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ENDING THE WAR AND SECURING PEACE IN FORMER YUGOSLAVIA

Philip J. Cohen, M.D.[†]

I. INTRODUCTION

The current war in former Yugoslavia from its outset has been driven by Serbia's extremist nationalism and quest for territorial expansion.¹ As this tragedy has unfolded, the United States, European Community, Helsinki Commission, and United Nations have all concluded that Serbia bears the overwhelming responsibility for the war and its consequences.² However, no policy has been crafted or implemented by any of these entities that would effectively restrain the aggressive behavior of Serbia against her neighbors. Serbia's aggression has introduced a potentially dangerous destabilization of post-Cold War Europe, in a region in which Western Slavic, Eastern Slavic, and Turkish cultures, Catholicism, Eastern Orthodoxy, and Islam all converge in a delicate balance. Failure to contain Serbian aggression endangers regional stability and threatens a wider regional conflict.

A. *Former Yugoslavia As a Precedent For Regional Instability*

In the land-grab by which Serbia is attempting to create an ill-conceived, ethnically pure Greater Serbia, Serbs constitute

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¹ V.P. Gagnon, Jr., *Yugoslavia: Prospects for Stability*, FOREIGN AFF., Summer 1991, at 17-35.

² Blaine Harden, *EC Withdraws Ambassadors From Belgrade: Serbia Rebuked Again on Bosnian War*, WASH. POST, May 12, 1992, at A14; Harden, *U.S. Joins EC in Recalling Envoy From Belgrade*, WASH. POST, May 13, 1992, at A25; Jeri Laber & Ivana Nizich, *Milosevic's Land Grab*, WASH. POST, May 25, 1992, (editorial) at A25; Chuck Sudetic, *Observer's Blame Serb-Led Army for Escalating War in Croatia*, N.Y. TIMES, Dec. 3, 1991, at A8.

less than 40% of the population of this envisaged territory.³ In pursuit of Greater Serbia, Serbs predictably would continue their brutal policy of ethnic cleansing of the non-Serb population, the only measure they have historically used to establish control over newly conquered territories. "Ethnic cleansing," a term introduced by the Serbs themselves, is a sanitized euphemism for genocide and ethnic-based expulsion, and should be read as such. Ironically, the UN has criticized Croatia, with its war-shattered economy and over 750,000 refugees (over 500,000 from Bosnia), for not accepting more Bosnian refugees.⁴ By demanding that Croatia accept more refugees rather than making sure that Serbia stops creating them, it places the international community in tacit complicity with the principal Serbian war aim of territorial expansion by the expulsion of non-Serbs.⁵ No European country has done more for the Bosnian refugees than Croatia, and Croatia is among those least able to cope with this burden economically.

If Serbia is not stopped in Bosnia, the aggression predictably will extend to Kosovo and Macedonia, where ominous signs point to the possibility of wider regional conflict.⁶ It is clearly Serbia's intention to "ethnically cleanse" Kosovo, home to nearly two million ethnic Albanians.⁷ This has been a Serbian

³ Christopher Cviic, *Looking for Hope Beneath the Ashes*, THE TABLET (London), Aug. 15, 1992, at 1004.

⁴ Chuck Sudetic, *U.N. Asks Croatia to Admit Bosnians*, N.Y. TIMES, Nov. 4, 1992, at A18.

⁵ John F. Burns, *Sarajevans' Evacuation Ends in Sorrow*, N.Y. TIMES, Nov. 11, 1992, at A10.

⁶ Stephen Kinzer, *Ethnic Conflict Is Threatening in Yet Another Region of Yugoslavia: Kosovo*, N.Y. TIMES, Nov. 9, 1992, at A8; John Burns, *Free Macedonia Faces Hostile World*, N.Y. TIMES, Apr. 1, 1992, at A15; Robert L. Keatley, *Kosovo Could Trigger a Balkan War*, WALL ST. J., June 29, 1992, at A14.

⁷ Peter Maass, *Serbians Pressing Ethnic Albanians In Uneasy Kosovo*, WASH. POST, July 15, 1991, at A13. "In the last three years, tear gas, indiscriminate beatings and killings, arrests of wounded people in hospitals, 85,000 ethnic Albanians kicked out of their jobs and total control of schools, the press and food distribution have become a way of life. Many Serbs, including Belgrade intellectuals, attach monstrous crimes to the Albanians whom they consider subhumans, simians, citing in detail their lascivious overbreeding." Ken Danforth, *Serbs Can't Wait To Get at the Albanians*, PHILA. INQR., June 3, 1992, at A15. See Michael T. Kaufman, *A Different Kind of War in Kosovo: Serbian Repression vs. Quiet Resistance*, N.Y. TIMES, June 23, 1992, at A10.

aspiration for well over fifty years.⁸ In opposing the recognition of Macedonia, Greece had expressed its "fear" that Yugoslav Macedonia (although disarmed and with 20% the population of Greece) intended to invade the northern Greek province called Macedonia. Greek troops are deployed on the Yugoslav Macedonian border, and Greek military aircraft regularly over-fly Yugoslav Macedonia. If Serbia and Greece finally execute their agreement to divide Yugoslav Macedonia, which Serbia calls "southern Serbia" and which Greece calls "the stolen jewels of Greece," other countries may no longer feel constrained from intervention. Albania, Bulgaria, Hungary, and Turkey each have ethnic minorities threatened directly by designs to create a "Greater Serbia." Turkey, a traditional enemy of both Greece and Serbia, has resisted unilateral military intervention primarily because of Turkey's sensitivity towards integration with the rest of Europe. Nevertheless, Turkey has grave concerns for the endangered Muslim populations of Bosnia, Sandjak, Kosova, and Macedonia, where ethnic Turks also reside. Bulgaria, a traditional enemy of Serbia, also has a significant ethnic minority in Serbia as well as in Macedonia. The persecution of over 350,000 Hungarians in the Vojvodina province of Serbia has received relatively little attention, but evokes considerable concern in Hungary.

The UN's recognition of Croatia and Bosnia-Herzegovina, coupled with the continuation of an arms embargo on these states, has proven an incompetent exercise of authority. The net effect has been to encourage one-sided Serbian aggression by obstructing the self-defense of Muslims and Croats, even as they are victims of genocide. Since September 1991, the U.S., EC, and later the UN, have interfered in the Balkans by imposing an arms embargo that extended to the victims of genocide

⁸ Vasa Cubrilovic, *Iseljavanje Arnauta [Expulsion of Albanians] in Izvori velikosrpske agresije. [Roots of Great Serbian Aggression]* (Zagreb) (Boze Covic ed. August, 1991), at 106-124. The late Mr. Cubrilovic [1897-1990], who was a political adviser for the royalist Yugoslav government, originally presented The Expulsion of Albanians as a lecture to the Serbian Cultural Club on March 7, 1937, and subsequently as a memorandum to the Yugoslav government. It is a blueprint for rendering the lives of Albanians so intolerable and terror-filled that they will emigrate to Albania and Turkish lands. The original document is deposited in the Military-Historical Institute of the Yugoslav People's Army in Belgrade: Archive of the Royal Yugoslav Army, 2/4, Box 69. After World War II, Cubrilovic held several posts in the Federal Yugoslav government.

but have not intervened on the victims' behalf. With no serious help ever offered to stop Serbian aggression, a power vacuum has been created in the Balkans, with the opportunity for terrorist states to extend their influence in the region.⁹ The recent attempted shipment of arms from Iran¹⁰ is evidence of the failure of the U.S., EC, and UN to stop Serbian aggression. This policy has led to opportunistic involvement in the Balkan conflict and potentiates further destabilization of the region. Further, the betrayal of these small countries has sent "a very clear message to other small nations that they cannot count on principles. They should forget democracy and the free market, and arm themselves first."¹¹ The U.S. and Europe are losing an historic opportunity to strengthen the bridge of trust between the Muslim world and the West.¹² The willingness of the U.S. to use force in Iraq but not in former Yugoslavia is straining alliances with Turkey, Egypt, and other Middle East allies.¹³ Islam, with one billion followers, will long remember, as a seminal event of their modern history, the relative indifference of Europeans and Americans towards the genocide against the Bosnian Muslims.

In the former Soviet Union, in which over 160 ethnicities reside and where four republics possess nuclear weapons, there remains significant potential for multiple armed conflicts over borders. Russia has keenly noted the non-response of the West to Serbia's program of "ethnic cleansing," in flagrant violation of the Geneva Conventions. Despite Yeltsin's recognition of the independence of the Baltic republics, many Russian factions retain aspirations to control the strategic Baltic ports. To leave Serbian expansionism unchallenged would encourage those

⁹ Douglas Jehl, *Iranian Effort to Send Bosnia Arms Reported*, L.A. TIMES, Sept. 10, 1992, at A1.

¹⁰ *Id.*

¹¹ Barbara Crossette, *Bosnia, Fearing Ethnic Partition, Will Propose 4 Local Authorities*, N.Y. TIMES, Aug. 20, 1992, at A1 (quoting Bosnian Foreign Minister Haris Silajdzic).

¹² Kim Murphy, *Islamic World Galvanized by Reported Killing of Bosnia's Muslims, Deplores Inaction by UN*, L.A. TIMES, Aug. 14, 1992, at A5; Gerald F. Seib, *Split Between Islam and West Widens Because of Crisis in Bosnia-Herzegovina*, WALL ST. J., Aug. 17, 1992, at A4.

¹³ Jackson Diehl, *Contrast in U.S. Policies Is Straining Alliances: Double Standard Seen in Bosnia, Iraq*, WASH. POST, Sept. 19, 1992, at A17.

Russian elements.¹⁴ Indeed, Russian troops are still positioned in Latvia, Lithuania, and Estonia. The economic and political situation in Russia is volatile, and there is the risk that Yeltsin's fragile democracy may be replaced by ultra-nationalistic elements. These elements may attempt to re-establish Russia's influence in the Balkans by support of Serbian war efforts.

B. *A Rational Strategy For Attaining Peace*

A meaningful political solution to the war in former Yugoslavia will first require the military defeat of Serbian aggression and the end of Serbia's unchallenged military superiority. The first step should be to lift the arms embargo on Croatia and Bosnia-Herzegovina and permit those republics to defend themselves in accordance with international law and the UN charter. This step would obviate the need for any foreign ground troops and should terminate the debate on which foreign country should send troops to former Yugoslavia. If they were to possess adequate weaponry, ground forces under the command of the legitimate governments of Croatia and Bosnia-Herzegovina could successfully reverse Serbia's land-grab. It should be noted that Serb fighting forces have prevailed on the basis of superior arms. However, the wide swathes of territory they hold are thinly defended by irregular forces with questionable motivation. By undertaking strategic air strikes, a relatively low-risk operation, as enunciated by Margaret Thatcher,¹⁵ Jeane Kirkpatrick,¹⁶ and others,¹⁷ the international community could greatly shorten the conflict. Air strikes would accomplish several well circumscribed, but vital goals: 1) the grounding of Serbia's air power by the bombardment of radar stations and airfields, a total of approximately one dozen targets; 2) the severing of military supply lines from Serbia to Bosnia-Herzegovina.

¹⁴ Paul Goble, *Serbia's Success Echoes in Russia*, N.Y. TIMES, Aug. 13, 1992, (editorial), at A23. Mr. Goble is a former State Department specialist on Soviet nationalities and is currently a senior associate at the Carnegie Endowment for International Peace.

¹⁵ Margaret Thatcher, *Stop the Excuses. Help Bosnia Now*, N.Y. TIMES, Aug. 6, 1992, (editorial), at A23.

¹⁶ Jeane Kirkpatrick, *The Only Way to Stop Aggression*, WASH. POST, Aug. 3, 1992, (editorial), at A19.

¹⁷ Leslie H. Gelb, *Foreign Affairs; The West's Scam In Bosnia*, N.Y. TIMES, Aug. 9, 1992, (editorial), at E17; George D. Kenney, *Bosnia - Appeasement in Our Time*, WASH. POST, Aug. 30, 1992, (editorial), at C7.

vina and Croatia by the bombardment of bridges over the Drina River, across which personnel and supplies currently flow to Serbian forces; and 3) the destruction of munitions plants within Serbia. In addition, the steady flow of oil and strategic supplies to Serbia from Russia, Ukraine, and Romania via the Danube River must be firmly blockaded.

The current practice of forcing the victims of Serbian aggression to negotiate with their tormentors, while keeping the victims weak through an arms embargo, is morally reprehensible and politically unwise, and serves only to reward Serbia's aggression by legitimizing ill-gotten war gains. Predictably, it will also have the effect of creating the context for continued fighting, as the dispossessed struggle to recover their territories. Serb-occupied territories must be returned to the control of their legitimate governments, *before* negotiations are undertaken. Following the restoration of the territorial integrity of Croatia and Bosnia-Herzegovina, internationally-sponsored peace negotiations can address several problems: 1) the rights and security of all ethnicities and minorities must be guaranteed; 2) refugees must be permitted and assisted to return safely to their rightful homes, where many dwellings need to be rebuilt; and 3) war crimes trials for violators on all sides must be undertaken, to underscore the seriousness of the world community's commitment to human rights.

C. Conclusion

It is abundantly clear that Serbia and Serbian forces bear the overwhelming responsibility for the violence and atrocities which have characterized this one-sided aggression. This war could have been prevented if, from the outset, the international community had given clear support to the aspiring democracies, rather than favoring the communist regime, which sought to repress them. Instead, incompetent international maneuvering by the EC and the U.S. has had the net effect of encouraging Serbian aggression and weakening Serbia's victims. By freezing the military imbalance in favor of the aggressor, the ill-conceived arms embargo, imposed on all of what was once Yugoslavia, undoubtedly has had its greatest impact on Serbia's victims, Croatia and Bosnia-Herzegovina. Most incomprehensibly, the embargo has been retained on the victims, even after

their independence and sovereignty was internationally recognized, in mockery of the UN charter. The slow and ineffectual response to Serbia's aggression, coming only months after the highly coordinated response to Iraq's aggression, has mocked the concept of a New World Order in which "aggression will not stand." Thus, the Islamic world, horrified by the systematic extermination and expulsion of Muslims under the watch of the U.S., EC, and UN, is skeptical of Western principles of justice. In light of the West's failure, Muslim countries are now re-evaluating their own option and obligation to stop the slaughter and brutality in Bosnia.

The challenge remains to stop Serbia's aggression to prevent a larger international conflict and to affirm the West's commitment to the rule of international law. Former Yugoslavia is not Vietnam, Lebanon, or Northern Ireland. The more appropriate analogy is Adolf Hitler and Saddam Hussein: a ruthless aggressor seeking territorial aggrandizement and employing genocide to accomplish his end. The crisis in former Yugoslavia has epitomized the choice between the paths of Neville Chamberlain and Winston Churchill. The Churchillian path has thus far been avoided, to the shame and disgrace of those who have presumed to lead.

II. APPENDIX

A. *Background*

Initially, Slovenia and Croatia did not seek their constitutionally guaranteed right to secession,¹⁸ but rather a greater degree of cultural, political, and economic autonomy within a Yugoslav confederation, permitting democracy and a free-market economy. Instead, Serbia and its ally Montenegro demanded the preservation of centralized communist authority. The confederal proposal was rejected by Serbian president Slobodan Milosevic, who controlled 4 of the 8 votes in the federal presidency.¹⁹ Plebiscites were subsequently held, and in democratic open elections, 94% of Croatian and 88% of Slovenian voters chose independence.²⁰ In June, 1991, the Yugoslav Army attacked Slovenia, but met a humiliating defeat by the armed and prepared Slovenian Territorial Defenses.²¹ Slovenia, the most economically productive republic, with its homogeneous population of two million (96% Slovenian), contained virtually no Serb minority and shared no common border with Serbia. The Serbian leadership in the Yugoslav government later conceded Slovenia's secession from Yugoslavia,²² which

¹⁸ Gagnon, *supra* note 1.

¹⁹ The eight votes within the federal presidency of Yugoslavia were derived from six republics (Bosnia-Herzegovina, Croatia, Macedonia, Montenegro, Serbia, and Slovenia) and two autonomous regions (Kosova and Vojvodina) within Serbia. In 1989, Serbian authorities dissolved the legislatures of both autonomous regions, but retained their votes in the federal presidency. Thus, Serbia directly controlled three of eight votes. Montenegro and Serbia, voting in a block, effectively controlled four of eight votes, frequently deadlocking the federal presidency.

²⁰ Chuck Sudetic, *Croatia Votes for Sovereignty and Confederation*, N.Y. TIMES, May 20, 1991, at A3. More than 86% of eligible voters participated. Republic of Slovenia, *Republic of Slovenia - 1990. Chronicle of Slovenian Year of Secession in Words and Pictures*, 1991, at 175. According to these data, 93.2% of all eligible voters participated; 88.2% supported independence; 4% opposed independence; and 7.8% of votes were not valid.

²¹ Jim Fish, *Yugoslav Army Upended in Slovenia. Takeover Begun Leisurely Becomes Albatross for Privileged Force*, WASH. POST, July 2, 1991, at A1. "The overconfident army generals, thinking they would subdue Slovenia's Territorial Defense Force within hours, sent fewer than 100 tanks to seize Slovenia's 27 major border crossing points. . . . The tanks were crewed mainly by young draftees whose supplies of food and fuel soon ran out." Blaine Harden, *Slovenia Nears Independence as Croatia Faces Civil War: Slovenes See Army Pullout as Key Step to Freedom*, WASH. POST, July 20, 1991, at A1; Robert Marquand, *Yugoslav Accords Bring Calm to Slovenia's Capital*, CHRISTIAN SCI. MONITOR, July 2, 1991, at 3.

²² Harden, *supra* note 21.

would have left Serbia with 4 of 7 votes in the federal presidency.

Croatia, a republic of 4.5 million, including 600,000 ethnic Serbs (11.5%), was of fundamental strategic interest to Belgrade. Croatia contains the most productive oil fields of Yugoslavia (in eastern Slovenia, especially in the vicinity of Vukovar). Croatia, occupying most of the Adriatic coast of Yugoslavia, possessed valuable commercial seaports, with rail links to central and eastern Europe. Croatia's tourist industry alone generated 50% of Yugoslavia's hard currency, which was routed to the Belgrade-controlled Yugoslav bank. Serbia, by contrast, was oil-poor, land-locked, and economically dependent on Croatia and Slovenia, especially on Croatia.

Preparations for war against Croatia began long before 1991. As early as 1986, the "Memorandum" of the Serbian Academy of Arts and Sciences delineated the rationale for joining all lands with Serbian minorities into one large Serbian state, with the sole concern being the "minority rights" of Serbs. Overt military preparations for war began in 1989. Under pressure from the Yugoslav Army, the disarmament of the Croatian Territorial Defense Force, which had begun in the fall of 1989, was nearly completed by May, 1990, when Croatia held elections.²³ Croatia's preparedness against military attack was further reduced, when Croatia demobilized its police in January 1991 in response to threats of attack by the Yugoslav Army if weapons were not surrendered.²⁴ Concurrently, Serbian irregular forces covertly supported by Serbia escalated their armed attacks on Croatian civilians. The Serbian-dominated Yugoslav Army "intervened" in the conflicts on the pretext of separating

²³ Croatia and Slovenia, both attacked by the Yugoslav Army, fared very differently. Slovenia, with no significant Serb minority, had retained control over 50-70% of the military matériel of its Territorial Defense Force. Slovenia faced no Serb insurgency, and the Yugoslav Army was unprepared. In contrast, Croatia had a significant Serb minority, which mobilized quickly as an insurgency, with the support of the Yugoslav Army and Serbian leadership. Eighty percent of the matériel of the Croatian Territorial Defense Force was appropriated by the Yugoslav Army, which, in turn, supplied weapons to Serbian insurgents.

²⁴ Harden, *Croatia Charges Army Shadows Its Officials. Police Arming for Showdown with Serbia*, WASH. POST, Jan. 19, 1991, at A10; "In early December [1990], the federal minister of defense threatened to use force to take weapons away from police and local militia in Croatia and Slovenia." Harden, *Yugoslav Pact Averts Threatened Civil War*, WASH. POST, Jan. 27, 1991, at A14.

warring sides, but systematically assured a series of victories for the Serbian irregular forces.²⁵ Serbian leaders calculated that Croatia's resistance would quickly be crushed in a battle that might cause thousands of deaths and that international censure, a small price to pay, would be a temporary inconvenience.²⁶ Without declaring war, Serbia launched a massive military assault and seized over 35% of Croatian territory. Parts of eastern Slavonia and provinces which Serbs call Krajina²⁷ became "Kroatenfrei."²⁸ The pretext for such a brutal military invasion was to protect the endangered Serb minority in Croatia, but in truth, three-quarters of Croatia's 600,000 ethnic Serbs lived outside of the lands which Serb forces seized.²⁹ The beginning of the war against Croatia was the end of Yugoslavia's constitutionally legitimate central government. The federal presidency, with constitutional authority over the Yugoslav

²⁵ Jim Fish, *Yugoslavia Sends Troops to Croatia. Local Police Clash With Demonstrators*, WASH. POST, Mar. 3, 1991, at A20; "There is ample evidence that Serbian fighters [in Croatia] are receiving clandestine support and equipment from Serbian officers in the Yugoslav Federal Army. The officers corps in the Yugoslav Federal Army are dominated by Serbs. At camp headquarters, the commander reads positions from detailed, Yugoslav Army topographical maps. Soldiers wear crisp, new camouflage uniforms identical to those worn by the special forces of the federal army. Local officials say they were provided by federal army officers." Mary Battiata, *Serbian Guerrilla Camps Operate Inside Croatia. . . Serbs Train Inside Croatia for Civil War*, WASH. POST, July 22, 1991, at A1; "Officials of Serbia say their republic has been directly aiding rebellions by Serbs in Croatia." Stephen Engelberg, *Serbia Sending Supplies to Compatriots in Croatia*, N.Y. TIMES, July 27, 1991, at A3.

²⁶ "General Blagoje Adzic, Chief of Yugoslavia's general staff was quoted: 'Even if there has to be a thousand deaths, the outside world will not intervene to back the two secessionist republics against the federal army led mainly by Serbian officers.'" Andrew Borowiec, *General Wants to Punish Croats*, WASH. TIMES, July 4, 1991, at A1; "Following the invasion of Slovenia, Yugoslav General Adzic, a key military strategist, stated, 'This rebellion must be terminated, even if it is going to generate a thousand deaths. The international community will be agitated a bit, but three days later everything will be forgotten and our objectives will be obtained.'" Jian Paolo Rossetti and Gigi Zazzeri, *Here Are The New Warlords*, EUROPEO (Italy), July 19, 1991, no. 29, at 22.

²⁷ Krajina, meaning 'border', refers to the Croatian military border. These Croatian lands, apposing territories of the Ottoman empire, were administered from Graz, Austria. The military border was disarmed in 1873 and legally disbanded in 1881. LEKSIKON, ZAGREB: JUGOSLAVENSK LEKSIKOGRAFSKI ZAVOD, 1974, at 1056.

²⁸ Cviic, *supra* note 3, at 1003.

²⁹ "The largest concentrations of Serbs in the republic are in heartland cities like Zagreb. . . ." John Tagliabue, *Serbs in Croatian Cities are Quiet and Invisible*, N.Y. TIMES, Sept. 6, 1991, at A14.

Army, proved impotent to constrain the Serbian offensive and soon collapsed.³⁰

For several months, however, the U.S. and EC continued to support the territorial integrity of Yugoslavia.³¹ An ill-conceived arms embargo imposed by the EC, U.S., and UN on all the republics of former Yugoslavia³² froze the military imbalance in favor of Serbia, which effectively controlled the entire arsenal of the Yugoslav Army (tanks, ships, fighter planes, and heavy artillery).³³ The former Yugoslav government itself, dominated by Serbs, petitioned for this embargo.³⁴ Predictably, the lack of international involvement to stop initial Serbian advances provided time for Serbia to conquer more Croatian territory,³⁵ severely damage the Croatian economy,³⁶ and inflict great human losses.

Bosnia-Herzegovina at first pursued a cautious path, trying to avoid a confrontation with Belgrade.³⁷ Encouraged by the EC, Bosnia-Herzegovina, a republic of 4.3 million, conducted a plebiscite on independence in February 1992. Most of the Serbs of Bosnia-Herzegovina boycotted this vote under the direction of

³⁰ Jim Fish, *Serbia Keeps Croatian From Top Post. Deadlock of Collective Presidency Adds to Yugoslav Turmoil*, WASH. POST, May 16, 1991, at A27; Celestine Bohlen, *New Crisis Grips Yugoslavia Over Rotation of Leadership*, N.Y. TIMES, May 16, 1991, at A1.

³¹ Chuck Sudetic, *Yugoslav Battles Rage on Eve of Talks*, N.Y. TIMES, Nov. 5, 1991, at A3; Laura Silber, *Serbs, Croats Press War of Words, Guns*, WASH. POST, Nov. 6, 1991, at A26; David Binder, *Unified Yugoslavia Goal of U.S. Policy*, N.Y. TIMES, July 1, 1991, at A6; Binder, *U.S. Voices Regret on Yugoslav Crisis: Plans to Ignore the Secession Attempts by Croatian and Slovenian Republics*, N.Y. TIMES, June 27, 1991, at A10.

³² John M. Goshko, *U.N. Imposes Arms Embargo on Yugoslavia*, WASH. POST, Sept. 26, 1991, at A1.

³³ Harden, *Yugoslav Army Attacks Slovenia, Meets Resistance at Border Posts*, WASH. POST, June 28, 1991, at A1.

³⁴ Marian Houk, *UN Backs Yugoslav Call for Embargo*, CHRISTIAN SCI. MONITOR, Sept. 27, 1991, at P4.

³⁵ *Europe: The Sense of a Senseless War*, THE ECONOMIST (London), Nov. 23, 1991, (editorial), at 53.

³⁶ Harden, *Yugoslavia's Tensions Kill Croatian Tourism: Serbs Accused of Sabotaging Travel Industry*, WASH. POST, June 15, 1991, at A17; Eric Bourne, *Ethnic Violence Exact Heavy Economic Toll in Yugoslavia*, CHRISTIAN SCI. MONITOR, Sept. 6, 1991, at 7.

³⁷ Harden, *Bosnia-Herzegovina on the Brink. Yugoslav Republic Seeks to Steer Clear of Ethnic Carnage by Showing Political Flexibility*, WASH. POST, Jan. 15, 1992, at A17; see also Laura Silber, *Bosnian Leaders Seek to Halt Serb-Croat Fighting*, WASH. POST, Mar. 28, 1992, at A18.

Belgrade,³⁸ although Serbs there had no legitimate claim of discrimination or persecution.³⁹ Despite attempts of armed Serbs to block the voting,⁴⁰ 65% of citizens participated, and more than 99% of those voting chose independence.⁴¹ Shortly after, in April, 1992, both the EC and U.S. recognized the sovereignty of Bosnia-Herzegovina, which, along with Slovenia and Croatia, became a full member of the UN in May 1992. Despite Bosnia's warm international welcome, however, the EC took no action to prevent or halt the subsequent Serbian attack on Bosnia. Only after Serbia's aggression had produced 600,000 Bosnian refugees did the EC follow the U.S. initiative to impose economic sanctions on Serbia.⁴² However, the hesitation of the EC and its unwillingness to sanction force against Serbia emboldened Serbian attacks. Bosnia itself remained under an arms embargo which was inherited from an earlier arms embargo on the whole territory of Yugoslavia. In this way, the U.S. and EC not only disregarded Article 51 of the UN Charter, which obliged the use of all necessary means to halt the aggression against a member state, but also denied Bosnians the right to defend themselves. Although Serbs constituted 31% of the population, Serb forces engaged in "ethnic cleansing" against Muslims and Croats soon controlled 70% of Bosnian territory.⁴³

Macedonia is a republic of 2.1 million people, consisting of 64% Slavic Macedonians and several other ethnicities, including ethnic Albanians, Bulgarians, Gypsies, Serbs, and Turks. Macedonia's plebiscite overwhelmingly affirmed the republic's determination for independence,⁴⁴ and Macedonia fulfilled the same criteria for recognition by the EC as Bosnia-Herzogo-

³⁸ Staff of the Commission on Security and Cooperation in Europe [Helsinki Commission]: *The Referendum on Independence in Bosnia-Herzegovina: February 29-March 1, 1992*, (March 12, 1992) at 12. [hereinafter *Referendum on Independence*].

³⁹ John F. Burns, *Bosnian Strife Cuts Old Bridges of Trust - Ancient Ties of Coexistence Are Broken by Ethnic Purification*, N.Y. TIMES, May 22, 1992, at A1.

⁴⁰ *Referendum on Independence*, *supra* note 38, at 18.

⁴¹ Silber, *supra* note 31.

⁴² Henry Kamm, *Yugoslav Refugee Crisis Europe's Worst Since '40's*, N.Y. TIMES, July 24, 1992, at A1.

⁴³ *Yugoslavia: The Question of Intervention, Hearings, Senate Comm. on Foreign Relations*, 102d Cong., 2d Sess., (1992).

⁴⁴ About 75% of the 1.3 million eligible voters participated, with about three-quarters choosing independence. John Tagliabue, *Macedonians Vote for Independence from Yugoslavia*, N.Y. TIMES, Sept. 10, 1991, at A1.

vina.⁴⁵ However, international recognition was blocked by Greece, on the pretext that Macedonia, by retaining its centuries-old name, was signaling its aspirations to the northern province of Greece of the same name.⁴⁶ The Serbian-controlled Yugoslav Army withdrew from Macedonia to fight in Bosnia and left Macedonia essentially disarmed.⁴⁷ Although Serbia has been under international sanctions and diplomatic isolation, Greece cultivated warmer diplomatic ties to Serbia and was the first country to be caught in a large violation of the UN sanctions against Serbia.⁴⁸ Greece remains a major violator of the economic embargo against Serbia and Montenegro.⁴⁹ Both Greece and Serbia have made extensive use of embargoes against Macedonia, blocking oil, food, and medicine.⁵⁰ It seems just a matter of time before Serbia and Greece execute their plan to divide Macedonia, which Serbia calls "southern Serbia" and which Greece calls "the stolen jewels of Greece."

In the former autonomous region of Kosovo, the nearly two million ethnic Albanians, comprising over 90% of the population, are in grave and imminent danger. In 1989, Serbian authorities dissolved the legitimate parliament of Kosovo, an unprecedented act in recent European history. Under Serbian pressure, Yugoslav authorities imposed military occupation and a system of apartheid characterized by expropriations of Albanian property, forced expulsions, mass firings of ethnic Albanians, political imprisonment, and political murders. Serbia has clearly stated the intention to "ethnically cleanse" Albanians from Kosovo. A small Croatian minority of Kosovo suffers from the same repression as the Albanian majority.

The former autonomous region of Vojvodina, consisting of lands that traditionally belonged to Hungary and Croatia, is the

⁴⁵ "It is not because Macedonia fails to meet modern tests of statehood. Among the six former republics of collapsed Yugoslavia, it has the highest scores. It respects human rights and tolerates dissent. It controls its own borders and its constitution forbids claims on its neighbors land." Harden, *In Europe: New World Order vs. Old Nationalism*, WASH. POST, June 10, 1992, at A25.

⁴⁶ Alan Riding, *Europe Nods to Bosnia, Not Macedonia*, N.Y. TIMES, Apr. 7, 1992, at A3.

⁴⁷ Harden, *supra* note 45.

⁴⁸ *Id.*

⁴⁹ Michael Wines, *U.S. Says Greek Shipping Lines Are Violating Yugoslav Embargo*, N.Y. TIMES, Nov. 18, 1992, at A14.

⁵⁰ Burns, *supra* note 5.

most ethnically heterogeneous province of former Yugoslavia, with dozens of ethnicities. Among its two million inhabitants, more than 350,000 ethnic Hungarians and some 200,000 Croats are subject to severe persecution and expulsions. As in Kosovo, the parliament of Vojvodina was dissolved and replaced by Serbian authority in 1989.

In summary, the essential cause of the war in former Yugoslavia has been extremist Serbian nationalism, with an agenda of territorial expansion. Serbs usurped the political machinery and military hardware of the former Yugoslav federal government for their plan to create Greater Serbia, a centuries-old Serbian aspiration.

B. The U.S. Role in Catalyzing and Sustaining Serbian Aggression

One-sided U.S. support for a centralized communist Yugoslavia encouraged this war from the outset. Secretary of State James Baker chastised both Slovenia and Croatia for their moves towards independence and flatly stated that a "cold welcome" awaited these republics if they left Yugoslavia. Just days before the invasion of Slovenia, in June 1991, Baker visited Belgrade and assured its government that the U.S. was committed to the territorial integrity of Yugoslavia.⁵¹ The Belgrade government dominated by Serbian nationalists interpreted this message as a "green light" for the military invasion of the democracy-seeking secessionist republics. Immediately after this invasion, the administration expressed concern that Hungary, Romania, Greece, or Albania could be drawn into the conflict, but that the U.S. role in this explosive crisis would be only to advise and advocate the preservation of the unity of Yugoslavia.⁵²

From the outset, the U.S. ceded leadership of the resolution of the Yugoslav crisis to the EC.⁵³ Having done so, the U.S. shaped the framework in which the EC was to operate: 1) rejec-

⁵¹ David Hoffman, *Baker Urges Yugoslavs to Keep Unity*, WASH. POST, June 22, 1991, at A1.

⁵² Goshko, *U.S. Opposes Using Force to Keep Yugoslavia United*, WASH. POST, June 27, 1991, at A36.

⁵³ Lawrence Freedman, *Order and Disorder in the New World*, FOREIGN AFF., Winter, 1992, at 33.

tion of independent, democratically elected governments; 2) an arms embargo on both the heavily armed aggressor as well as the disarmed victims of aggression; 3) no U.S. support for military intervention. The intrinsic flaw of placing this crisis under EC guidance could have been anticipated from the beginning, since EC decisions required unanimous consensus, rendering the formulation of policy slow, inefficient, and ineffective. Despite the self-congratulations of the Europeans over their initial mediation efforts,⁵⁴ Serbian aggression steadily escalated. Even when the U.S. denounced Serbia as the aggressor in September 1991,⁵⁵ the accompanying message was that the U.S., finding no strategic interest, would not militarily intervene to stop the killing. At the same time, the EC also announced that it was not prepared for military intervention.⁵⁶ Encouraged by these announcements rejecting military intervention, Serbia further escalated attacks on civilians in Croatia.⁵⁷ In November 1991, when the U.S. joined the EC in economic sanctions against Serbia, President Bush expressed doubt that sanctions, including a proposed oil embargo, would end the war.⁵⁸ The U.S., however, offered no further alternatives.

Larger geopolitical considerations may explain why the U.S., from the outset, favored the status quo of the communist regime in former Yugoslavia in preference to supporting the democratic aspirations of the majority of its people. At that time, three Baltic republics of the Soviet Union were also seeking independence. Gorbachev, seeing the dissolution of Yugoslavia as a precedent for the dissolution of the Soviet Union, vigorously opposed the secession of Slovenia and Croatia. Since détente with the Soviet Union was then an over-riding concern

⁵⁴ "Leaders of the European Community today hailed their intervention in Yugoslavia's civil war as evidence of a new era in which they are prepared to launch bold initiatives to resolve troubles on their own continent and are less inclined to await guidance from the United States." William Drozdiak, *Europeans Laud Their Efforts in Yugoslavia*, WASH. POST, June 30, 1991, at A20.

⁵⁵ Thomas L. Friedman, *U.S. Policy on Yugoslavia Shifts to Curbing Serbs*, N.Y. TIMES, Sept. 27, 1991, at A6.

⁵⁶ Drozdiak, *Lack of an Armed Option Limits EC's Yugoslav Peace Initiative*, WASH. POST, Sept. 5, 1991, at A23.

⁵⁷ Harden, *Yugoslav Tanks Roll Into Croatia*, WASH. POST, Sept. 21, 1991, at A1.

⁵⁸ Ann Devroy, *Bush Backs Yugoslav Sanctions*, WASH. POST, Nov. 10, 1991, at A39.

of U.S. policy, it was not surprising that the U.S. supported Gorbachev in opposing independence bids in both the Soviet Union and Yugoslavia. However, justification for discouraging the democracy and independence seeking Yugoslav republics came to an end with the breakup of the Soviet Union late in 1991. The world changed quickly, but U.S. policy remained unchanged, even as Serbia's indiscriminate attacks upon civilians escalated.⁵⁹ Moreover, when the EC finally did achieve the delicate consensus to recognize the independence of Slovenia and Croatia, the U.S. actively campaigned against recognition, undermining the European initiative. In November 1991, the EC imposed economic sanctions on Yugoslavia, but in early December, these sanctions were lifted on all republics except Serbia and Montenegro.⁶⁰ Only days after the Europeans made their sanctions selective against the aggressors and removed sanctions from the victims, the U.S. imposed sanctions against all of Yugoslavia, in an action uncoordinated with the EC.⁶¹

Despite reluctantly recognizing Slovenia, Croatia, and Bosnia-Herzegovina in early April 1992,⁶² and despite clearly labeling Serbia as the aggressor,⁶³ the U.S. did not significantly reformulate its Balkan policy. For a brief period thereafter, the U.S. assumed a more active role, threatening to suspend Yugoslav membership in the Commission on Security and Cooperation in Europe, (CSCE) and to suspend future U.S. aid to Serbia.⁶⁴ Serbia responded by launching a major offensive.⁶⁵ Three weeks later, however, the U.S. announced it was withdrawing in "anger and frustration" with "no policy. . . other than to follow the lead of the European Community."⁶⁶ As Serb

⁵⁹ Stephen Kinzer, *Europe, Backing Germans, Accepts Yugoslav Breakup*, N.Y. TIMES, Jan. 16, 1992, at A10.

⁶⁰ Silber, *EC Lifts Yugoslav Sanctions, Expects Serbia, Montenegro*, WASH. POST, Dec. 3, 1991, at A9.

⁶¹ Norman Kempster, *U.S. Slaps New Sanctions on Yugoslavia As War Rages*, L.A. TIMES, Dec. 7, 1991, at A4.

⁶² Binder, *U.S. Recognizes 3 Yugoslav Republics as Independent*, N.Y. TIMES, Apr. 8, 1992, at A10.

⁶³ Harden, *U.S. Joins EC in Recalling Envoy From Belgrade*, *supra* note 2.

⁶⁴ Hoffman, *U.S. Urges Europe To Protect Bosnia*, WASH. POST, Apr. 15, 1992, at A1.

⁶⁵ Harden, *Serbia Seems Unmoved By Western Warnings*, WASH. POST, Apr. 17, 1992, at A25.

⁶⁶ Binder, *U.S., Frustrated, Backs Off From the Crisis in Yugoslavia*, N.Y. TIMES, May 5, 1992, at A10.

forces achieved major advances in "ethnically cleansing" Bosnian territory during the succeeding weeks, this U.S. non-policy drew criticism from a wide political spectrum, including Jeane Kirkpatrick,⁶⁷ Anthony Lewis,⁶⁸ and William Safire.⁶⁹ The administration soon announced limited diplomatic, political, and economic sanctions against Belgrade.⁷⁰ Much stronger rhetoric came days later, as Mr. Baker implied that "cleansing operations" by Serbian forces were reminiscent of Nazism. Invoking Chapter VII of the UN charter, previously used as a framework for the Persian Gulf War, Baker pointedly suggested the possibility of U.S. participation in a multinational military force. Furthermore, he assailed the EC for "looking for reasons not to act, or arguing somehow that action in the face of this kind of nightmare is not warranted at this time."⁷¹ Although Mr. Baker appeared to have enunciated a cogent policy, the administration remained divided on the question of military involvement.⁷²

The test of the seriousness of Mr. Baker's rhetoric came less than two months later. At the July 1992 CSCE meeting in Helsinki, when several Western countries indicated willingness to intervene militarily, President Bush declined to support this initiative. Moreover, when the Bosnian president pleaded directly with President Bush for military intervention to stop the slaughter of civilians, Bush refused.⁷³ Rather, he characterized the murder of tens of thousands of civilians and the expulsion of over two million people from their homes as a "hiccough" in the New World Order, and concluded that the U.S. cannot respond to every such situation. This stance betrayed a paucity of in-

⁶⁷ Jeane Kirkpatrick, *Folding in the Face of Violence*, WASH. POST, May 18, 1992, (editorial), at A21.

⁶⁸ Anthony Lewis, *The New World Order*, N.Y. TIMES, May 17, 1992, (editorial), at E17.

⁶⁹ William Safire, *Punish the Serbs*, N.Y. TIMES, May 21, 1992, (editorial), at A29.

⁷⁰ Barbara Crossette, *After Weeks of Seeming Inaction, U.S. Decides to Punish Belgrade*, N.Y. TIMES, May 23, 1992, at 1.

⁷¹ Don Oberdorfer, *Baker Urges U.N. To Sanction Serbs*, WASH. POST, May 25, 1992, at A1.

⁷² Barton Gellman, *Administration is Sharply Divided On Whether to Expand Balkan Role*, WASH. POST, July 9, 1992, at A19.

⁷³ Don Oberdorfer and Mark Fisher, *Bush Turns Aside Bosnian Plea for Military Intervention*, WASH. POST, July 10, 1992, at A13.

sight into the kind of principled leadership required to create the climate in which international aggression finds no opportunity.

A heightened moral and political imperative for intervention came in early August 1992, when the existence of Serbian concentration camps was revealed. The State Department, although condemning atrocities, again ruled out military intervention.⁷⁴ When an outraged public and bipartisan group of senators demanded a forceful response to these atrocities, which appeared to be taking on the characteristics of the Nazi extermination of Jews,⁷⁵ the administration responded by reversing its position from the previous day and questioning the existence of the concentration camps,⁷⁶ even as video footage of the camps was shown on national television that very day. However, after a public outcry which followed the media presentation of thousands of men, women, and children in concentration camps, President Bush denounced ethnic cleansing and suggested a shift towards the use of force limited to the delivery of humanitarian aid.⁷⁷ By narrowly defining U.S. goals, however, President Bush was apparently seeking to limit any U.S. military role.⁷⁸ By "hiding behind disaster relief,"⁷⁹ President Bush avoided the issue of the U.S. helping to disarm the Serbian aggressor. He also refused to lift the arms embargo on Bosnia.

One plausible explanation for the failure of the U.S. to form an effective policy against Serbian aggression is the pro-Serbian orientation of Lawrence Eagleburger and Brent Scowcroft, President Bush's principal advisors on Yugoslavia. Eagleburger, a former Yugoslav ambassador, and Scowcroft, also formerly connected with the Yugoslav embassy, have long-

⁷⁴ David Binder, *No U.S. Action Seen on Prison Camps*, N.Y. TIMES, Aug. 4, 1992, at A6.

⁷⁵ Don Oberdorfer and Helen Dewar, *Clinton, Senators Urge Bush to Act on Balkans*, WASH. POST, Aug. 6, 1992, at A1.

⁷⁶ Clifford Krauss, *U.S. Backs Away From Charge of Atrocities in Bosnia Camps*, N.Y. TIMES, Aug. 5, 1992, at A12.

⁷⁷ Oberdorfer, *Bush Shifts Toward Force to Aid Bosnia*, WASH. POST, Aug. 7, 1992, at A1.

⁷⁸ Michael R. Gordon, *Limits of U.S. Role: White House Is Seeking to Minimize Any Use of Military in Balkan Conflict*, N.Y. TIMES, Aug. 11, 1992, at A6.

⁷⁹ *Margaret Thatcher as Churchill*, N.Y. TIMES, Aug. 11, 1992, (editorial), at A18.

standing diplomatic, personal, and business ties with Belgrade and reportedly describe themselves as part of the "Belgrade Mafia," a government apparatus that includes Foreign Service officers, experts, and intelligence analysts.⁸⁰ It is suggested that President Bush's prolonged silence on the reports of concentration camps in Bosnia reflected the influence of these advisors. In fact, both Lawrence Eagleburger and Brent Scowcroft have seriously misrepresented the situation in the Balkans to the American public. Mr. Eagleburger, treating the victims and victimizers as equal, has suggested all along that "we should wait until they exhaust themselves and then move in," by which time Bosnia would exist only in history.⁸¹ Only days after the revelation of Serbian concentration camps, when the administration found itself under great pressure to intervene militarily, both Eagleburger and Scowcroft appeared on network television. Mr. Scowcroft portrayed Serbia's invasion of Croatia and Bosnia as a "civil war," despite U.S. recognition of both republics as sovereign states. Mr. Eagleburger suggested that it was unnecessary to lift the arms embargo, since "there are already enough arms there."⁸² Margaret Thatcher, appearing the same day on network television, directly addressed this obfuscation, agreeing that there are indeed plenty of arms in Bosnia, but adding that "they are in the hands of the aggressor."⁸³ George Bush and Margaret Thatcher, with their policies in opposition, have been respectively compared with Neville Chamberlain and Winston Churchill.⁸⁴

In addition to the administration's steadfast commitment to minimize direct involvement in the Balkans, perhaps the

⁸⁰ Saul Friedman, 'Belgrade Mafia' Seen Influencing U.S. Policy. *Slow Response tied to Scowcroft, Eagleburger*, *NEWSDAY* (New York), Aug. 9, 1992, at 4.

⁸¹ *Supra* note 17.

⁸² Don Oberdorfer, *State Dept. Backtracks on Atrocity Reports*, *WASH. POST*, Aug. 5, 1992, at A1. "Mr. Scowcroft and Mr. Eagleburger. . . said the fighting in the remnants of Yugoslavia was really a civil war, even though Mr. Bush announced last week that he would open diplomatic relations with Bosnia and Herzegovina, Croatia, and Slovenia." Andrew Rosenthal, *Allies Inch Closer to Bosnia Aid Pact. Agree on Strong Words, but Differ on Strong Actions*, *N.Y. TIMES*, Aug. 10, 1992, at A8.

⁸³ *This Week With David Brinkley: Interview with Margaret Thatcher* (ABC television broadcast, Aug. 9, 1992).

⁸⁴ Lewis, *Yesterday's Man*, *N.Y. TIMES*, Aug. 3, 1992, (editorial), at A19. See also *supra* note 79.

most consistent feature of the U.S. policy towards former Yugoslavia has been its inconsistency. The administration has alternated between flurries of activity and virtual disengagement.⁸⁵ On each occasion that the White House or State Department has hinted at the possibility of military intervention, it has quickly backtracked, undoubtedly to the relief of the Serbian leadership.

By continuous misassessment of the problem of former Yugoslavia and Eastern Europe, the U.S. has forfeited an historic opportunity to foster European stability and security in the post-Cold War era. In August 1992, George D. Kenney resigned from the State Department, prompted by frustration over a policy primarily consisting of rhetoric, but practically "ineffective" and "counterproductive." Mr. Kenney further charged that U.S. reliance on repeated cycles of fruitless EC-mediated negotiations was a "charade" whose outcome was known in advance.⁸⁶

C. *The Ineffectiveness of the UN and EC*

The EC and UN role in mediating the conflict in former Yugoslavia offers an example of how, by analogy, a physician can worsen the course of a disease by inappropriate intervention. This conflict could have been prevented, but instead was exacerbated by incompetent international meddling. In the first months, Serbian attacks were more limited and cautious. Possibly, Serbia was constrained by the perception that the post-Gulf War world community possessed an efficient mechanism to stop naked aggression, as was shown in Iraq. However, a chorus of subsequent announcements that the EC, Western European Union, UN, and U.S. were proposing only negotiations, but not military intervention, emboldened Serbian aggression. The hesitancy of foreign powers to intervene would not have been so problematic, if there were not an arms embargo freezing the military imbalance in favor of Serbia. Although the EC did recognize Slovenia, Croatia, and Bosnia-Herzegovina in early 1992, the arms embargo on these countries was maintained in clear violation of their inalienable right to self-defense. As Serbian aggression escalated, the EC continued to negotiate dozens

⁸⁵ Binder, *Bush Policy on Yugoslavia Has Fluctuated*, N.Y. TIMES, July 28, 1992, at A10.

⁸⁶ Binder, *supra* note 74.

of meaningless cease-fires, equally blaming the aggressors and victims. Through thirty-nine toothless cease-fires, brokered by Lord Peter Carrington (a former business partner of Slobodan Milosevic), Serbia predictably expanded the war front, using each cease-fire to reposition troops and artillery for subsequent attack. Lord Carrington's ultimate resignation from the leadership of these sham EC "peace conferences" was long overdue,⁸⁷ but certainly too late to reverse the tragedy, which insightful diplomacy could have prevented.⁸⁸

A further demonstration of international ineffectualness has been the unconstructive presence of the UN peacekeeping force, UNPROFOR, which has functioned as Serbia's silent partner, aiding in the achievement of Serbian war aims. UN forces became de facto "caretakers" of Serbian-controlled Croatian territories, maintaining the status quo and preventing Croatian forces from re-establishing control over their own land. This arrangement freed Serbian irregulars to move to the war front in Bosnia. Indeed, UNPROFOR soldiers have been observed unprofessionally fraternizing with Serbian forces "behind Serbian lines."⁸⁹ Moreover, UN forces have been successfully coerced to assist in "ethnic cleansing," conducting expelled civilians to "safety," because Serbian forces had threatened to otherwise kill them. In the parts of Slavonia under Serbian control, ethnic cleansing has virtually eliminated all non-Serbs, including Hungarians, Ukrainians, and Slovaks.⁹⁰ In violation of Serbia's agreement with the UN, Serbia has never complied in disarming the Serbian irregulars in Croatia. Even with UNPROFOR stationed in Croatia, Serbian forces have never ceased their daily shelling of Croatian cities from Serbian-occupied regions. According to UN Undersecretary Marrack Goulding, UNPROFOR observers "are not there to physically prevent the shells from being fired."⁹¹ Rather,

⁸⁷ Crossette, *Europe's Envoy in Yugoslav Crisis Quits*, N.Y. TIMES, Aug. 26, 1992, at A8.

⁸⁸ Norman Stone, *Blame the Somnolent Man of Europe for the Yugoslav Horror Show*, THE SUNDAY TIMES (London), May 31, 1992, at Features.

⁸⁹ Eyewitness testimony of Judy Darnell, R.N., an American nurse who volunteered in the medical corps on the Croatian front lines. Her written statement is available with the author upon request.

⁹⁰ Cviic, *supra* note 3.

⁹¹ Harden, *Relief Plane Crashes Approaching Sarajevo*, WASH. POST, Sept. 4, 1992, at A27.

their purpose is to, “. . . take notes and file reports when the weapons are used.”⁹² In a revealing statement, the military commander of UNPROFOR in Sarajevo “hinted broadly. . . that the reason he and other UN officials do not publicly point the finger at the Serb side for shelling civilians is fear of retaliatory attack on his troops.”⁹³ Since the UN mandate has forbidden UNPROFOR to employ force to defend the civilian victims of Serbian aggression, continued expulsions of civilians by the Serbs have proceeded under direct UN observation.⁹⁴

⁹² *Id.*

⁹³ *Id.*

⁹⁴ Documentation of the expulsion of thousands of Croats from UN protected zones within Croatia is available from the Office of UNPROFOR, Zagreb, Croatia. Telephone: 011-38-41-443-927; FAX 011-38-41-452-002.