Herzegovina, 2012.

<sup>5</sup> See, the Security Council Resolution No.755 (1992) on 20 May 1992. See also, The Referendum on Independence in Bosnia-Herzegovina: February 29 – March 1, 1992, Commission on Security and Cooperation in Europe, 1992, 19.

From 1992 to 1995, Bosnia and Herzegovina is the theatre of a brutal war between Serbs, Croats and Bosnians, alliances and bilateral and multilateral arrangements either disregarded or ignored.

On April 5, 1992, Milosevic sent the Yugoslav national army forces in Eastern Bosnia. Herzegovina becomes an autonomous community, known as Herceg-Bosna, aimed at uniting, sooner or later, with Croatia. Suddenly, the situation became extremely tense, turning it into a deadly military conflict.<sup>6</sup> In response to the actions of the Serbs, Croat nationalists begin their "ethnic cleansing" a campaign also led by Bosnian Muslims. In response, NATO started aircraft patrolling to support the UN bans on flights and the 14,000 members of the UN protection force.<sup>7</sup> After the outbreak of war in Bosnia, the Croatian-Muslim Alliance starts to halt.<sup>8</sup>

In July 1992, NATO ships carry out monitoring operations in the Adriatic Sea in support of weapons and munitions embargo imposed by the United Nations to all the republics of former Yugoslavia<sup>9</sup> and of the sanctions against the Federal Republic of Yugoslavia.<sup>10</sup> On March 31, 1993, they authorize the imposition of compliance with air restriction zone over Bosnia and Herzegovina and extend a ban on all flights, except those authorized by UNPROFOR.<sup>11</sup> NATO planes belonging to the airborne detection and control system start monitoring actions in no-fly zone over Bosnia and Herzegovina<sup>12</sup>, as part of Operation Sky Monitor."<sup>13</sup> In august 1993, the North Atlantic Council decided to prepare without delay to pass tougher measures against perpetrators, including air strikes,

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<sup>6</sup> The pretext was offered by the mediation project presented in January by Vance and Owen, which gave three districts to the Croatian population. It was sufficient that the leaders in Herceg-Bosna to send Muslims to evade the Croat militias or to abandon the area entrusted to them. They encountered a refusal. View, Misha Glenny, op. cit., 32.

<sup>7</sup> See, *NATO Handbook*, Office of Information and Press, NATO-1110 Brussels, Belgium, 2001, p.110.

<sup>8</sup> There were rumors about a pending agreement between Milošević and Tudjman with the view of dividing Bosnia. View Misha Glenny, *The Fall of Yugoslavia*, (London:Penguin Books, 1996), 26-28

<sup>9</sup> See, The Security Council Resolution No.713 (1992).

<sup>10</sup> Serbia and Montenegro.

<sup>11</sup> See, The Security Council Resolution No.816 (1993).

<sup>12</sup> See, The Security Council Resolution No.816 (1993).

<sup>13</sup> On March 31, 1993, the prohibition of unauthorized flight was extended and authorized the Member States to take all necessary measures in the event of the violations of its provisions. On April 8 1993, the North Atlantic Council approved the air monitoring plans and notified the United Nations the agreement on the conduct of the operation. On 12 April 1993, the operation Sky Monitor ceased. "On 12 April 1993, the operation "Deny Flight" began and lasted over 1000 days, in order to prevent the warring parties from using the airspace as military action area. The completed missions within the operation: monitoring of air zone „No-Fly Zones ", providing support to the United Nations troops and striking targets that threatened the security of protected areas by the United Nations. See The Security Council Resolution No.781 (1992).

if they could not put an end to the isolation of Sarajevo and other areas and did not stop the disruption of humanitarian assistance in the region.<sup>14</sup>

In 1993, the war also breaks out between former allies. At this stage, all make use of ethnic cleansing: Muslims in Mostar are compelled to gather in the Eastern neighborhoods, systematically bombed by Croats, who, in the end, also destroy the old Turkish bridge of the city. The established tactics in order to create the Great Serbia<sup>15</sup> undergoes the first major break-up between the two Serb leaders, thus the general decay of Bosnia-Herzegovina becoming more complex.<sup>16</sup>

On 24 May 1994, following the military situation of the city of Sarajevo, which was considered very serious by the Secretary-General, the UNPROFOR Commander, warns the Bosnian Government and the Bosnian Serbs that they will go start air strikes against them.<sup>17</sup> The Protection Force of the United Nations<sup>18</sup>, restricted to the Republic of Bosnia and Herzegovina confronted, during 1995, with the lifting up of military activities to an unprecedented level of offensive conduct, respectively accompanied by large population exodus and the use of force against Bosnians Serbs both by UNPROFOR and by NATO.

On May 30 1995, the Secretary-General summarizes<sup>19</sup> the seriousness of the situation, requesting the option between a peace-keeping operation and a peace-

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<sup>14</sup> On August 2 1993, it was decided to take measures to strengthen the capabilities of the operation, including for the execution of air strikes against those who blocked the movement toward Sarajevo as well as to other locations and those which interfered with humanitarian assistance. On August 9, the North Atlantic Council approved the military planning for the execution of the air strikes. On August 9, the North Atlantic Council approved a series of "Operational Options for Air Strikes in Bosnia-Herzegovina." These options related to the process of identifying the targets and the requirements of NATO\UN on command and control for the air strikes. See, The Security Council Resolution No. 836 (1993).

<sup>15</sup> Moscow's support was more verbal than real, because of the deep crisis in which Russia had fallen, after the collapse of the Soviet Union. In Central Bosnia, the Croatian forces encircled the Muslims, destroyed their resistance and banished them from Croatia. In September, there was a fracture in the Muslim camp, between Abdic and Izetbegovic, his vice-president, who, after many hesitations, joined the Serbs, trying to gain control over his home region, Unska Krajina between Bihac and Cazin. Thus, a new military conflict opened between Muslims. Bosnia becomes a space in which the disagreement between ethnic groups is complicated even further by adding the disagreements within the ethnic community. See, Yossef Bodansky, (November 29, 1995). *Offensive in the Balkans: The Potential for a Wider War as a Result of Foreign Intervention in Bosnia-Herzegovina*. International Strategic Studies Association.

<sup>16</sup> Milošević, along with Greek Prime Minister Mitsotakis, goes from Pale to persuade Karadžić and his people to accept the Vance-Owen plan, but without any result. See, Yossef Bodansky, *cit. op.*

<sup>17</sup> On 25 and 26 May, the air strikes carried out by NATO against at least one ammunition depot near Pale, controlled by the Bosnian Serbs. They respond to the air strikes by encircling the weapons collection centers, taking 300 United Nations military as hostages and the shutting down electricity in Sarajevo. On May 27, the Bosnian Serbs surround a UN observation post on the Bridge of Vrbanja River in Sarajevo, which is relieved by UN forces in battle. During this fight 2 UN soldiers were killed and other 14 were wounded, with casualties on the Bosnians Serbs' side, too. See, Paul Dănuț Duță, Teodor Frunzeti, Ion Panait, *op. cit.*, 56 et seq.

<sup>18</sup> United Nations Protection Force – UNPROFOR.

<sup>19</sup> The UN forces military situation had become critical, thus being practically isolated and a target of the two warring parties, the isolation of the Sarajevo UNPROFOR personnel; severe restrictions on freedom of

enforcement operation, such as those in Somalia and Haiti.<sup>20</sup> As a result of signs of increasing risks and threats as to UNPROFOR personnel, highlighted by the Secretary-General, a group of UN Member States (France, the Netherlands and the United Kingdom)<sup>21</sup>, make available to the Organization units of rapid-reaction military force in order to strengthen the operation and reducing its vulnerability. The Security Council approved in June, the establishment of rapid reaction force.<sup>22</sup>

However, the Governments of Croatia and of Bosnia-Herzegovina disagree with this interpretation, arguing that the Status of Forces Agreement<sup>23</sup> is valid only for the deployed troops and not for rapid reaction force. The Security Council called the two Governments in order to immediately remove all obstacles that affected the free movement and some other amenities of the force.<sup>24</sup>

On July 6 and July 21, Bosnian Serbs launch attacks against the safety areas of Srebrenica and Zachariah, operations strongly condemned by the Security Council.<sup>25</sup>

In early august 1995, the Bosnian Government starts an attack, in cooperation with the Croatian army, against the "Autonomous Republic of Western Bosnia", led by Fikret

movement of the force; the increased risks of the activity of the staff, deployed around the safe areas; increasing threats against staff who were on guard over the weapons collection centers, when they air strikes were carried out. The existence and the functioning of UNPROFOR, as a peacekeeping force, impartial and based on the consensus of the warring parties are seriously compromised. See, S 444/1995.

<sup>20</sup> The mandate of a peacekeeping operation may refer to: conduct of good offices, making the link between the warring and negotiating parties; monitoring the cessation of the fire as long as the parties consent to it; maintaining a presence in the areas of security, after the negotiation of such a scheme for such areas, but without the use of force to deter attacks against them; the use of Sarajevo airport with the consent of the parties; facilitating the return to normal life in Sarajevo; escorting humanitarian convoys and supporting humanitarian activities; monitoring international borders with the consent of the parties; the use of force, including air strikes, only for self defense. See, the Act of the President of the Security Council No. 32/1995.

<sup>21</sup> See, *The Document of the Security Council No. 470/1995*.

<sup>22</sup> With the following characteristics: they are an integral part of UNPF/UNPROFOR. The proposed number of rapid reaction force was to be 15,000 military, the operation troops rising from 44.870 to 57.370 (2,500 were already deployed in the field, and 4,000 soldiers were on stand-by in France); their financing was made according to the rules and procedures for peacekeeping operations (in this case 414,3 million USD for 6 months); it operates in compliance with the UN rules of engagement; it is subject to UN command structures; their status is the same as those of UNPF/UNPROFOR. See, Security Council Resolution No. 998/1995.

<sup>23</sup> Status of Forces Agreement - SOFA

<sup>24</sup> The same time with the presentation of these proposals its missions were outlined: the development of emergency actions and the intervention for isolated and threatened UN units; providing support in the re-development of some elements of the operation; facilitating freedom of movement where necessary. See, the Document of the President of the Security Council No. 40/1995.

<sup>25</sup> Considering that the fire of flame throwers in a market in Sarajevo on August 28 -37 dead and 80 injured, was the responsibility of the Bosnians Serbs, that by this attack they had breached the safe area of Sarajevo, it was decided the execution of air strikes by NATO against the Bosnians Serbs in Eastern Bosnia--Herzegovina and artillery strikes against the Bosnians Serb troops near Sarajevo. See, Security Council Resolution No. 1004 (1995).

Abdic, the Muslim leader, attack followed by the exodus of more than 25,000 people and by numerous human rights violations.<sup>26</sup>

On 9 February 1994, in response to a request from the Secretary-General of the United Nations, the North Atlantic Council authorizes the Commander of the Allied Forces in southern Europe to launch air strikes, at the request of the United Nations, over the artillery positions and mortars in or around the city of Sarajevo, identified as sources of attacks against civilian targets in that city.<sup>27</sup> On February 28 1994, 4 fighter jets that had violated the no-fly zone over Bosnia and Herzegovina were shot down by NATO aircraft in the first military intervention by the Alliance in its history. At the request of the United Nations, NATO forces provide direct air support to protect the UN personnel in the town of Gorazde, declared as safe area.

On April 22, responding to the UN Secretary-General's request to support United Nations efforts to break the siege of Gorazde and protect other areas of security, the North Atlantic Council announces that if the Bosnian Serbs do not cease attacks immediately, air strikes will take place.<sup>28</sup> On November 23 1994, after the attacks with anti-air missiles launched from a location just south of the Otaka on two NATO planes, air strikes are carried out against air defense radars located in this area.<sup>29</sup> On 25 and 26 May 1995, as a result of infringement of the ban and of the bombing of the areas of security, NATO forces carried out air strikes against the ammunition depots from Pale, belonging to the Bosnian Serbs.<sup>30</sup>

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<sup>26</sup> The action is materialized through the conquest by the Bosnian Government of Ozren, while the Croatian Army captures the city Banja Luca, traditionally populated by Bosnian Serbs. It was estimated that in the first phase about 50,000 Bosnians Serbs, including refugees from the Krajina, were ousted, then some thousands following, because of the Croatian army's abuses. See, *The Humanitarian Operation in Bosnia, 1992-95: the Dilemmas of Negotiating Humanitarian access*. United Nations High Commission for Refugees, May 1999.

<sup>27</sup> In addition, the Board decided that all heavy weapons in the zone, with a radius of 20 km around the city of Sarajevo, should be withdrawn within a period of 10 days. At the end of this period, heavy weapons that were still held by any of the parties, found in the no-fly zone, except for those under UNPROFOR control, were to become the target of air attacks. See, [www.nato.int](http://www.nato.int).

<sup>28</sup> Bihac, Srebrenica, Tuzla and Zachariah. Until April 24, Bosnian Serb forces had retreated at 3 kilometers from the centre of Gorazde, allowing humanitarian aid convoys and medical teams to enter the city. The Council said that as of April 27, air strikes were to be launched against heavy weapons bases of Bosnian Serbs, which remained within the perimeter of an exclusion zone of 20 kilometers around Gorazde town centre. Air strikes were authorized in case other security zones established by the UN would have been attacked, from any distance, with heavy weapons. These areas could be declared, in their turn, ban areas, if NATO's and UN's military commanders would have considered that within a radius of 20 km around them, heavy weaponry was concentrated. See also, Security Council Resolution No. 836 (1993).

<sup>29</sup> in the North-Western part of Bosnia and Herzegovina.

<sup>30</sup> Approximately 370 members of the peacekeeping forces of the United Nations in Bosnia are taken hostage and used as human shields to potential targets, in an attempt of Bosnian Serbs to prevent the release of the new bombing. On 30 May 1995, the Foreign Ministers of NATO countries met at Noordwijk, in the Netherlands, and they condemn the escalation of violence in Bosnia and the acts of hostility of the Bosnian

On 11 July 1995, the United Nations requested NATO air support directly for the protection of the Blue Helmets threatened by Bosnian Serb forces that were advancing toward the Srebrenica, declared by the United Nations, security area. Under the supervision of the United Nations, the United Nations designated targets are attacked by NATO aviation. Despite air support provided by NATO, the security zone of Srebrenica falls into the hands of Bosnian Serb forces, which also occupy, shortly afterwards, the security zone at Zariah, located in the vicinity. The North Atlantic Council approved the drawing up of plans designed to discourage a military attack on the security zone of Gorazde, as well as the use of NATO aircraft, in the event that the safety zone had been threatened or attacked. The Council adopts similar decisions in order to discourage attacks on the security zone of Bihac, Sarajevo and Tuzla. NATO undertakes aviation air strikes against radar air defense forces of Serbs in Croatia, located near the airfield at Udbina and Knin in Croatia.<sup>31</sup>

The operation "Deliberate Force" is highly controversial; it has an essential role for the Federation of Bosnia and Herzegovina.<sup>32</sup> In addition, although it subsequently overshadowed by the operation "Allied Force" the much longer air campaign in Kosovo in 1999, operation "Deliberate Force" is the starting point of the post-cold war transformation of NATO.<sup>33</sup> The Bosnian war proved to be a very cold shower for the United Nations and for all the other international institutions that were involved in negotiations in order to end the conflict.<sup>34</sup>

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Serbs against UN personnel. Until June 18, the Bosnian Serbs released all UN soldiers who had been taken hostages. UN forces peacekeepers who had been isolated at the weapon collecting centres from the vicinity of Sarajevo are withdrawn. See, [www.nato.int](http://www.nato.int).

<sup>31</sup> The Deliberate Force. On 28 August 1995, the event that triggered the operation "Deliberate Force" is the mortar strike in a market in Sarajevo, killing 38 and wounding 84 civilians; the shot is considered to come from the Serbs. In the absence of General Janvier, who was gone at that time, the British General Rupert Smith called for the UN key in coordination with Admiral Smith, saying that the Bosnian Serbs had violated once more the Resolution of the UN Security Council and that, this time, NATO will respond by the use of force. See, Paul Dănuș Duță, Teodor Frunzeti, Ion Panait, *op.cit.*, 66 et seq.

<sup>32</sup> The operation "Deliberate Force" is launched once the last troops have left UNPROFOR Bosnian Serb territory. The bombings are interrupted for a short time, because of a cease-fire agreement negotiated by General Janvier on 1 September, but they start again in the early morning hours of September 5. Almost all the 16 Allies parties contribute in one way or another to this campaign, which involved 3515 sorties and the launching of 1026 bombs over 338 individual targets. NATO did not register any loss, though a French Mirage 200K was shot down on the first day of the campaign, and the crew was captured by the Bosnian Serbs. See Phillips, Douglas A., *Bosnia and Herzegovina* (Philadelphia: Chelsea House, 2004), 25.

<sup>33</sup> The operation "Deliberate Force", NATO's first air campaign, lasts two and a half weeks and disorganizes the Bosnian Serbs' communications and effectively puts an end to the debates 'out-of-area'. See, Phillips, Douglas A., *op.cit.*, 31.

<sup>34</sup> The Alliance joined the international efforts to slow the cessation of fighting in the former Yugoslavia. When violence erupted in 1991, the European Community and the United Nations Organization took the lead

NATO aviation starts a series of air strikes, supported by the UN rapid reaction Force, based in the mountains Igman, against Bosnian Serb military targets located within the territory of Bosnia. The air operations were triggered after the UN military commanders established that the mortar attack which hit on August 30, following the sustained artillery attacks by the Bosnian Serbs on the city of Sarajevo two days before, had been launched from Bosnian Serb area.<sup>35</sup> On September 20 1995, the commanders of NATO forces and the United Nations said that Bosnian Serbs had abided by the conditions imposed by the United Nations and thus suspended the air attacks.<sup>36</sup>

In 1994 and 1995, NATO used force against military targets of the Bosnian Serbs<sup>37</sup> and imposed the enforcement of UN embargo on weapons.<sup>38</sup>

The first incursions of NATO in Bosnia and Herzegovina failed to change the political reality on the ground.<sup>39</sup> Although most UNPROFOR soldiers totally did their duty and 167 people were recorded dead during the mission, UNPROFOR's inability to

in trying to halt the conflict and restore peace and stability. During that time, the United States had just had a UN-mandated coalition in ousting Iraqi forces of Saddam Hussein from Kuwait and there was a great potential for optimism regarding the United Nations' potential to promote a "new world order". See, Phillips, Douglas A., *op.cit.*, 31.

<sup>35</sup> These operations were decided by mutual agreement between the Commander in Chief of Allied Forces in Southern Europe (CINCSOUTH) and the Peace Force Commander of the United Nations, under the authority conferred on them by the Resolution 836 of the UN Security Council, in accordance with the decisions taken by the North Atlantic Council on 25 July and 1 August 1995 and approved by the Secretary-General of the United Nations. The common objectives of the UN and NATO were to reduce the threats over the security zone in Sarajevo and to deter other attacks in the region or on any other security zones; to compel the Bosnian Serbs to withdraw their heavy weapons from the total ban area of Sarajevo; and to provide an absolute freedom of movement for the United Nations forces and personnel and non-governmental organizations and allow a total free use of Sarajevo airport. See Paul Dănuț Duță, Teodor Frunzeti, Ion Panait, *op.cit.*, 56 and seq.

<sup>36</sup> They stressed the idea that any attack on Sarajevo or any other safe areas, any non-compliance with the provisions on the status of Sarajevo, the ban or any disturbance of the freedom of movement or the functioning of Sarajevo airport would be reviewed, thus leading to a possible resumption of air attacks. View Paul Dănuț Duță, Teodor Frunzeti, Ion Panait, *op.cit.*, 56 and seq.

<sup>37</sup> On October 4 1995, after intercepting an aircraft of the Alliance by a Bosnian Serb anti-aircraft radar, NATO aircraft launched three rockets on two radar stations in different locations. On 9 October, in response to the request of the air support of the United Nations Peace Forces attacked for the second consecutive day by the Bosnian Serb artillery, the NATO air force attacked a command and control bunker of the Serbian army in Bosnia, near Tuzla. See, Paul Dănuț Duță, Teodor Frunzeti, Ion Panait, *op.cit.*, 92 and seq.

<sup>38</sup> While UNPROFOR was trying to fulfill the goals, NATO sought to adapt to the reality of the cold war. In 1991, at the Summit in Rome, the heads of state and of Governments of NATO member countries agreed on a new strategic concept, which allowed the Alliance to overcome the limits of collective defense and to undertake new missions in the field of security, including peace-keeping, conflict prevention and crisis management. See, Sabrina P. (2006), *The Three Yugoslavias: State-Building and Legitimation, 1918–2004*, (Indiana University Press, 2008), 383.

<sup>39</sup> Many have perceived the role of NATO in the Balkans as particularly difficult, given the high level of suffering to which the people in a region were subjected to, after all set even in the vicinity of NATO. Expressing quite often their resignation, either supporters or critics of NATO, stated that the Alliance would have to "leave the traditional area" if they do not want to „leave the game”. See, Sabrina p. (2006), *op. cit.*, 384.



influence the conduct of the conflict allowed the Bosnian Serbs to ridicule the UN mission.<sup>40</sup> NATO's inertia was partly a consequence of the composition of UNPROFOR.<sup>41</sup>

An essential policy changes introduced in early August 1995 was the redefining of the "dual-key" arrangement, agreed upon in 1993 to set up the use of force by NATO.<sup>42</sup>

Among the many involved in the operation "Deliberate Force", NATO Secretary general Willy Claes played a very influential role in the „backstage ". Although his personal political problems in Belgium clouded the legacy and obliged him to leave NATO in less than a year and a half since his job appointment, Claes has a great deal of credit for the success of the operation "Deliberate Force."<sup>43</sup> Claes ' relationship with General Joulwan also played an important role in ensuring the success of the air campaign.<sup>44</sup>

On August 5, at the request of UNPROFOR, NATO aircraft attacked a target inside the no-fly zone in Sarajevo. This action was ordered as a result of an agreement between NATO and UNPROFOR, after the Bosnian Serbs had captured guns from a weapons collecting center near Sarajevo. The North Atlantic Council approved the extension in

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<sup>40</sup> Both NATO Secretary general Willy Claes and his predecessor Manfred Wörner began to increasingly emphasize more and more the UN's inability to end the crisis and the need for NATO to take on a greater role. Despite this, the Allies themselves were unable to achieve political consensus for a more robust approach in 1994 and the first half of 1995 and continued debate over the most appropriate course of action. See, Sabrina P. (2006), *op. cit.*, 385

<sup>41</sup> Many allies, including Canada, France and the United Kingdom, had deployed peacekeepers in UNPROFOR and they were afraid that a more robust approach on the issue of the Bosnian Serbs would have repercussions on their own troops. At the same time, the United States, which did not have troops on the ground, were pushing for the implementation of a policy "raise and strike" – raising the arms embargo throughout the region, which affected in particular the Bosnian Muslims, and the carrying out of air strikes against Bosnian Serb targets. See, Sabrina P. (2006), *op. cit.*, 386.

<sup>42</sup> Under this arrangement, the military actions of NATO had to be approved both by the United Nations' officials and the NATO ones. Until August 1995, Yasushi Akashi, the Special Representative of the UN Secretary-General in the former Yugoslavia, held the UN Organization key. After Srebrenica, the key passed to the military commander of UNPROFOR, the French General Bernard Janvier. The NATO key was owned by Admiral Leighton W. Smith, Commander of Allied Forces in Southern Europe, at Naples. See, *NATO Handbook*, 107.

<sup>43</sup> In the short period when he was a NATO Secretary General, Claes proved a decided leader, prepared to lead the North Atlantic Council for long work hours until they reached a consensus, in particular with respect to the issues which led to the launch of Operation Deliberate Force. According to work "The Concluding of a war" (Random House, 1998) by Richard Holbrooke, Claes also actively supported the two Smiths when they used the keys, allowing the starting up of the air campaign without further debate among the allies. When General Janvier negotiated an agreement on a temporary cease-fire with Bosnian Serb military leaders, Claes did considerable diplomatic pressure over it, on other UN officials and on the North Atlantic Council in order to resume air strikes, arguing that NATO had to demonstrate greater determination to change attitudes in the field. See, Sabrina P. (2006), *op. cit.*, 388.

<sup>44</sup> Claes backed General Joulwan when he sought political support for the use of Tomahawk missiles against military positions occupied by the Bosnian Serbs in Banja Luka. The use of Tomahawk missiles in the early morning hours of September 10 generated some criticism, even among NATO ambassadors. See, Sabrina P. (2006), *op. cit.*, 388.

Croatia of air support operations in order to protect the UN forces deployed in this country.

<sup>45</sup>On November 21, NATO attacked the airfield aviation from Udbina, a Croatian territory under Serbian control, and on November 23 air strikes were carried out against air defense radars located south of Otaka.<sup>46</sup>

In June 1995, the Bosnian Serbs released all UN soldiers they had taken hostages. Peace-keeping UN forces, which had been isolated at the weapons collecting centers from the vicinity of Sarajevo, are withdrawn. A month later, despite air support provided by NATO, the security zone of Srebrenica falls into the hands of Bosnian Serb forces, which shortly afterwards also occupy the security zone at Zachariah, located in the vicinity.

At the end of 1995, the leaders of Croatia, Serbia and Bosnia, Slobodan Milosevic, the Bosnian leader Alija Izetbegovic and the Croatian Franjo Tudjman, start negotiations in Dayton, Ohio, by signing the General Provisions of the Dayton Peace Agreement,<sup>47</sup> thus ending the worst conflict in Europe since the end of World War II.<sup>48</sup> Then, the Treaty is solemnly ratified in Paris on 14 December 1995.

On 15 December 1995, the peace-enforcement operation Implementation Force (IFOR)<sup>49</sup> is set by the Security Council<sup>50</sup> to replace UNPROFOR, the transition from UNPROFOR to IFOR referring primarily to a transfer of responsibility.<sup>51</sup> The Peace Agreement allows the UN Security Council to suspend the sanctions<sup>52</sup> and to lift the

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<sup>45</sup> See, *The Resolution of the Security Council No.958 (1994)*.

<sup>46</sup> See, *NATO Handbook*, 114.

<sup>47</sup> See, *The Dayton Peace Accord*.

<sup>48</sup> It was agreed that Bosnia would remain a unitary State, built from two entities, the Federation of Bosnia and Herzegovina (Croatian-Muslim) and the Serbian Republic (Srpska), having a strong autonomy and a Constitution of its own, as well as the opportunity to establish privileged relations, first with Croatia and second with Serbia. The territorial division would have copied the decision taken in his time by the "Contact group". NATO would have supervised the application of the Treaty for a year, through its military presence, while new elections would be held for the establishment of a political and a collegial presidency, in which ethnic groups were offered guarantees quite similar to those in vogue at the time of Tito. The refugees would be able to return to their countries of origin. The EU and the World Bank would have guaranteed the funding for reconstruction. Serbia would have been freed by the U.N. sanctions and at the same time the whole Yugoslavian arms embargo on the purchase of arms, decreed at the beginning of the conflict.

<sup>49</sup> Implementation Force – IFOR.

<sup>50</sup> IFOR operation was launched on the basis of Chapter VII of the UN Charter, is characterized by the: command and control over all components- land, sea and air- those belonging to NATO Member States, and to non-NATO countries; it had authorization to adopt all measures to implement the peace agreement of 21 November 1995, and for compliance of their provisions; parts of the Peace Agreement could constitute possible issues of enforcing measures if it was necessary for the implementation of the agreement; it had the right to liberty of movement; it had the right to take all measures necessary for self- defense in case of an attack or the threat of an attack. See, *The Resolution of Security Council No. 1031 (1995)*.

<sup>51</sup> In the Secretary-general's opinion, at the same time with the launching of IFOR operation, UNPF operation had to be closed, including the General Staff in Zagreb. The operations under the aegis of the UN that were taking place in the former Yugoslavia had to become independent. See, the Document of the Security Council, annex to the Resolution No. 1031/1995.

<sup>52</sup> See, *Resolution of the Security Council No.1022 (1995)*.

weapon embargo if certain conditions are met.<sup>53</sup> NATO and EU sanctions could be applied in the event of not abiding the conditions laid down by the United Nations.<sup>54</sup> NATO put an end to its operation from tax measures (Prohibition of flights), the control over the airspace of Bosnia and Herzegovina being taken by the Implementation Force (IFOR).

On 20 December 1996, after the smooth running of elections in September 1996 elections in Bosnia, IFOR ended.<sup>55</sup> SFOR<sup>56</sup> replaced IFOR to oversee the carrying out of the military effects of the peace agreement.<sup>57</sup> SFOR is authorized to enforce the military provisions of the Peace Agreement as a legal successor to IFOR.<sup>58</sup> In 2004, SFOR gives EUFOR a stabilized federal state.

The Dayton Agreement establishes Bosnia and Herzegovina as a sovereign State consisting of two entities: the Federation of Bosnia and Herzegovina and the Republika Srpska (RS).<sup>59</sup>

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<sup>53</sup> See, Resolution of the Security Council No.1022 (1995).

<sup>54</sup> See, *NATO Handbook*, 116.

<sup>55</sup> A week after the election, on the occasion of an informal meeting held in Bergen, in Norway, the Defense ministers from NATO member countries were of the opinion that the Alliance had to reassess how they could continue to support the establishment of a stable climate of security, even after the expiry of the IFOR mandate in December 1996. See, *NATO Handbook*, 126.

<sup>56</sup> SFOR-Stabilization Force.

<sup>57</sup> In November and December 1996, a consolidation plan over a period of two years is set in Paris and elaborated in London, under the auspices of the Council of the Implementation/Development of Peace created because of the Peace Agreement. On the basis of this plan and the study of the Alliance on security options, the foreign Defense ministers from NATO countries decided that a reduced military presence is required in order to ensure the stability necessary for the consolidation of peace. The Ministers also agreed on the creation of the NATO SFOR, who succeeded IFOR on 20 December 1996, on the day of the expiry of its mandate. See, *NATO Handbook*, 128.

<sup>58</sup> Peace-enforcement operation, acting in accordance with the provisions of Chapter VII of the Charter of the United Nations. If at first it is necessary a robust presence throughout Bosnia-Herzegovina, once underway, NATO commanders are beginning to cooperate with civil authorities to develop a multi-ethnic State of law and security capabilities. See, Security Council Resolution No 1088 (1996) of 12 December 1996.

<sup>59</sup> The State of Bosnia-Herzegovina is divided between two entities: Republika Srpska, which lies on an area of over 49% of the territory of the State and forms a semicircular area to the North and East, and the Federation that covers 51 percent of the territory of the State. Each entity has its own Government and political structure, headed by a central Government. The central Government is composed of the Parliamentary Assembly, which is also divided in the Assembly of representatives, and House of the people, a presidential system consisting of 3 rotating Presidents (with one member of each nationality, Bosnian, Croatian and Serbian) and a ministerial Council with nine Ministers. The political structure is divided into three levels: basic level, with a bicameral Parliament (House of representatives and the House of the people), a President, two Vice Presidents and a Government led by a Prime Minister; the cantonal level, with each of the 10 cantons, having their own assembly with the power to enact laws and a cantonal Government; the municipal level, with each municipality, with its own City Council and their own administrative structures. On the other hand, Republika Srpska has no cantons, but only municipalities. At the level of a National Assembly, a Council of the people, a President, two Vice-Presidents, and a Government led by a Prime Minister. All municipalities have their own assemblies and administrative structures. See, Agency of Statistics of Bosnia and Herzegovina. *About BiH*. Agency of Statistics of Bosnia and Herzegovina, 2012.

There are 3 constitutional courts, one at State level and one in the Republic and Federation.

Sarajevo, the capital of Bosnia and Herzegovina, the administrative, cultural and educational centre, is located in the area known as Sarajevsko Polje (the Sarajevo Plain). Special attention is given to the Brcko County, whose situation has not been resolved by the Dayton Peace Agreement but was rather left for the international arbitration. The situation in Brcko was finally decided in 1999 when it was organized as a district under the sovereignty of the State of Bosnia and Herzegovina with a multi-ethnic and democratic government. Brcko was originally under the supervision of the International Supervisor.

Operation UNPROFOR was launched based on a faulty warrant, which has negatively affected their impartiality towards the warring parties; it secured the arising of this democratic federal republic.<sup>60</sup> The mandate of the operation could not be brought to fruition without the consent of the warring parties and, in addition, it has been gradually widened to include some elements of "peace enforcement", transforming the force into part of the conflict. The tasks related to safe areas required cooperation and negotiation on a daily basis against those parties that were to carry out air strikes. The situation was contradictory, being created by the antagonism between the imposition of sanctions by New York while the ground troops could perform tasks only on the basis of consent of the parties and of cooperating with them. The result of these abnormalities forced the Bosnians Serbs to withdraw their consent and refuse to cooperate. The Secretary General refused to accept the opinion that UNPROFOR was "a failure" because the original aim of the operation was to "protect the humanitarian activities", task which was successfully fulfilled.<sup>61</sup>

The operations carried out by NATO stopped the Serbs and the Croats' actions but also those of the Muslims who wanted to crumble the Federation of Bosnia-Herzegovina.

## **THE FAILURE OF ETHNIC SECESSIONISM IN CROATIA**

In 1991, during the population census of Croatia, over 580,000 citizens declared themselves Serbs that is 12.2%. The Serb minority opposed the elected Croatian

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<sup>60</sup> Although launched as a peacekeeping operation, though references of some of the resolutions of the Security Council to Chapter VII of the UN Charter, which deal with peace-enforcement operations, were quite numerous. It is to be noted the fact that the UNPROFOR operation was not launched after the "the end of the war" being wrongly conceived as " a peacekeeping mission"; in fact it fulfilled the Mission of "peace-building" and even "peace enforcement". See, Paul Dănuț Duță, Ion Pâlșoiu, Olimpiodor Antonescu, *Generațiilor intervențiilor instituțiilor internaționale de securitate*, Sibiu: Tehno Media, 2009, 167 and seq.

<sup>61</sup> See, Security Council Resolution No.1026 (1995).

President's policy, Franjo Tuđman. The head of the Serbian Democratic Party, Jovan Rašković, retreats the formation from the Croatian Parliament.

In June 1990, at Knin, under the Serbian Democratic Party the Association of municipalities of northern Dalmatia and Lika was proclaimed.

In July 1990, the Serbs from Croatia create the Serb National Council in order to coordinate the opposition regarding the independence of Croatia, arguing that if Croatia leaves the federation, the Serbs are to break from Croatia. Paramilitary structures are organized under the Presidency of Milan Martić.

In August 1990, the rebellion of Serbs in Croatia breaks out; the goal was the secession from Croatia, separating Croatia in two, respectively the Coast of Dalmatia from Croatia. In Krajina, a referendum was held on the sovereignty and autonomy of Serbs in Croatia. With 99.7 percent of the votes for, the Croatian Government was declared illegal and invalid; it established that the Serbs had no constitutional right of secession from the Croatian territory.

In December 1990, the creation of the Serbian region of Krajina-Republic of Serbian Krajina was declared; a referendum on unification with the Republic of Serbia was organized; the overwhelming majority voted for the entry into force of the Constitution of the newly created entity. The Krajina Parliament declared that "the Krajina territory is part of the territory of the Republic of Serbia"; other communities in eastern Croatia announced that they want to be part of Krajine and are to cease paying debts to the Government in Zagreb, thus implementing their own currency, postal services and own army.<sup>62</sup>

On May 19 1991, a referendum for the independence from Croatia is boycotted by the Serbs.

On June 25 1991, Croatia declared its independence. With the Declaration of independence, the Croatian Government established two autonomous regions for ethnic Serbs in the province of Krajina: Glina and Knin. The Croatian Government announcement is regarded by Serbs as too late and too little for as to their own views on autonomy. These autonomous regions have not operated or the autonomy provisions have been suspended.

The constitutional reason for secession for the Serbian minority is the fact that as the Croatian Constitution stipulates the Serbs are a minority with the same rights as the Hungarian, Italian and other minorities. The proclamation of secession is founded on the

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<sup>62</sup> See, Nina Caspersen, *The Thorny Issue of Ethnic Autonomy in Croatia: Serb Leaders and Proposals for Autonomy*, (London School of Economics and Political Science, 2003), 19 and seq.

idea that the new Constitution contradicts the 1974 Federal Constitution, because Croatia is still governed by the SFRY, ignoring the fact that three months before the Croatian Constitution the Constitution of the FRY had been adopted, and it was in total contradiction with the provisions of the Federal Constitution put forward in 1974.

In 1992, the Western Slavonia, Slavonia, Baranja and Western Sremul joined Krajina. In March 1992, the Serbian army from Krajina was formed. In May 1992, the Yugoslav National Army Forces withdrew from the territory of Croatia.

Since 1992, Croatia initiated a program of arming, which allows it to attack, in January 1993, the Serbian positions around Maslenica which ensured the security of the corridor to the sea via Novigrad. In September 1993, the Croats conquered southern area of Krajina.

In January 1993, President Tuđman and Milošević signed a ceasefire agreement in order to create the conditions for the implementation of the plan proposed by Cyrus Vance. According to this plan, four United Nations protected areas-UNPROFOR- were created. The agreement froze the front lines for the next three years, Croatia and Republic of Serbian Krajina being obliged to comply with. The secessionist province was not recognized internationally but was supported by the allies of Serbia.<sup>63</sup>

The implementation of the Vance Plan was strongly opposed by the President of Krajina, Milan Babić; the opposition was countered by Krajina Serb Republic Parliament. From a formal point of view the secessionist province disposed of: the army, the Parliament, the President, the Government and ministries and also of currency. Its economy is dependent upon and supported by Serbia, which generalizes the hyperinflation.

The forces of Peace of the United Nations,<sup>64</sup> headquartered in Zagreb, Croatia, are established by the restructuring of UNPROFOR.<sup>65</sup> Separate operations were launched for the three republics after the breakup of Yugoslavia: for the Republic of Croatia<sup>66</sup>; for the Republic of Bosnia and Herzegovina<sup>67</sup>; for the Former Yugoslav Republic of Macedonia.<sup>68</sup> These operations were under the overall command and control of the SRSG and the overall command of the military were the task of the Theatre Force Commander.<sup>69</sup>

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<sup>63</sup> See, Branka Magaš, *Croatia through history: the making of a European state*. (Saqi Books, 2007), 12.

<sup>64</sup> United Nations Peace Forces -UNPF.

<sup>65</sup> See, the Security Council Resolution No.981/1995, of March 31<sup>st</sup> 1995.

<sup>66</sup> UNCRO

<sup>67</sup> UNPROFOR

<sup>68</sup> UNPREDEP

<sup>69</sup> Theatre Force Commander. Each mission was, in turn, headed by a civilian chief and by a military commander for the military component.

A battle for the independence from Croatia of the ethnic Serbs started, under the leadership of President Milan Babić, strongly supported by the Government of Slobodan Milošević. This entity controlled de facto areas belonging to the Croatian territory that varied according to the results of military activities. Following the signing of an agreement on demilitarization and on the transformation of the area into a zone under the protection of the United Nations, the breakaway province was conquered by the Croatian forces. The space remained impregnable by the Croats fell under UNTAES administration.

The United Nations Mission to Croatia<sup>70</sup> has a mandate to: comply with the Cease-fire Agreement of 29 March 1994; implement the Economic Agreement of 2 December 1994; to implement the resolutions of the Security Council; to assist (tracking and reporting) the monitoring of the international border crossing with Bosnia and Herzegovina and with the Federal Republic of Yugoslavia to monitor military personnel and weapons; to ensure the deployment of international humanitarian assistance to Bosnia and Herzegovina, Croatia, and demilitarization of the Prevlaka peninsula, the check. In terms of the existence of powerful Croatian Serb enclaves in Croatia, it is decided that Croatia's territorial integrity and the safety and rights of all communities will be guaranteed.<sup>71</sup> UNPROFOR's mandate<sup>72</sup> has similar missions to UNCRO's mandate. The mandate of UNPREDEP<sup>73</sup> is preventive, monitoring and reporting courses of action on the border area, which could affect confidence and stability in the country and threaten its territory.

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<sup>70</sup> See, The Security Council Resolution *No.981/1995*, United Nations Confidence Restoration Operation in Croatia.

<sup>71</sup> " The United Nations Confidence Restoration Operation in Croatia " had some missions such as : monitoring the area between the forward lines of troops, from static posts, ground and helicopter patrols ; verification of the compliance with the storage of weapons in accordance with the provisions of the agreement of 29 March 1994; employment verification points and crossings laid down in the agreement of 29 March 1994; leadership liaison activities necessary to implement the agreement of 29 March 1994; facilitating and supporting the opening of transport networks, water and electricity; supporting the negotiations and the implementation of economic and humanitarian measures; providing assistance to individual and community needs (Serbian, Croatian and others); monitoring the human rights situation at the level of individuals and communities in order to prevent discrimination; facilitating the voluntary return of refugees, in line with international principles; supporting local measures to increase confidence. For the implementation of this plan, it is estimated that the operation required approximately 8750 people. See, Security Council Resolution No. 990/28 April 1995.

<sup>72</sup> The United Nations Confidence Restoration Operation in Croatia UNCRO- the Security Council Resolution No. 982/1995 establishes the deployment of staff and property in Bosnia and Herzegovina, except those required for UNCRO.

<sup>73</sup> See, Security Council Resolution No. 983/1995, the United Nations Preventive Deployment Force. On November 11, 1992, the Macedonian President calls for the deployment of UN military observers. See, Security Council Resolution No. 795/1992 authorizes the presence of UNPROFOR in the Republic of Macedonia, which, in March 1995, is composed of 1.096 military, 24 military observers and 24 civilian police officers.

In Croatia, the secession of a province under the name of Republic of Serbian Krajina<sup>74</sup>, a self-proclaimed country, unaccepted as such on the international level, and with the existence of four years could not be successful because of the Badinter Commission which guaranteed the territorial integrity of the secessionist republics.<sup>75</sup> Serbia did not accept the Badinter Commission's findings but subsequently signed Dayton Agreement.<sup>76</sup> The Secretary-General stressed the idea that his plan did not enjoy formal acceptance and full support of either the Croatian Government or the Serb local authorities, with the risk that the parties should refuse to cooperate. However, on the other hand, they call for the implementation of the plan, the alternative being the withdrawal of UN forces and also the restarting of the war. After the approval of the plan proposed by the Secretary-General, the Security Council required the consent of the warring parties and their cooperation for its implementation.<sup>77</sup>

On April 24, 1995, Croat Serbs blocked for 24 hours the Zagreb-Belgrade highway in Western Slovenia, calling to share the benefits of the exploitation of the highway. On May 1 1995, the Croatian army, in violation of the agreement of 29 March 1994, launched a military offensive in the West of Slovenia, controlled by the Croat Serbs. This action is characterized by the Croatian Government as a police action to restore the security of the highway. In the wake of the offensive, the Croatian Army captured a large group of Croatian Serb soldiers and the residents<sup>78</sup> who did not desert their homes. 10,000 Croats Serbs crossed the bridge over the Sava River in Bosnia and Herzegovina. At the same time

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<sup>74</sup> The Presidents of the secessionist province: Milan Babić (1991–1992); Mile Paspalj (1992); Goran Hadžić (1992–1994); Milan Martić (1994–1995). The Prime Ministers: Dušan Vještica (1991–1992); Risto Matković (1992); Zdravko Zečević (1992–1993); Đorđe Bjegović (1993–1994); Borislav Mikelić (1994–1995); Milan Babić (1995–1995).

<sup>75</sup> On 20 November 1991 Lord Carrington asked Badinter commission: "Does the Serbian population in Croatia and Bosnia and Herzegovina, as one of the constituent peoples of Yugoslavia, have the right to self-determination?" The commission concluded on 11 January 1992 that "that the Serbian population in Bosnia and Herzegovina and Croatia is entitled to all the rights concerned to minorities and ethnic groups [...]" and "that the Republics must afford the members of those minorities and ethnic groups all the human rights and fundamental freedoms recognized in international law, including, where appropriate, the right to choose their nationality". Vezi, Nina Caspersen, *The Thorny Issue of Ethnic Autonomy in Croatia: Serb Leaders and Proposals for Autonomy*, (London School of Economics and Political Science, 2003), 25.

<sup>76</sup> See, Sharon Fisher (2006). *Political change in post-Communist Slovakia and Croatia: from nationalist to Europeanist*. Palgrave MacMillan, 34.

<sup>77</sup> See, Security Council Resolution No.990/28 April 1995.

<sup>78</sup> There were numerous human rights violations on the part of the Croatian army against the Croatian Serb population: theft of personal property, vehicles, burning and tearing down abandoned homes, workplace bullying and harassment, confiscation of personal documents (driving licenses and vehicle registration books). Many of the Croats Serbs wanted to leave their homelands. See, Security Council Resolution No. 990/28 April 1995.



the Croatian Army deployed in tactical positions in the separation zone in Osijek, the Eastern sector.

The Security Council intervenes rather late<sup>79</sup>, with three requests: parties are to withdraw their troops from the zones of separation and refrain from any military action that may lead to the escalation of the situation; the Croatian Government is to respect the rights of the Serbian population, including the freedom of movement and access to international humanitarian organizations; full respect is to be given for the authority of UNCRO and to allow it to run. With all the demands of the Security Council, the Croatian army and Bosnian Croats attacked in the area of Mount Dinara, 20 km from Šibenik, in the southern sector, on 4 and 6 June 1995.

After the conquest of the Western sector, the Croatian army, through successive mobilizations, strengthens their presence in the North and in the South sector, in the Krajina region. On August 4 1995, the Croatian army launched an offensive in these sectors, capturing the town of Šibenik (August 5) and forcing the Serbian population to flee.

The Croatian Army offensive affects the positions as well as the UN personnel, 98 UN observation posts being destroyed and; 3 dead and 16 wounded out of "the peacekeepers" were recorded.<sup>80</sup> As a result of the insecurity, NATO air support was requested on August 4 1995. There was also a rise of isolated attacks against UNCRO soldiers, the stealing of vehicles and three staff officers got detained. The attitude of the Croatian army against UNCRO personnel becomes very aggressive. 16 observation stations are closed because of the pressure of the Croatian army, opening fire on UNCRO positions and enforcing severe restrictions upon the freedom of movement.

The mass exodus of the Serb population from Krajina, South sector (90% of the total population, that is 200,000 people) heads for the Federal Republic of Yugoslavia (150,000 people) and for Banja-Luka, in Bosnia and Herzegovina (15,000 people). Numerous human rights violations directed against the Serbian population are found out, including

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<sup>79</sup> See, Security Council Resolution No. 994/17 May 1995; this resolution is issued after 16 days since the onset of the Croatian Army's offensive. See, Document of the President of the Security Council No. 44/1995.

<sup>80</sup> The Croatian soldiers, directly or indirectly, have opened fire on UNCRO observation points, using "peacekeepers" as human shields, arresting and disarming them, taking their gear. View, Paul Dănuț Duță, Teodor Frunzeti, Ion Panait, *Organizațiile internaționale și problema balcanică. Studiu de caz: Kosovo*, Colecția Politică și Apărare Națională nr.34, (Publishing House Tehno Media, Sibiu, 2009), 41

the killing of civilians during and after the military operations, the destruction and the pillage of their homes, the harassment and torture of vulnerable persons.<sup>81</sup>

Following the conquest of the West, South and North sectors, the need for UNCRO infantry battalions which will be arranged in these sectors was eliminated. The Secretary-General recommended that the Security Council approve the withdrawal of troops, less than two battalions positioned in the Eastern sector.<sup>82</sup>

UNCRO's mandate ended on January 15 1996.

In 1995, the Erdut agreement under the authority of the United Nations was signed, Milan Milanović signing for the Serbs although Krajina had been restrained to a portion of Eastern Croatia, along the Danube River. In 1997, under this agreement, the Council of municipalities as a stage of peaceful reintegration shall be established in the region.

In 1996, the Security Council decided<sup>83</sup> to establish, for an initial period of 12 months, a peacekeeping operation, with military and civil components, called the Transitional Administration of the United Nations for Eastern Slovenia, Baranja and West Sirmium."<sup>84</sup> In addition, the Security Council decided that the initial deployment to number 5000 military, supported by the Member State to which they belong either directly or through an international regional organization. The support that the Security Council referred to: all necessary defense measures; all appropriate withdrawal measures; request for air support. The support of the deployed military was based on requests made by UNTAES and the abidance of procedures communicated to the United Nations.

Thus, the Eastern sector of the Republic of Croatia<sup>85</sup> becomes the target for further operations, triggered by the proposal of the Secretary-General<sup>86</sup> submitted to the Security Council. It was recommended that the operation should be carried out on the basis of the provisions of Chapter VII of the UN Charter in order to be able to carry out the necessary actions for the maintenance of peace and security and to be able to reject any attack from

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<sup>81</sup> Alarmed by the situation, the Security Council urged the Croatian Government to investigate human rights violations, according to the Act of the President of the Security Council No. 44/1995.

<sup>82</sup> See, the Document of the Security Council No. 730/1995.

<sup>83</sup> See, the Security Council Resolution No.1037/15 January 1996.

<sup>84</sup> United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium - UNTAES.

<sup>85</sup> Eastern Slovenia, Baranja and Western Sirmium.

<sup>86</sup> It was established that the demilitarization of the region should be carried out within 30 days of the date when it was made the military formation of the operation and the conditions were met so as to fulfill the missions. The military component of the operation had the following assignments: monitoring and facilitating the demilitarization of the region according to plan and the procedures that were to be established by UNTAES; monitoring the voluntary safe return of refugees to their homes, in cooperation with the United Nations High Commissioner for Refugees (UNHCR); maintaining peace and security in the region. See, Security Council Resolution No. 1037/15 January 1996.

any of the warring parties. The initial proposal was to have the force of a mechanized division, composed of two infantry brigades and reinforced with a strong reserve of armored and air support (9300 combatants and 2,000 military belonging to the logistics troops).

The concept of deterrence is the central pillar of UNTAES; "the mere presence of a force, as a similar" security zones "in Bosnia and Herzegovina, is necessary for success." The Secretary-General stressed his point of view that the deployment and control of a force should be entrusted to a coalition of the Member States rather than to the United Nations.<sup>87</sup> Regardless of the nature of the force, the operation had to be conducted on the basis of the provisions of Chapter VII of the Charter of the UN- peace-enforcement operation.

The installation of a transitional authority was expected to be assisted for a period of 12 months which could be extended for another 2 years, at the request of a party, for the peaceful reintegration of the Eastern sector in the constitutional and legal system of Croatia.

The administrative structure of the transition was proposed to include: "transition administrator", a UN official who had under command the UN force. He held executive power regarding the police, the civil administration, the restoration of public services, education and culture, the return of refugees, the human rights abidance , the organization and the development of elections; "the Transitional Council", consisting of representatives of the Croatian Government, of the local Serbs, of local Croats and of some other local minorities. The Council had an advisory role and make proposals to remedy the situation.

An important aspect stressed by the Security Council, referred to the cooperation between UNTAES and the International Criminal Tribunal for the former Yugoslavia in order to carry out its mandate and to comply with its orders.

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<sup>87</sup> The civilian component of the mission would be: establishing a temporary police force, including the development of a program of implementation and monitoring of the treatment of prisoners in the penitentiary system; taking over the tasks of civil administration; taking over the tasks of the public services; facilitating the return of refugees; organizing the elections, assisting in the development and validation of the results; assistance with the coordination of plans for the reconstruction and economic development of the region; monitoring compliance with the highest standards of human rights and fundamental freedoms, promoting an attitude of trust between residents, regardless of their ethnic origin; monitoring of de-mining activities within the region. See, Security Council Resolution No. 1036/1996.

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