

EU Military Intervention: the Past and the Future

Using the case of Yugoslav wars



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List of Abbreviations	
CFSP	Common Foreign and Security Policy
EC	European Community
ECMM	European Community Monitoring Mission
EDSP	European Security and Defense Policy
EEAS	European External Action Service
EU	European Union
EUFOR	European Union Force
EUPM	European Union Police Mission
EULEX	European Union Rule of Law Mission
HR	High Representative for Bosnia and Herzegovina
ICTY	International Criminal Tribunal for the former Yugoslavia
IFOR	Implementation Force
IPTF	International Police Task Force
JNA	Yugoslav National Army
KFOR	Kosovo Force
KLA	Kosovo Liberation Army
NATO	North Atlantic Treaty Organization
RSK	Republic of Serbian Krajina
SFOR	Stabilization Force
SRK	Sarajevo-Romanja Corps
UN	United Nations
UNSC	United Nations Security Council
UNCRO	United Nations Confidence Restoration Operation in Croatia
UNHCR	United Nations High Commissioner for Refugees
UNMIBH	United Nations Mission in Bosnia and Herzegovina
UNMIK	United Nations Mission in Kosovo
UNPROFOR	United Nations Protection Force
UNTAES	United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium

Introduction

International community often tasks itself with conflict resolution even when it is not directly involved in the outbreak thereof. Even though I believe that the international community has no direct responsibility to intervene, when they do so it should not result in further escalating the conflict. However, this sometimes ends up being the case. A type of conflict I believe to be most problematic to intervene in is civil war. Civil wars are often complex, caused by many underlying problems that build up until they make a state turn on its citizens or the other way around. In the case of Yugoslav wars there were many issues that built up over the decades that eventually made the country implode. What makes them so tricky for international community to intervene in is the fact that it is often impossible to tell who is fighting who and which side is in the right, especially at the beginning of the conflict. Furthermore, different international actors may have different ideas on which side is 'bad' and which is 'good', as is evident from the current conflict in Syria.

In the safety of EU, up until recently security was taken for granted and war was thought as a relic of the past. However, situation along the Eastern borders as well as across the Atlantic has compromised the idea that security is always guaranteed. Until now EU had the luxury of being painstakingly slow and overly bureaucratic in making any progress in forming a common defence. However, in the light of the conflict in Ukraine and Syria, and the sudden uncertainty in reliance of NATO, EU has begun to further explore the option of becoming a hard power capable of conflict intervention. But how can the EU make sure not to repeat the intervention mistakes made in the past? A good place to start is exploring what exactly the mistakes of the past were, and possibly the greatest source on the past intervention are the Yugoslav wars.

Yugoslav wars were the first major conflict on European continent after the WWII, making them also the first conflict that the newly formed EU was tasked with resolving by the international community. It brought to light all of the weaknesses in EU's abilities to coerce actors involved in conflict into implementing its diplomatic solutions. While EU's coercive powers have in theory grown since then, reality shows it time and again resorting to the use of soft power. Therefore it is necessary to evaluate the effectiveness of this soft power in order to conclude if it is enough in the face of conflict resolution, or should there be another option?

My interest in the topic of EU involvement in Yugoslav wars sparked during my BA thesis research. Since my BA thesis is about the Srebrenica massacre, which happened during the Bosnian war, I have thoroughly researched the Yugoslav wars, and the lack of the EU

involvement from the outset caught my attention. I decided to follow up on this subject in my master research. My connection to the Yugoslav wars and the EU is not only academic but also personal. I was born in the midst of the Croatian war and my family has had to flee their home and seek refuge, in part because of the failure of the international community to prevent the escalation of the conflict in the region. For these reasons I find it important to find the ways in which these wars can help shape the future of the EU military intervention.

The topic of this research is EU as an actor in international conflict resolution using the case of Yugoslav wars. In order to reach the conclusion on this topic, the following questions are answered first: How did EU involvement in Yugoslav wars progress during and after the conflicts? How did the actorness of EU during and after Yugoslav wars compare to other major international actors, UN and NATO and what were the mistakes in EU's approach?

This research is relevant in the light of current rapid destabilization of relations with Russia and Turkey, conflicts along the eastern borders and new discourse in respect to the US, and therefore NATO brought along by the recent change in leadership. This thesis fills the gap in the current debate on the future of EU defense by showcasing the consequences of EU's inability to intervene as a hard power in a case where NATO did not immediately take over as a leading military actor. There is no existing research to be found that encompasses all of the elements of this thesis. Literature that covers some aspects of this topic exists, yet it is smaller in scope, mainly focused on one of the actors in one of the conflicts, or all of the conflicts but without the focus on the actors. Furthermore, little can be found exclusively on the involvement of the EU.

This thesis is organized into three main parts: introduction, followed by literature review and methodology, research and discussion, and finally conclusion. Literature review chapter contains review of secondary literature that is the most relevant to my topic, and identifies its gaps that shall be built upon in this research. Methodology chapter follows directly after, containing theoretical framework and a more detailed explanation of the form and content of this research. Second part consists of my main research, divided into four chapters. First three chapters contain information about the wars and international actors involvement during and post-conflict. Fourth chapter contains short chapters conclusion and discussion. In the Conclusion I shall revisit the main points made in this research and also answer the questions asked in the introduction.

1. Literature review

Yugoslav wars, the CFSP and the EU military intervention are salient topics in their own respect, and libraries can be filled by what has been written about each of them individually. However, literature that combines these topics is quite rare to come across, especially the one that is contemporary. The literature used in this chapter provides quality information about the military involvement of several international actors in different Yugoslav wars, but it lacks the specific focus on evolution of the EU involvement and the comparative aspect that this research is trying to provide.

Military Intervention and the European Union (2001) by Martin Ortega is a Chailot Paper published by The Institute for Security Studies of Western European Union. As is evident from the title, this paper presents a research on the topic of the EU's military intervention. Ortega researches the history as well as the current implications for the Union's involvement as a military actor. He questions the legality and the legitimacy of the union's use of armed force in sovereign states, and he uses all of the countries in which the EU, or the EC, was involved as a military force as a case study.¹ In the beginning of the book he distinguishes between different kinds of military interventions wherein Croatia and Bosnia are defined as collective interventions and Kosovo as a humanitarian one.² This paper is an academic source of technical information on military intervention in general and the EU military intervention in specific and it also contains plenty information on the conflicts that are the topic of this research. The downside of it is that it is rather old so the Kosovo conflict was analyzed from then contemporary point of view without the hindsight of how the conflict ends. Nevertheless, even though it is old, the information it contains is not dated, and it still is a valuable read for the purposes of my research. Other authors I came across did not use as wide of a sample as Ortega in their works, but their articles still offer valuable information on the EU's involvement in the conflicts.

The inexistence of EC military involvement in Croatian war is very evident from the moment one starts researching it. Authors researching this topic take notice of the rather confused response of the international community, including the EC, at the beginning of this conflict. As Susan Woodward puts it in *Balkan Tragedy* '...the Yugoslav conflict was not of sufficient strategic or national interest to contribute the political and military resources necessary to end the war.'³ However, according to Radan, the EC was involved as a political

¹ Ortega 2001, p. 1-4

² Ibid, p. 6-7; 14

³ Woodward 1995, p. 7

actor. In the chapter *The international response to and course of the Yugoslav secessions* in his book on the breakup of Yugoslavia, Peter Radan does identify EC as the main international institution involved in the conflict, despite the fact that the member states were deeply divided on the course of action. For example, while Germany and Belgium supported the independence of Slovenia and Croatia, Spain and France wanted Yugoslavia to remain one country. Radan sees the EC statements on Yugoslavia given by the Council at the beginning of the war as a set of ambiguous, loose compromises that showcase the internal divide on the issue. He lists countless EC declarations concerning territorial integrity of Yugoslavia from 1991 and 1992, which reflect how confused the EC, and the international community as a whole, were about the conflict early on.⁴ Peen Rodt and Wolf argue in *European Union Conflict Management in the Western Balkans* that the EC was not only not helping by the lack of military response, it was making the situation even worse by the inadequate use of soft power. She argues that the EC at the time failed to recognize that the Yugoslav National Army (JNA) has become the army of Serbian Nationalists, and that because of the arms embargo imposed on the region, EC severely impaired Croats and Muslims ability to defend themselves.⁵

Compared to the war in Croatia, War in Bosnia and Herzegovina (Bosnia) is much more salient amongst researchers. As Robert Dover notices in *The EU and the Bosnian Civil War 1992 –95* the beginning of the Bosnian war coincides with the new CFSP, which gave EU new instruments to respond to international crises. He, however, focuses on shortcomings of the EU compared to the immense expectations it was burdened with, especially on the hard power front. He believes that the shortcomings of the EU military response were caused by internal division, and the influence of the US on EU military interventions. He concludes that the EU political and financial support of the UN peacekeepers, and the 14000 peacekeepers that EU member states provided, are the highlights of the EU military involvement in Bosnian war.⁶ In *The EU's post-Conflict Intervention in Bosnia and Herzegovina*, Anna Juncos states that, even though EU did not shine as a military actor in this conflict, all of its use of military power later on stems from it, including the ones in Bosnia after the war.⁷

In *A milestone in the history of the EU* Alistair Shepherd presents a comprehensive research on the Kosovo war and the EU, and unlike Ortega he does it with knowledge of how

⁴ Radan 2002, p. 160-163

⁵ Peen Rodt and Wolf 2012, p. 417

⁶ Dover 2005, p. 299-311

⁷ Juncos 2005, p. 99

the conflict ends, and what its consequences are, since he is published in 2009. Shepherd establishes the importance of the Kosovo conflict for the CFSP at the very beginning of his article. After the failure to act in Bosnia and the complete lack of action in Croatia, Kosovo was the time for the EU to demonstrate its abilities to act as one in international conflict situations. Shepherd stresses the point that other authors have made in discussing the previous Yugoslav conflicts - the EU needed to show that it is its job to protect the peace in Europe, and not NATO's. Yet he argues the EU failed to protect the fragile peace to the extent that it should have, especially regarding its use of hard power. However, in comparison to the Croatian conflict, EU did in the time of the Kosovo conflict command over actual militants, pledged from the individual member states. This already shows the staggering difference to seven years prior, which was a direct result of the conflicts raging in the western Balkans.⁸ Yet, Peen Rodt and Wolf do not see this as an achievement but as yet another failure of the CFSP. The simultaneous use of soft and hard power was just not something that the EU was ready to properly execute, and even though the military was present, a proper strategy was lacking.⁹

Academics have been researching the role of international community in the Yugoslav wars from the onset of the conflicts, as seen in this literature review. However the research they do tends to focus mainly on one conflict, or on all on the conflicts in very broad lines. What this thesis will bring to the existing literature is a comparative perspective on the EU military involvement in Yugoslavia. Not only is the EU involvement going to be compared with itself chronologically throughout the wars, it will be compared with the other international actors who have played an important role.

⁸ Shepherd 2009, p. 513-518

⁹ Peen Rodt and Wolf 2012, p. 419

2. Methodology

In this research I shall follow the Yugoslav wars chronologically and analyze the involvement of the EU, UN and NATO, and note the changes in EU policy on which the wars had a direct effect. I will use Comparative Historical Analyses as a theoretical approach in order to compare EU military involvement in each of the Yugoslav wars, as well as the EU involvement in contrast to involvement of other military actors. The reason why I believe that this theoretical approach is the best suited one for this research is because it not only focuses on identifying the differences between the units of comparison, but on identifying the causes for these differences as well. To deeply analyze the nature of EU involvement and make suggestions for the future thereof I will refer to the theory of power in international politics. I will base this paragraph mainly on Robert Kagan's research on differences between Europe and the US in their approach to international security and diplomacy. Since the focus of this thesis is not to look at different perspectives on international involvement in Yugoslav war, the sources that I will be using for the main part of this research are mainly primary documents produced by the actors themselves. Majority of these sources are UN and NATO resolutions, EU decisions, directives and regulations, official press releases and speeches.

2.1 Comparative Historical Analyses

Comparative Historical Analyses is a theory in historical sciences that uses comparison as a tool to deeper analyze historical events.¹⁰ The main interest of historians working with this theory are historical events that could not be adequately explained unless compared to other developments, such as the raise of social-nationalism in postwar Germany.¹¹ According to one of the main historians practicing this approach, Stefan Berger, it is unavoidable to compare historical events and developments, unless the historian wants to limit themselves to "listing dates and events".¹² Most historians who choose this approach want to fully explain developments in a certain society, which is impossible to do unless taking into account other societies around it, because practically no society developed in full isolation.¹³

It was in fact the historians of holocaust that developed this discipline in order to discover why was it Germany in particular that took a dark turn in the early 20th century, and not other European or North African states that were in a similar social and economic

¹⁰ Mahoney and Dietrich, *Comparative Historical Analysis in the Social Sciences*. Cambridge 2003.

¹¹ Berger 2003, p. 161

¹² Berger 2003, p. 161

¹³ Berger 2003, p. 164-165

situation.¹⁴ This type of historical comparing where the aim is to compare differences between objects of comparison is called asymmetrical historical comparison.¹⁵ Asymmetrical comparison focuses on one object of comparison very narrowly, while focusing more loosely on other objects of comparison, since their purpose in this type of research is to further explain the main object.¹⁶ This process of researching the uniqueness of a particular object of comparison in respect to others is called individualizing, and it helps prevent the comparative research from becoming a mere list of parallels.¹⁷ Most comparative historians will focus on both similarities and differences between the actors, although one actor will always be the main point of comparison.¹⁸ This is the approach I will be taking in this research because it focuses on why the EU acted differently than NATO and the UN, more so than on the actions that were the same. Although I will devote a lot of attention to all of the actors the main object of comparison for this thesis is the EU, while NATO and the UN serve to further shine a light on EU's actions and behavior.

The aim of comparative history is not to simply list similarities or differences between events and actors, but also to identify underlying reasons for these differences and track their changes overtime.¹⁹ This approach fits well into this research since I will not only focus on differences between international actors involvement in Yugoslav wars individually, but also their development over the duration of the conflicts. Objects of comparison may vary greatly, and comparative history allows for any objects of comparison may be compared, and they do not necessarily have to be of the same nature, such as states to states or political regimes to political regimes.²⁰ However, the results are better if the objects of comparison are similar in function.²¹ Although most comparative historians focus on nation states as their objects of comparison, other objects may be religions and societies, or in the case of this research, international organizations.²²

¹⁴ Welskopp 2010, p. 2-3, Kocka 1999, p. 48

¹⁵ Kocka 1999, p. 1

¹⁶ Ibid, p. 1

¹⁷ Berger 2003, p. 163

¹⁸ Berger 2003, p. 163, p. 168

¹⁹ Kocka 1999, p. 5

²⁰ Berger 2003, p. 167

²¹ Ibid

²² Ibid, p. 162

2.2 Power in International Politics

Power is a term central to international politics. A quote from Mearsheimer “What money is to economics, power is to international relations” serves as a great example order to demonstrate exactly how central.²³ Even though there are many definitions of power, the one most people will think of when they conceptualize this abstract term, is the realist definition. It refers to power as “the ability of states to use material resources to get others to do what they otherwise would not”.²⁴ While this definition is not be-all and end-all of power in international politics, it serves well for the purpose of this research because it best describes ways of implementing peace by international actors involved in Yugoslav wars. Power is best imagined as a spectrum of means to coerce other actors.²⁵ This spectrum ranges from hard to soft power.²⁶ Hard power is a more traditional view of power and it refers to using coercion to force other actors to comply with something they would otherwise not comply with.²⁷ Soft power on the other hand, makes use of non-coercive means such as international institutions, diplomacy, economic and cultural appeal.²⁸ EU is commonly used as an example of soft power, while the US is used as an example of hard power.²⁹

Europe and the US have very different approach to international relations, yet this difference in approach has not always been the same as it is today. Before the World Wars European nations relied more heavily on power politics, readily using military means to achieve their political goals.³⁰ At this time US was weaker and more reliant on international law, making the situation prior to the World Wars a mirror of the present.³¹ Europe was extremely weakened as a result of the World Wars, and has since then relied on US to provide security.³² Since the end of the cold war EU has grown surprisingly quickly as a soft power, however, it has fallen short on its promises of becoming capable of utilizing significant hard power.³³ On the other hand, US has continued investing in military technology and it has further advanced its hard power capabilities.³⁴ Today EU approach is based on diplomacy.³⁵

²³ Mearsheimer 2007, p. 7

²⁴ Barnett and Duval 2005, p. 40

²⁵ Ibid, p. 45

²⁶ Ibid, p. 43

²⁷ Nye 1990, p. 164-167; 171

²⁸ Ibid, p. 167; 170

²⁹ Cooper 2004, p. 1

³⁰ Ibid, p. 8-11

³¹ Ibid

³² Ibid, p. 18-20

³³ Ibid, p. 21-22

³⁴ Ibid, p. 23

European philosophy on problem resolution revolves around finding a peaceful solution by negotiating with the actors, using economic means to either punish or reward them depending on their level of cooperation.³⁶ Economic means are the EU's main way to influence third parties.³⁷ EU also utilizes international institutions and relies more greatly on international law.³⁸ On the other hand, US relies more heavily on the use of force for problem resolution.³⁹ US also tends to be very quick to use hard power because of their unique view of the world and their threat perception.⁴⁰ While US sees world issues as very black and white, the EU view includes a broader spectrum.⁴¹ Although there is a lot of diversity between European nations in their approach, a fundamental difference between US and Europe remains.⁴²

2.3 Structure and Content

There are four chapters in the main part of the research, each designated to one of the civil wars following the disintegration of Yugoslavia. The form of the chapters will be kept the same for the reasons of consistency and clarity, but the content will be different. Reason behind this is because the EU, as well as the rest of the international community, were uniquely involved in each conflict. Because the timeline of the wars coincides with the transition of the European Community into the European Union the term EU will sometimes actually refer to EC. Term Serbia will refer to the country consisting mainly of ethnic Serbs with a central government run from Belgrade, whether it was at the time called Federal Republic of Yugoslavia or Serbia and Montenegro. Slovenian war of independence is not an independent part of this research due to the fact that it was a minor conflict, lasting only ten days.⁴³ However, it is referred to in the chapter on Croatian war because some aspects of it are relevant to the international involvement in the Croatian conflict.

First three chapters of the research are descriptive and provide information for further discussion. The topic of the first chapter is war in Croatia, and the information provided in the beginning of the chapter is short background to the conflict, summary of the main events that occurred during the conflict, humanitarian consequences and the most important postwar

³⁵ Kagan 2003, p. 5

³⁶ Ibid

³⁷ Ibid, 4-5

³⁸ Ibid

³⁹ Ibid, p. 4

⁴⁰ Ibid, p. 37

⁴¹ Ibid

⁴² Ibid, p. 5-6

⁴³ Brändström and Malešič 2004, p. 55

events. After the background comes the most important part of the chapter, which is analyses of main international actors' involvement in the conflict: UN, NATO and EU. In this section main actions undertaken by these actors during and after the war in order to achieve and maintain peace are described. Following two chapters, Bosnia and Kosovo, have the same outline as Croatia. Final chapter is named discussion and it makes use of the information provided in previous chapters for analyses and discussion of actions undertaken by the EU in comparison to that of the other two actors. The focus is placed on identifying mistakes in the common response of the international community, and the EU in particular. Options for alternative action that could have been implemented instead are provided as an aspect of this thesis that focuses on future of EU in international conflict resolution. Conclusion of this research contains a brief summary of the descriptive part of the research and the discussion, the answer to the main question stated in the introduction and a final reflection on the issue of EU conflict intervention.

3. Croatia

3.1 Background

On 25 April 1991 an independence referendum was held in Croatia and the majority of the citizens, 93,4%, voted for Croatian independence from Yugoslavia.⁴⁴ In June of the same year the Croatian Parliament declared independence.⁴⁵ Serb minority population in Croatia was fundamentally opposed to this development.⁴⁶ Days after the declaration of independence the armed conflict began between Serb-led Yugoslav People's Army (JNA) and Croatian Army of the newly formed Republic of Croatia.⁴⁷ First ceasefire was reached in September of 1991 in Igalo, but it was short lived.⁴⁸ Conflict continued despite the ceasefire agreement, as around one quarter of Croatian territory was annexed by JNA and the Croatian Serbs to form a republic called Republika Srpska Krajina (RSK) in late 1991.⁴⁹ In its constitution, RSK referred to itself as an ethnically Serb republic.⁵⁰ In January of 1992 Vance ceasefire was reached, a lasting ceasefire agreement that came after fourteen failed ones.⁵¹ This ceasefire was a part of the UNSC presented Vance plan, a peace plan aimed at solving the ethnic question in the conflict and maintaining the ceasefire.⁵² However, as seen from the UN documents further in this chapter, ceasefire agreement was often breached.

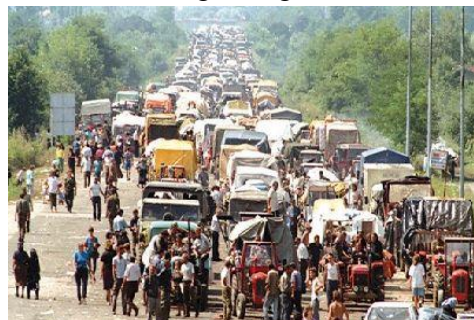


Image 1 Serbian refugees leaving RSK during Operation Storm

The beginning of the end of the war started in August 1995 when Croatian armed forces launched a major operation, Operation Storm, that in only four days banished a fifth of a million Serbs from RSK.⁵³ Croatian war officially ended on November 12, 1995 after signing of the Basic Agreement on The Region of Eastern Slavonia, Baranja, and Western Sirmium, better known as Erdut agreement.⁵⁴ Agreement was signed by the

⁴⁴ Republička komisija za provedbu referenduma 1991, p. 1

⁴⁵ UN 1992: 'Application of the Republic of Croatia for admission to membership in the United Nations', p. 2

⁴⁶ Barić 2014, p. 212

⁴⁷ United Nations General Assembly 1992: 'Forty-seventh session', p. 2

⁴⁸ UNSC 1992: 'Resolution 713 (1991)', p. 43

⁴⁹ Barić 2014, p. 211-212

⁵⁰ Skupština Srpske Autonomne Oblasti Krajine 1991, p. 94

⁵¹ Woodward 1995, p. 189

⁵² Barić 2014, p. 211

⁵³ United Nations Economic and Social Council 1996: 'Question of the Human Rights'

⁵⁴ UCDP 1995: 'The Erdut Agreement', p. 1

representatives of Serbia and Croatia, and witnessed by the representatives of the UN and the US.⁵⁵

Number of dead is still a highly disputed topic in all of the major Yugoslav wars, the war in Croatia being no exception, and there is no reliable definite number of dead available. The UN estimates in 1992, the year of Vance ceasefire, are around 4.200 dead and 18000 missing who are presumed dead.⁵⁶ Issue of displaced persons was the one of immense proportions that continues to plague the region even now, decades after the wars ended. Council of Europe Committee on Migration, Refugees and Demography estimated the number of displaced persons at around 440.000, from which 75.000 have returned to their homes at the time the report was published.

Croatia gained international recognition quickly, and it saw the fastest postwar economic transition of all former Yugoslav republics.⁵⁷ In 1992 Croatia became a member of the United Nations. NATO membership was obtained in 2009, and since 2013 it has been the newest Member State of the European Union.

3.2 International Actors

3.2.1 The United Nations

Although not the first to get involved, the UN was arguably the main international player in Croatian war of independence in terms of time, funds and both military and non-military personnel invested in finding a peaceful solution for the conflict. The UN got officially involved in Croatian war in September of 1991 when the UNSC issued resolution 713 (1991), first in line of numerous resolution concerning the conflicts in Yugoslavia.⁵⁸ In this resolution Security Council condemned the fighting and expressed concern of its effect on the Yugoslav territory, and that of the neighboring countries. Furthermore, the UN made an attempt to urge the belligerents to respect the 1991 ceasefire agreement in Igalo.⁵⁹ To assure compliance, a complete embargo on weapons and military equipment was implemented.⁶⁰ This ceasefire, as well as several other ceasefire attempts, was not respected. The violence had continued, forcing the government of Yugoslavia to request a peacekeeping mission, which the UN

⁵⁵ Ibid, p. 2

⁵⁶ United Nations General Assembly 1992: 'Forty-seventh session', p. 2

⁵⁷ Moore and Vamvakidis 2007, p. 25

⁵⁸ UNSC 1991: 'Resolution 713 (1991)', p. 42

⁵⁹ Ibid, p. 42-43

⁶⁰ Ibid, p. 43

strongly considered in the following meeting.⁶¹ On 21 February 1992 the UN delivered, and the newly created United Nations Protection Force (UNPROFOR) was sent on a peacekeeping mission to Yugoslavia for an initial duration of 12 months, which was later extended.⁶²

To any Croat or Serb who has lived in conflict zones during the Croatian war of independence, including myself, UN's UNPROFOR is synonymous with the involvement of international community. Even though many international actors worked hard on finding a diplomatic solution to the conflict, the boots on the ground that brought relief and protection were the only ones innocent citizens affected by the conflict noticed. Numerous countries from all continents participated in the ever expanding UNPROFOR mission, including Russia, Denmark, the Netherlands and the United Kingdom.⁶³ UNPROFOR had established protected areas, which constituted of areas in Croatia where ethnic violence was imminent because of miss-balance between the number of Serbs and Croats.⁶⁴ Their initial mandate was to protect and demilitarize said areas and to assure respect for ceasefire agreements.⁶⁵ However, this task proved to be near impossible because of the consistent violation of ceasefire agreements, and continued formation of new paramilitary armed forces in the protected areas UNPROFOR tried to demilitarize.⁶⁶ Furthermore, ethnic cleansing became an apparent problem in the protected areas, a gruesome violation of human rights that Yugoslav wars grew to become identified with.⁶⁷ In the fall of 1992 UNPROFOR was additionally mandated with monitoring the full withdrawal of JNA from Croatian territory.⁶⁸

By January 1993 the desperation of the UN grew as the actors persistently failed to comply with ceasefire agreements and the international law, and the language of the resolutions became much sharper and more impatient with the waring armed forces in Croatia.⁶⁹ The word 'demands' took over the previous 'calls' and 'invites'.⁷⁰ Change in the

⁶¹ United Nations Security Council 1991: 'Resolution 721 (1991)', p. 44, United Nations Security Council (1991) 'Resolution 724 (1991)', p. 45

⁶² United Nations Security Council 1992: 'Resolution 743 (1992)', p. 8; United Nations Security Council (1993) 'Resolution 815 (1993)', p. 1

⁶³ United Nations Security Council 1992: 'Resolution 743 (1992)', p. 9; United Nations Security Council (1992) 'Resolution 749 (1992)', p. 10

⁶⁴ UNPROFOR (1996): 'United Nations Protection Force: Background'

⁶⁵ United Nations Security Council 1992: 'Resolution 779 (1992)', p. 1

⁶⁶ Ibid

⁶⁷ Ibid

⁶⁸ Ibid, p. 2

⁶⁹ United Nations Security Council 1993: 'Resolution 802 (1993)'

⁷⁰ United Nations Security Council 1993: 'Resolution 802 (1993)'

lexicon of the UN happened after the Croatian Army attacks on protected areas which resulted in several UNPROFOR soldiers losing their lives, and the theft of weapons and military equipment belonging to UNPROFOR, which the only actor who was still able to legally obtain weapons on the Croatian territory due to the weapons embargo.⁷¹

In march of 1995 the UN established 'United Nations Confidence Restoration Operation in Croatia' (UNCRO), a special operation with the main mandate of implementing existing UN Security Council resolutions and ceasefire agreements, and providing safe crossing of humanitarian aid to the territory of neighboring Bosnia, which was at this point also in the midst of a war.⁷² UNCRO was supported by the existing UN Member States armed forces in Croatia, which were now mandated with protecting UNCRO personnel.⁷³ According to the UNSC, this mandate has been successfully achieved.⁷⁴ After peace was achieved in Croatia, the UN continued its presence under UNCRO, and another year long operation called 'United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium' (UNTAES).⁷⁵ This operation was launched in order to complete peaceful rejoining of Croatia's eastern regions that were a part of the RSK since the beginning of the war.⁷⁶ Main objectives of the operation were to maintain peace, demilitarize the region, and guarantee safe return of displaced persons.⁷⁷

As mentioned above, UNPROFOR and the UN had positive connotation with many civilians living in protected zones. For example, my family had no running water for 6 months until a Danish battalion provided resources and manpower needed to get water plants operational again. However, there were several major incidents that left international community doubting that the deployment of UNPROFOR was a good move. One of these incidents happened in my hometown, Dvor, the same place UNPROFOR brought food and running water to. A massacre of disabled persons happened at extremely close proximity to a Danish base and the UN soldiers did nothing to stop or prevent it, with a justification that it was not their mandate.⁷⁸ Yet even though this was undoubtedly a horrific event, in the eyes of international community it is forgettable in comparison to UNPROFOR fiasco in Bosnia.

⁷¹ Ibid, p.1

⁷² UNSC 1995: 'Resolution 981 (1995)', p. 3

⁷³ Ibid

⁷⁴ UNSC 1995: 'Resolution 1025 (1995)', p. 1

⁷⁵ UNSC 1996: 'Resolution 1037 (1996)', p. 1

⁷⁶ Ibid

⁷⁷ Ibid, p. 2-3

⁷⁸ Larsen and Vedsmand 2016

3.2.2 NATO

NATO was not a major player in Croatian conflict due to several distractions it faced at the time the conflict was playing out. In one of the first statement issued on the topic of crisis in Yugoslavia, NATO expressed support for EU as the main mediator in the conflict, thereby simultaneously shifting the responsibility for the peacekeeping away from themselves.⁷⁹ NATO furthermore called for a cease of violence, underlining that it will not recognize change of the Yugoslav borders that were achieved using violent measures.⁸⁰ Later on, NATO explicitly reaffirmed its supportive role in Yugoslavia, naming the UN as the lead actor chosen by the international community.⁸¹

Attacks, in form of airstrikes, were performed on Serb forces on Croatian territory by NATO, but only in order to protect safe areas in Bosnia.⁸² In 1994 NATO was authorized by the UN Security Council to use air force in Bosnia if necessary to protect safe areas.⁸³ In the decision made by NATO in November of 1994 they interpreted this authorization to extend to Croatian territory if necessary for the original objective, since a number of Serb attacks on Bosnia were performed from RSK, which was in Croatian territory.⁸⁴ Croatia and NATO relations have come a long way since the war, and Croatia, as well as Slovenia, are currently the only former Yugoslav republics to become fully fledged members of NATO.⁸⁵

3.2.3 European Community/Union

European Community (from here on EU) was the first international actor to get involved in the breakup of Yugoslavia when they peacefully intervened in Slovenian conflict in 1991, resulting in Brioni declaration.⁸⁶ The EU had dispatched a Ministerial Troika, non-military mission aimed at providing conditions for peace talks between parties involved in the conflict.⁸⁷ EU has promised to pursue a peaceful solution to problems arising in Yugoslavia, and urged actors to abstain from further use of violence in the process of breakup of Yugoslavia.⁸⁸ As a result of violence in Slovenia, the EU launched an unarmed monitoring

⁷⁹ NATO 1991: 'The Situation in Yugoslavia'

⁸⁰ Ibid

⁸¹ NATO 1994: 'Opening statement by NATO Secretary General'

⁸² NATO 1994: 'Nato Aircraft Attack Udbina Airfield'

⁸³ UNSC 1994: 'Resolution 958 (1994)'

⁸⁴ NATO 1994: 'Decisions on 24th November 1994'

⁸⁵ NATO 2015: 'Membership Action Plan'

⁸⁶ Uradni List Republike Slovenije 1991, p. 1

⁸⁷ Ibid

⁸⁸ Ibid

mission called ‘multinational Observer Mission to Yugoslavia’ (ECMM), which also included monitoring in Croatia.⁸⁹ The EU had also imposed sanctions on Yugoslavia that consisted of a weapons embargo and suspension of aid to Yugoslav government.⁹⁰

As the violence nevertheless continued and more republics of Yugoslavia sought independence, the EU created the Badinter Commission, an arbitration Commission tasked with publishing legal opinion on disintegration of Yugoslavia.⁹¹ Opinions issued by the Commission were not legally binding to any party, although they contained legal interpretations compatible with international law.⁹² Most notable opinion published was the one ruling that the union of Serbia and Montenegro, Federal Republic of Yugoslavia, should not be de facto legal successor of Socialist Federal Republic of Yugoslavia, but that all of the former republic should assume this role.⁹³ However, since Badinter Commission opinions were not legally binding, actors didn’t feel like they needed to listen, which led to Member States double standards in recognizing sovereignty of some Yugoslav republics and not of the others.⁹⁴ EU Member States jumped to recognize sovereignty of some Yugoslav republic, with German chancellor at the time, Helmut Kohl, being the leading politician behind this movement.⁹⁵ Many consider this move to be one of the important factors in accelerating the raise of national tensions in the region, because it was seen by Serbian leaders as a treat to their position in former Yugoslavia.⁹⁶

When the actual fighting commenced in Croatia, structural shortcomings of EU’s abilities to maintain peace in its immediate neighborhood soon became apparent. The EU tried persuading the actors to seek a peaceful solution by using economic tools, which was all it had at its disposal at the time.⁹⁷ Needless to say, economic incentive was not enough to stop nationalistic tensions that have been brewing for over a decade, especially considering the divide in opinion between most powerful EU Member States on the issue.⁹⁸ Assertion of Germany as the main influence in the Western Balkans, and its clear siding with Croatia and

⁸⁹ Ibid, p. 3

⁹⁰ Woodward 1995, p. 168

⁹¹ Craven 1996, p. 333-334

⁹² Ibid, p. 335

⁹³ Ibid

⁹⁴ Ibid

⁹⁵ Woodward 1995, p. 146

⁹⁶ Ibid

⁹⁷ Ibid, p. 175

⁹⁸ Ibid, p. 176

Slovenia had pushed Serbia even further into aggression.⁹⁹ However, when the push came to shove, Germany, as well as the EC as a whole, opted out of military intervention and sought peaceful diplomatic solution.¹⁰⁰ This has led to the increased involvement of the UN, which took over as the main international actor.¹⁰¹ Furthermore, the EU did not follow through on all the threats it made, possibly since it lacked any form of enforcement. For example, EU threatened to impose negative measures on Croatia in case they launch offensive on Krajina, yet after Croatia did just that in operation Storm there were no repercussions.

⁹⁹ Woodward 1995, p. 185-187

¹⁰⁰ Ibid, p, 186-187

¹⁰¹ UNSC 1991: 'Resolution 713 (1991)'

4. Bosnia

4.1 Background

Just like in Slovenia and Croatia before it, an independence referendum was held in Bosnia. The pro-independence side had won this referendum with an overwhelming majority of 99.7 percent.¹⁰² Yet unlike the other two former Yugoslav republics, its independence was not swiftly recognized by the EU.¹⁰³ Bosnian Serbs did not want Bosnian independence from Yugoslavia, and have thus boycotted and then rejected the referendum, and as a response to it performed a swift territory grab of Serbian majority areas.¹⁰⁴ Bosnian Croats did the same with their majority territory.¹⁰⁵ Bosnian Serbs joined Krajina Serbs in combat, and Croatian government joined the government of Bosnia and Croat part of Bosnia.¹⁰⁶ Conflict broke out in spring of 1992 and it became the bloodiest war on European soil after WWII, resulting in many dead and millions displaced.¹⁰⁷

In April of 1992 Bosnia's capital city at the time, Sarajevo, was besieged by Bosnian Serb army.¹⁰⁸ This was not the only siege of an important city in the Yugoslav wars, since



Image 2: Watch out! Sniper. Street sign in besieged Sarajevo

Dubrovnik in Croatia has been besieged prior to Sarajevo.¹⁰⁹ However, it was the longest siege not only in Yugoslavia, but of any city in the modern history, lasting even longer than the siege of Leningrad.¹¹⁰ The city was deprived of steady supplies of food and water, and constantly terrorized by sniping attacks on civilians.¹¹¹ Sniping attacks on civilians

happened everywhere in the city, and targets were not only the people in the open areas, but also in the public transport.¹¹² Snipers used sniper rifles on individuals, and rocket launchers in order to maximalise damage in large

¹⁰² Woodward 1995, p. 195

¹⁰³ Ibid

¹⁰⁴ ICTY 'The Conflicts'

¹⁰⁵ Ibid

¹⁰⁶ UNSC 1995: 'Report of the Secretary General 947', p. 2

¹⁰⁷ Woodward 1995, p. 1

¹⁰⁸ UNSC 1992: 'Final Report of the Commission of Experts', p. 43

¹⁰⁹ UNSC 1992: 'Final Report of the Commission of Experts', p. 67

¹¹⁰ Gouré 1962, p. 20; 297

¹¹¹ ICTY 2007: 'Prosecutor V. Dragomir Milošević', p. 3

¹¹² Ibid, p. 2

groups.¹¹³ In 1995 Sarajevo-Romanija Corps (SRK), a division of the Bosnian Serb army, commenced attacks with modified air bombs that for many citizens caused even more terror than the sniping.¹¹⁴ A day in besieged Sarajevo was a survival lottery. In late 1995 NATO airstrikes helped break the siege, with the remainder of Bosnian Serb forces and the peacekeepers withdrawing from the city in January 1996.¹¹⁵

Most notable failure of the international community in Bosnia happened in July of 1995 when the Bosnian-Serb forces took over Dutch guarded UNPROFOR safe area in Srebrenica, East Bosnia, and massacred Muslim population of this enclave.¹¹⁶ ICTY ruled this attack genocide, and placed the number of dead between seven and eight thousand Muslim man.¹¹⁷ However tragic, this event did bring about the end of the war because it finally made the US take an interest and begin actively seeking out conflict resolution.¹¹⁸ A few months later, war came to an end.

War in Bosnia officially ended on 21st of November 1995 when General Framework Agreement for Peace in Bosnia and Herzegovina, better known as Dayton treaty, was signed in Paris by the representatives of Serbian, Croatian and Bosnian government, witnessed by US, EU, Russia, UK, France and Germany.¹¹⁹ Solution to the ethnic question of this treaty was dividing Bosnia into two entities, Serb majority Republic of Srpska and Bosniak and Croat Federation of Bosnia and Herzegovina.¹²⁰ Annex four of Dayton accords serves as the country's constitution.¹²¹ As a result of all the compromises made in Dayton, Bosnia is quite weak as a state, and it still relies heavily on international community to implement Dayton and fulfill its duties as a state, especially in areas of security and justice.¹²²

Number of displaced persons after the Bosnian war was of immense proportions. Around 2.5 million people, which is over half of the entire prewar population of Bosnia was displaced, majority of which were displaced outside Bosnian territory.¹²³ ICTY places the number of dead at an estimated 100.000.¹²⁴

¹¹³ Ibid, p. 1

¹¹⁴ Ibid, p. 1-2

¹¹⁵ Peter 2008, p. 65

¹¹⁶ Human Rights Watch 1995, p. 1-2

¹¹⁷ ICTY 2005: 'Facts About Srebrenica'

¹¹⁸ Crossette 1999

¹¹⁹ UNSC 1995: 'General Framework Agreement', p. 5; p. 70; EEAS 2016: 'About EUFOR'

¹²⁰ UNSC 1995: 'General Framework Agreement', p. 42

¹²¹ UNSC 1995: 'General Framework Agreement', p. 42

¹²² Ibid, p. 59

¹²³ Young 2001, p. 783

¹²⁴ ICTY: 'The Conflicts'

4.2 International Actors

4.2.1 United Nations

The UN was the leading international actor in Bosnian conflict. It first got involved in Bosnian war in May of 1992 when the Security Council issued resolution 752 stating their concern with the quick and violent outbreak of conflict in Bosnia.¹²⁵ Only two weeks later they took first action, instituting a no fly zone over Bosnian territory.¹²⁶ Since the UN was already active in Croatia at the time conflict spilled over to Bosnia, Security Council was able to take immediate action. UNPROFOR was deployed only a month after the conflict's outbreak, labeling it as a territorial extension of their original mandate in Croatia.¹²⁷ UN established six safe areas on Bosnian territory and mandated UNPROFOR with monitoring implementation of ceasefire agreements in and around these areas and providing humanitarian aid and security to the civilians therein.¹²⁸ However, this mandate was exceedingly difficult to fulfil due to constant breaches of safe area related agreements by both warring parties.¹²⁹

UN had an important role in besieged Sarajevo during the shelling by Bosnian Serb forces, where it assured passage of humanitarian help together with NATO so that the population of the city does not starve.¹³⁰ However, they alone were unable to lift the siege, and UNPROFOR personnel was systematically targeted by the snipers as well.¹³¹ UNPROFOR troops were further mandated with protecting United Nations High Commissioner for Refugees (UNHCR) convoys carrying humanitarian aid to war affected parts of Bosnia.¹³²

Protecting Croatian safe zones was already extremely difficult because of the high ethnic tensions between the Serbs and Croats. In Bosnia there were three ethnicities in conflict, which made the peacekeeping graduate from extremely difficult to impossible. During UNPROFOR's time in Bosnia several incidents took place in and around UN safe areas, the most atrocious one being the massacre of Muslim men in Srebrenica following failure to demilitarize this enclave. One of the tasks of Dutch battalion of UNPROFOR was to demilitarize Bosnian Muslim fighters in Srebrenica, which they failed to do as the fighters, under the command of Naser Oric, massacred Serbian civilians in the villages around the

¹²⁵ UNSC 1992: 'Resolution 752 (1992)', p. 1

¹²⁶ UNSC 1992: 'Resolution 757 (1992)', p. 15

¹²⁷ UNSC 1992: 'Resolution 758 (1992)', p. 17-18

¹²⁸ UNSC 1995: Report of the Secretary-General 982 and 987, p. 10

¹²⁹ UNSC 1995: Report of the Secretary-General 982 and 987, p. 10-12

¹³⁰ UNSC 1995: 'Report of the Secretary General 947', p. 5-7; 12

¹³¹ UNSC 1995: Report of the Secretary-General 982 and 987, p. 13-14

¹³² UNSC 1995: Report of the Secretary-General 982 and 987, p. 7-9

enclave.¹³³ According to the Netherlands Institute for War Documentation this failure is one of the main reasons Serbian forces retaliated by committing genocide in Srebrenica.¹³⁴ Between seven and eight thousand Muslim boys and man were killed in a matter of one week, in what the ICTY named ‘the single worst atrocity committed in the former Yugoslavia during the wars of the 1990s and the worst massacre that occurred in Europe since the months after World War II’.¹³⁵ This massacre being ruled genocide by the ICTY is believed to have truly helped to quicken the international community response to conflict in the future.¹³⁶

UN was the main peacekeeper in Bosnia, however, due to limited capabilities of UNPROFOR it relied on NATO for fulfilling certain Security Council resolutions objectives, namely the no fly zone.¹³⁷ After the signing of Dayton treaty, UNPROFOR was replaced as the main peacekeeping force in Bosnia by NATO’s Implementation Force (IFOR).¹³⁸ However, UN too remained present in the country, International Police Task Force (IPTF) which later became launching United Nations Mission in Bosnia and Herzegovina (UNMBIH).¹³⁹ IPFT was originally mandated with fulfilling policing tasks in Bosnia after the war, and was later replaced by EU led missions.¹⁴⁰ To implement civilian aspects of Dayton, the UN created a position High Representative for the Implementation of the Peace Agreement (HR).¹⁴¹ Office of the High Representative is still active today.¹⁴²

The UN was not only trying to prevent atrocities from taking place, but also to prosecute the ones responsible for the crimes against humanity that have already happened and kept on happening. As a response to the violence, ethnic cleansing and consistent breach of international law in both Bosnia and Croatia, Security Council adopted resolution 808 in May of 1993 forming International Criminal Court for Former Yugoslavia (ICTY), which is still operational to this day.¹⁴³

¹³³ NIOD 2002, p. 1378-1379

¹³⁴ Ibid

¹³⁵ ICTY 2005: ‘Facts about Srebrenica’, p. 1-2

¹³⁶ Crossette 1999

¹³⁷ UNSC 1994: ‘Resolution 958 (1994)’; United Nations Security Council 1995: ‘Report of the Secretary General 947’, p. 12

¹³⁸ UNSC 1995: ‘General Framework Agreement’, p. 9

¹³⁹ UNSC 1996: ‘Resolution 1088 (1996)’, p. 6

¹⁴⁰ UNSC 1995: ‘General Framework Agreement’, p. 116

¹⁴¹ UNSC 1995: ‘Resolution 1031 (1995)’, p. 4-6

¹⁴² OHR 2017: ‘HR and his Deputies’

¹⁴³ UNSC 1993: ‘Resolution 808 (1993)’, p. 2

4.2.2 NATO

NATO's involvement in Yugoslav wars truly began in Bosnia. In fact, the times NATO was present in Croatia were primarily related to Bosnian conflict, and not Croatian one.¹⁴⁴ Before getting military involved NATO acted in non-military terms, instituting an arms embargo on former Yugoslavia in 1992.¹⁴⁵ NATO commenced its military involvement in 1993, originally tasked with monitoring the no-fly zone that was earlier established in the UN resolution 781.¹⁴⁶ This initial task turned into operation Deny Flight which had NATO enforce the no-fly zone until the end of the war.¹⁴⁷

NATO's main role in the conflict was one of supporting UNPROFOR protected areas through performing air strikes.¹⁴⁸ In August of 1993 NATO Council decided to commence initial air strikes on Bosnia in relation to sieged Sarajevo, yet specified this action as not being military involvement since it served solely to protect humanitarian assistance.¹⁴⁹ The official reason stated by the UN was Bosnian Serb forces failure to return heavy weaponry that they have earlier stolen from UNPROFOR.¹⁵⁰ During the course of the war more air strikes were performed as a part of the agreement between NATO and UNPROFOR, due to the escalation on the situation on ground.¹⁵¹ One of the reasons for air strikes was to protect UNPROFOR safe areas in November of 1994.¹⁵² After the fall of Srebrenica in 1995 NATO became a much more involved actor in the conflict, increasing the rate of air strikes performed.¹⁵³ The most important joint effort of UN and NATO was ending the Siege of Sarajevo.¹⁵⁴

After the signing of the Dayton treaty, UN passed resolution 2035 mandating NATO to deploy troops to oversee its implementation.¹⁵⁵ IFOR replaced all of the UNPROFOR troops, thereby becoming the main peacekeeper in post-conflict Bosnia.¹⁵⁶ NATO IFOR was

¹⁴⁴ NATO 1994: 'Decisions on 24th November 1994'

¹⁴⁵ NATO 2003: 'NATO as a peacekeeper'

¹⁴⁶ UNSC 1992: 'Resolution 781 (1992)', p. 2

¹⁴⁷ NATO 2009: 'NATO's Operations', p. 2

¹⁴⁸ UNSC 1994: 'Resolution 958 (1994)'

¹⁴⁹ NATO 1993: 'Press Release (93) 52'

¹⁵⁰ UNSC 1995: Report of the Secretary-General 982 and 987, p. 1-3

¹⁵¹ NATO 1994: 'Decisions meeting on 24th November 1994'

¹⁵² NATO 1994: 'Decisions taken at the Meeting Session 1'

¹⁵³ NATO 2003: 'NATO as a peacekeeper'

¹⁵⁴ Peter 2008, p. 65

¹⁵⁵ UNSC 1995: 'Resolution 1035 (1995)'

¹⁵⁶ UNSC 1995: 'Resolution 1031 (1995)', p. 5

later replaced by Stabilization Force (SFOR) mandated with maintaining peace and overseeing implementation of the military aspects of Dayton.¹⁵⁷

4.2.3 European Community/Union

Just like in case of Croatia, the EU was the first one on the scene when the war violently broke out in Bosnia. Violence commenced quickly and ECMM member was amongst the first casualties¹⁵⁸. In resolution 752 (1992), UN Security Council praises efforts done by the ECMM to find a resolution to the Bosnian issue. In the words of NATO spokesman, conflict in Yugoslavia was in Europe's backyard, and it was EU's responsibility.¹⁵⁹ NATO has hoped to see Europe maintain peace in its own neighborhood without relying on the help from NATO.¹⁶⁰ However, although the EU came up with peace solutions, without the means to implement them its notable efforts consisted mainly of providing humanitarian aid.¹⁶¹ In order to be able to provide the aid to affected areas, European Community Humanitarian Office created European Community Task Force in 1992.¹⁶² It provided not only food and medicine, but also aid in psychological and social issues.¹⁶³

Eruption of Bosnian conflict, and the background of perceived failure to act in Croatian, one pushed the newly formed EU to equip itself with the means to respond to this crisis, and the ones like it in the future. Unarmed monitoring Mission may have been the way after the Slovenian conflict, yet as the situation escalated a member of the mission lost their life in the aggression.¹⁶⁴ A new Common Foreign and Security Policy (CFSP) was adopted in 1993, naming inability to act in Yugoslav conflicts as the first and foremost reason for the necessity of this legislation.¹⁶⁵ Uncoordinated reactions of the Member States are also mentioned as a reason for necessity of this legislation, which is likely referring to Member State hypocrisy in recognition of Former Yugoslav republic sovereignty.¹⁶⁶ German led

¹⁵⁷ UNSC 1995: 'Resolution 1035 (1995)', United Nations Security Council 1996: 'Resolution 1088 (1996)', p. 5

¹⁵⁸ UNSC 1992: 'Resolution 752 (1992)', p. 1

¹⁵⁹ NATO 2003: 'NATO as a peacekeeper'

¹⁶⁰ Ibid

¹⁶¹ European Union 1993: 'Action Plan of the European Union'

¹⁶² United Nations General Assembly 1995: 'Human Rights Questions'

¹⁶³ Ibid

¹⁶⁴ UNSC 1992: 'Resolution 752 (1992)', p. 1

¹⁶⁵ European Commission: 'Common Foreign and Security Policy'

¹⁶⁶ Ibid

rushed recognition of Croat and Slovene independence did not translate to Bosnia, as the chancellor Kohl delayed recognition of independence declaration of Bosnia.¹⁶⁷

The EU became the main military actor in Bosnia in the years after the war, when the EU military forces replaced NATO as the security provider in the country.¹⁶⁸ Two missions were launched under the new European Defense and Security Policy (EDSP), European Union Police Mission (EUPM) in 2002 and EUFOR Althea 2004.¹⁶⁹ Missions were mandated with assuring implementation of security parts of Dayton and supporting Bosnian police and army. Their mandates were so similar that it initially caused disagreements about the task of each of the missions. EUPM initial duration was three years, however, the mandate was only fulfilled in 2009.¹⁷⁰ EUFOR Althea is still ongoing, although since the security situation has improved from the beginning of the mission, the number of EU troops in Bosnia decreased significantly.¹⁷¹

¹⁶⁷ Woodward 1995, p. 195

¹⁶⁸ The Council Of The European Union 2004, p. 1

¹⁶⁹ The Council Of The European Union 2004, The Council Of The European Union 2002

¹⁷⁰ The Council Of The European Union 2002, p. 4; EEAS 2012: 'EUPM'

¹⁷¹ EEAS 2016: 'About EUFOR'

5. Kosovo

5.1 Background

Kosovo war was a yearlong armed conflict in Albanian majority Kosovo region of south Serbia starting in 1998.¹⁷² The initial conflict was fought between Serbian armed forces under the command of president Milošević and the Kosovo Liberation Army (KLA) which was comprised of ethnic Albanians.¹⁷³ In 1999 NATO joined the conflict, siding against the Serbian forces.¹⁷⁴

Prior to 1990's Kosovo region enjoyed high level of autonomy in former Yugoslavia, with some of its autonomous right being ability to choose their own official language, police and economic policy.¹⁷⁵ After the breakup of Yugoslavia, Serbian president Milošević attempted to withdraw Kosovo's constitutional rights in order to make the region less Albanian, as a part of his quest for an ethnically clean Serbia.¹⁷⁶ Constitutional right of Kosovar Albanians ceased to exist overnight as they were prohibited from using their language, printing their newspapers and other media in Albanian.¹⁷⁷ They were also massively laid off from important positions, such as teachers and policeman.¹⁷⁸ In response to long lasting oppression, Kosovar Albanians formed guerrilla forces that became known as the KLA.¹⁷⁹

War was devastating from the very start, and the humanitarian crises escalated extremely quickly. Over a quarter million persons were displaced within the first six months of the conflict.¹⁸⁰ It took less than six months after that, by May of 1999, for the number of displaced persons to reach the immense number of 800.000.¹⁸¹

The war was effectively ended by Military Technical Agreement, better known as Kumanovo agreement, which followed after a NATO bombing campaign of Serbia lasting over two months.¹⁸² NATO took over the responsibility for peace maintaining in Kosovo after the end of the conflict, and still continues to fulfil this role today.¹⁸³

¹⁷² NATO 1999: 'NATO's role in relation to the conflict in Kosovo'; Roberts 1999, p. 104

¹⁷³ Roberts 1999, p. 104

¹⁷⁴ NATO 1999: 'NATO's role in relation to the conflict in Kosovo'

¹⁷⁵ Janssens 2015, p. 56

¹⁷⁶ Ibid

¹⁷⁷ Ibid

¹⁷⁸ Ibid

¹⁷⁹ Judah 2000, p. 61-66

¹⁸⁰ UNSC 1998: 'Resolution 1199', p. 1-2.

¹⁸¹ NATO 1999: 'Article by the Secretary-General'

¹⁸² NATO 1999: 'Military Technical Agreement'

¹⁸³ State Portal of the Republic of Kosova 2017: 'KFOR'

Kosovo did not declare its independence from Serbia until ten years after the onset of the conflict. Even Montenegro, a country that formed Yugoslavia together with Serbia after the initial breakup of Socialist Yugoslavia, separated from Serbia before Kosovo did. This contrast is quite shocking since Serbia and Montenegro have very friendly relations and have never been in armed conflict with each other.¹⁸⁴ Although Kosovo declaration of independence is considered legal under international law according to the International Court of Justice advisory opinion in 2010, it is still not recognised by all UN Member States.¹⁸⁵

5.2 International Actors

5.2.1 United Nations

UN first expressed concern about escalating tensions in Kosovo in March of 1998.¹⁸⁶ In the first resolution concerning aggression in Kosovo, Security Council called upon Serbian and Albanian armed forces to settle their disputes in a peaceful manner, and also instituted a weapons and military equipment embargo on both parties in hope of reaching this objective.¹⁸⁷ Security Council also requested for humanitarian organisations to be allowed safe access to the region, and for the ICTY prosecutor to begin collecting relevant data on the aggression.¹⁸⁸ By the fall of the same year situation deteriorated quickly, and the UN estimated 230.000 persons to be displaced in the neighbouring countries and in Europe, labelling humanitarian situation near catastrophic.¹⁸⁹ As a response, Kosovo Diplomatic Observer Mission was established in resolution 1199.¹⁹⁰ This was a mission executed by a team of diplomats with a goal of collecting intelligence on the ground situation in Kosovo.¹⁹¹

In its involvement, the UN did not advocate independence of Kosovo from the federal government, emphasizing that whatever the solution to the conflict it should respect Serbia's internal borders.¹⁹² UN's comprehensive plan for achieving a peaceful solution to this, is laid down in Rambouillet Accords in June 1999.¹⁹³ This agreement emphasises individual's rights of all peoples of Kosovo regardless of their ethnicity, such as their right to return to their

¹⁸⁴ BBC News 2006: 'Montenegro declares independence'

¹⁸⁵ International Court of Justice 2010, p. 14

¹⁸⁶ UNSC 1998: 'Resolution 1160'

¹⁸⁷ Ibid, p. 1-2

¹⁸⁸ Ibid, p. 4

¹⁸⁹ UNSC 1998: 'Resolution 1199', p. 1-2

¹⁹⁰ Ibid, p. 4

¹⁹¹ Youngs 1998, p. 11

¹⁹² UNSC 1998: 'Resolution 1160', p. 2

¹⁹³ UNSC 1999: 'Rambouillet Accords'

homes, as well as the right to self-governing of the province.¹⁹⁴ It envisages Kosovo as a part of Serbia, but with its own institutions.¹⁹⁵ Even though it was regarded as favourable to Kosovar Albanians, KLA was not satisfied with this agreement because it laid down mandatory demilitarisation of KLA and denied Kosovo full independence.¹⁹⁶ Rambouillet agreement failed to satisfy either warring side, and it was rejected by both Milošević and KLA.¹⁹⁷

UN was not favourable to KLA, which it considered a terrorist organisation and it repeatedly referred to their doings as ‘terrorist action’.¹⁹⁸ In documents relating to the UN solutions to the Kosovo conflict, resolution 1244 and Rambouillet agreement, the UN calls for demilitarisation of the KLA.¹⁹⁹

UN was only able to exert more influence over the fate of Kosovo after the NATO bombing campaign made Serbian government stop the aggression. Resolution 1244 of 1999 that set out post-war arrangements for the region was adopted shortly after the strikes ended, and it is the most important UN document regarding Kosovo. United Nations Interim Administration Mission in Kosovo (UNMIK) and NATO peace maintaining mission both authorized this resolution.²⁰⁰

UNMIK is a UN mission mandated with running the newly autonomous, but not yet independent Kosovo region after the conflict. UNMIK was relieved in part by EURLEX Kosovo, which took over several policy areas after Kosovo declared independence.²⁰¹

5.2.2 NATO

NATO is the international actor with the most important role in the Kosovo war since its role was not only an observer or a peacekeeper, but one of the belligerents. After the initial conflicts in Croatia and Bosnia they participated in bringing stability to Kosovo in 1996, hoping to prevent the conflict in the region.²⁰² However, their optimism on the success of this operation was struck down shortly after, when the violence commenced. NATO got involved in the conflict in October of 1998, when it issued an activation order for an air campaign on

¹⁹⁴ Ibid, p. 4-5

¹⁹⁵ Ibid, p. 9-10

¹⁹⁶ Ibid, p. 61-64

¹⁹⁷ UK Parliamentary Committee on Foreign Affairs 2000: The Kosovo Crisis

¹⁹⁸ UNSC 1998: ‘Resolution 1160’, p. 1; UNSC 1998: ‘Resolution 1199’, p. 4

¹⁹⁹ UNSC 1999: ‘Resolution 1244’, p. 4

²⁰⁰ UNSC 1999: ‘Resolution 1244’

²⁰¹ UNMIK 2017: ‘Mandate’

²⁰² NATO 1997: ‘Statement to the press’

Yugoslav territory, because Serbia was not respecting UN Security Council resolutions.²⁰³ NATO Secretary General stressed that this order was not a war declaration, and he was still sure that a diplomatic solution can be found, which later proved not to be the case.²⁰⁴ In the beginning of this conflict NATO again stressed the same point they have been making since the beginning of the end of Yugoslavia - Europe needs to take responsibility for its own defence.²⁰⁵ Furthermore, NATO stressed that lack of institutional capabilities cannot form an excuse not to take action.²⁰⁶

Large scale air strike mission was commenced in April of 1999 and the objectives for it were set out in an extraordinary meeting in Brussels at foreign ministers level.²⁰⁷ Reasoning for involvement was clear: Serbia's continuous disrespect for UN Security Council



Image 3 Operation Allied Force Air Strikes

resolutions.²⁰⁸ The humanitarian crisis reached the tipping point and the risk of conflict spill over to Albania and Macedonia, as seen before with Croatia and Bosnia, was a viable risk. Therefore, NATO considered military involvement to be a correct response to the situation.²⁰⁹ Military action in the form

of air strikes was aimed against Serbian president Slobodan Milošević, as he was seen as the one responsible for the situation getting extremely out of hand.²¹⁰ Requests for ending NATO air strikes were as follows:

“Milošević knows what he has to do. He must: ensure a verifiable stop to all military action and the immediate ending of violence and repression; ensure the withdrawal from Kosovo of the military, police and paramilitary forces; agree to the stationing in Kosovo of an international military presence; agree to the unconditional and safe return of all refugees and displaced persons and unhindered access to them by humanitarian aid organisations; provide credible assurance of his willingness to work on the basis of the Rambouillet Accords in the

²⁰³ NATO 1998: 'Transcript of the Press Conference'

²⁰⁴ Ibid

²⁰⁵ Rutten 2001, p. 11

²⁰⁶ Ibid

²⁰⁷ Nato 1999: 'The situation in and around Kosovo'

²⁰⁸ Ibid

²⁰⁹ Ibid

²¹⁰ Ibid

establishment of a political framework agreement for Kosovo in conformity with international law and the Charter of the United Nations.”²¹¹

The air strikes lasted for 77 days and the operation was officially named Operation Allied Force, although civilians suffering under the strikes refer to it as the Operation Merciful Angel.²¹² They ended as the government of Serbia agreed to the conditions set out by NATO, and the terms of Serbian withdrawal from Kosovo were laid out in the Military Technical Agreement.²¹³ In words of Oxford professor Adam Roberts, what makes Operation Allied force unique is even though the reason behind the bombing campaign was disobeying the UN Security Council resolution, the Security Council itself never officially approved the strikes.²¹⁴ NATO Secretary General attributed the success in Kosovo to swift intervention, which was the correction of the path of non-involvement in former Yugoslavia from the early 1990's.²¹⁵ After the initial triumph, NATO commenced peace maintaining mission under Kosovo Force (KFOR), with a mandate similar to previously established SFOR mission in Bosnia.²¹⁶ This mission was authorised by the UN in the resolution 1244 and it is ongoing to this date.²¹⁷

5.3.3 European Union

European defence was constantly on the table in the years around Kosovo war.²¹⁸ In the short period at the turn of the millennium it seemed like there was much enthusiasm towards creating a Europe that was capable of own defence.²¹⁹ A series of conferences were held on this topic, one first being just a few months after the conflict outbreak, in October 1998 at Pörschach.²²⁰ Discussion was led by UK Prime Minister at the time, Tony Blair, who was a big advocate for Europe that is capable of standing alone in the face of conflict without needing to rely so heavily on the US.²²¹ Blair made a statement at the conference that Europe is already able to carry out a peacekeeping mission, however, even though a conflict in need

²¹¹ NATO 1999: 'The situation in and around Kosovo'

²¹² NATO 1999: 'NATO's role in relation to the conflict in Kosovo'

²¹³ NATO 1999: 'Military Technical Agreement'

²¹⁴ Roberts 1999, p. 102

²¹⁵ NATO 1999: 'Speech by the Secretary General'

²¹⁶ Ibid

²¹⁷ State Portal of the Republic of Kosova 2017: 'KFOR'

²¹⁸ Rutten 2001, p. ix

²¹⁹ Ibid

²²⁰ Ibid, p. 1

²²¹ Ibid

of peacekeeping was happening just an hour flight from where the summit took place, the EU never did deploy such mission to Kosovo.²²²

Even though the EU was unable to organise a peacekeeping mission under its umbrella, EU Member States did participate in the conflict. NATO led an all-European extraction mission in Kosovo in 1998 to prove a point that European troops are very capable of conflict intervention.²²³

After the Kosovo conflict had been resolved the European Council held a meeting defining objectives for the future of EU's military capabilities.²²⁴ Main goal for the area of security and defence was the capability to carry out military missions under the lead of EU, which do not rely on the NATO involvement.²²⁵ The constant emphasis on the wish to be capable to intervene without relying on NATO truly showcases the fatigue of the EU after the failure to end a conflict for the third time in a decade.

EU's post-conflict presence in the Western Balkans countries after the war truly evolved from early 1990s to today. While they retained no significant presence in Croatia and provided justice, and home affair support in Bosnia, the EU took over quite essential duties of a state in Kosovo. In 2008, the EU launched EULEX Kosovo, a mission to support rule of law in a newly unilaterally independent republic.²²⁶ EU further expanded its presence in Kosovo with the establishment of EU Office in Kosovo, a body designed to help Kosovo fulfil their EU agenda.²²⁷ EU took over these tasks from the UN as Kosovo declared independence since the UN choose to remain neutral in the matter since not all of its Member States recognised Kosovar Independence. Interestingly enough, even though the EU is evidently not assuming the same neutral stance as it has become international actor most vocal about EU independence, to this day there are still five EU Member States that do not recognise Kosovo.²²⁸ This paradox is the most notable in the fact that Kosovo is listed as a potential EU candidate, and on its road to visa free travel to the EU, despite not even being seen as a country by all Member States.²²⁹

²²² Ibid, p. 2-3

²²³ Rutten 2001, p. 11

²²⁴ The European Council 1999: 'Helsinki European Council'

²²⁵ Ibid, p. 4

²²⁶ The Council of the European Union 2008, p, 93

²²⁷ EEAS 2016: 'About the EU Office in Kosovo /EUSR'

²²⁸ EEAS 2016: 'Kosovo and the EU'; European Commission 2016: 'Kosovo*', p. 73

²²⁹ European Commission 2016: 'Kosovo'; European Commission 2016: 'Kosovo*', p. 4

6. Discussion

As evident from previous chapters, the EU was undeniably one of the main international actors involved in resolution of Yugoslav conflicts. This chapter argues that if the EU used other means to aid the former Yugoslav republics in ceasing violence, the conflicts would have played out differently. Initial reaction of the EU to the conflicts will kick off the discussion, followed by shortcomings of EU's approach and alternatives to it that would have been more suitable for conflict resolution. Finally, I will discuss EU's presence in former Yugoslav Republics after the war, as it is important in the context of EU's military capabilities. These points of discussion are chosen as the most suitable in order to analyse mistakes the EU made, and continues to make, in the area of international conflict resolution. Discussing these mistakes will serve to come to a conclusion on how the EU can improve in this field and act more suitably in the future.

6.1 EU reaction to the conflicts

The behavior of the EU as an actor in Yugoslav wars was not always in proportion to the gravity of the situation. Looking at these conflicts with the hindsight knowledge, it becomes apparent that the actorness of the EU made a big impact on how it played out. Although the main focus of this research is what the EU did not do, in terms of its military capabilities, the discussion will begin with what the actions EU did undertake that proved not to be optimal for conflict solution.

The EU's initial reaction to the wars was very swift and fully diplomatic. When armed conflict commenced in Slovenia EU was first on the scene to recognize the country's independence, draft a peace plan and launch a monitoring mission. However, EU leaders were not aware of the fact that their job was not done, but only just beginning. Perhaps it was because the almost immediate end of violence in Slovenia that the conflict of colossal proportions in Croatia and its spillover to the neighboring countries was not anticipated by anyone. Neither Yugoslavian officials and citizens, nor the international community saw it coming. Only a year before the violence and destruction commenced, the permanent representative of Yugoslavia to the UN sent an official letter to Nelson Mandela congratulating South Africa on triumph over apartheid and promising the support of Yugoslavia and her people in their democratization process.²³⁰ This goes to show how oblivious even the high ranking officials within the Yugoslav state were to the fact that that

²³⁰ UN General Assembly 1990: 'Policies Of Apartheid Of The Government Of South Africa', p. 2

was the last full year of Yugoslavia. When the actual large scale conflict commenced the EU was taken by surprise, and scrambled to respond in time. The ability to dedicate full attention to Croatian conflict was further hindered by the fact that there was so much going on in the world at the time, such as the war in Iraq, instability in the Soviet Union and imminent fall of Communism.²³¹ Although the EU tried to take control of assuring security in its immediate neighborhood, it was unable to significantly affect the course of action. Whether it's because of infrastructural limitations, distractions or internal divide, it failed to prove itself as an important factor in Croatian war. The rest of the international community originally expected the EU to solve the issues in the Western Balkans, which led to a significant delay in other organizations involvement in the conflict.

The faith that other international actors, for one reason or another, placed on EU to solve Yugoslav conflicts undoubtedly served to slow down appropriate reaction at the beginning of the wars. But what exactly caused this reaction? There is no single reason that one can pinpoint, but a whole collection of misjudgements and a massive underestimation of the situation. Yes, neither the EU nor the rest of the international community expected for Yugoslavia to break up abruptly and violently in an ethnic conflict of such proportions. Yes, nobody expected initial conflict to spill over and cause an even bigger conflict. Also, none of the actors knew at the time that the wars are going to drag out over the duration of the entire decade. However, relying on an organisation that at the time had no common military, defence policy nor even a common position to take a lead in solving an international conflict was extremely short-sighted. What makes this bad decision worse, is that this short-sighted approach was taken again in Bosnia.

Failure to swiftly act in Bosnia truly was a mistake that is hard to find excuses for. In the case of Croatia the situation was new and not fully comprehensible. The EU was caught by surprise and not decided on whether the federal government or the separatists were the bad guy, and conflict spread faster than anyone anticipated. Therefore lack of action can be attributed to these factors, as well as institutional shortcomings. However, once the conflict spilled over to Bosnia it was obvious that diplomacy, embargos and declarations was not getting anyone far, fast. Bosnia truly resembled a small-scale WWII. Millions were displaced, hundred thousand died, a major city was under siege and the most heinous war crimes were committed, culminating in genocide. If there was a conflict that could have persuaded

²³¹ Woodward 1995, p. 177

European leaders to act as a hard power it was this one, yet the EU again resorted to diplomatic means.

After failing to have a proper reaction to Croatian and Bosnian war EU did make promises that it will not stand by and watch another conflict unravel again, and the common defence euphoria was at full swing. The promises made in 1995 of how another Bosnia will not happen again were eventually kept only by NATO. The EU has adopted the CFSP after failure in Croatia and an even bigger failure in Bosnia, yet it was not put to use in Kosovo. It is likely because the CFSP was drafted after peace has been achieved, but while the horrors of the war were still fresh in everyone's mind. The Member States managed to agree on the fact that more than trade sanctions were necessary for achieving results in international politics, yet the original CFSP remains vague and full of empty promises. It is easy in the times of peace to agree that next time a conflict breaks out a common response will be coordinated and swift. In reality, next time a conflict did happen response was anything but, reaffirmed by the fact that even to this day EU Member States do not unanimously recognise Kosovo. For the third time in one decade EU was shocked by the violence yet failed to put in enough effort to contain it.

There are some other factors that may explain the utterly disappointing reaction to Kosovo war. It is possible that the time gap between the conflicts lured actors into a false sense of stability in the Balkans. The question of independence may also be the underlining reason for lack of action. Kosovo conflict was different than Croatia or Bosnia because it did not start after a declaration of independence. In fact, declaration of independence came a good decade after the conflict ended. Getting involved in armed conflict on the soil of a sovereign nation is not always easy for governments to justify to their people. Add to that the issue of clarity in Kosovo: who was fighting, who were the good and who were the bad guys and what are they fighting for, and getting involved quickly becomes a logistic nightmare.

However, Kosovo was the prime time for the EU to show its conflict intervention capabilities, and out of the three conflicts presents the biggest missed opportunity to do so. Especially since there was a gap left by the UN that EU could have filled. UN was not a key actor in Kosovo during the conflict nearly as much as in was Croatia or Bosnia. It did not get physically involved, whether it was because of the fatigue from peacekeeping in the rest of Yugoslavia, or the blurred lines of who the aggressor actually is. UN was by no means friendly with Serbian government but it did, after all, consider KLA a terrorist organisation. UNPROFOR was never deployed, even though Kosovo humanitarian crises left a higher

number of displaced persons than a much longer Croatian conflict. Even the diplomatic actions undertaken by the UN were not satisfactory. The Security Council spent time and resources coming up with Security Council resolutions that read so similarly that one needs to repeatedly check the date and number in order to make sure they are indeed not re-reading the same document time and again. Furthermore, UN drafted a complex, 86 page long Rambouillet agreement without realising how incompatible it is with goals that the warring sides wanted to achieve as a result of the conflict. It was not until after NATO Operation Allied Force made Milošević surrender that the UN passed a significant resolution. The EU did take over diplomatic and military UN missions in both Bosnia and Kosovo after the war, but unfortunately failed to do so during.

6.2 Shortcomings of diplomacy only approach

EU's approach to the wars was as bureaucratic as it can get. A good testament to that is a regulation from 1992, a year conflict spilled over to Bosnia and the severity of the situation became more clear than ever. While ethnic conflicts raged in the Balkans, EU focused on trade, passing legislation regulating import of fresh sour cherries.²³² However, at the time it was the only approach within their means. What if the EU had a military? Could it have made a change? Evidence shows that that is likely the case. The UN took a while to deploy UNPROFOR and even when it did, UNPROFOR had a limited mandate. As seen from the massacre in Dvor, UNPROFOR battalions had a very narrow interpretation of their mandate, and some of them were not willing to overstep it even to save human lives. What these conflicts truly needed, was an intervention.

Furthermore, UNPROFOR peacekeeping failed in providing security in several instances, one of the main reasons being that they were comically understaffed for such a serious peacekeeping operation. The EU was, however, able to deploy quite significant number of soldiers in both EUFOR Althea and EUPM missions in Bosnia just several years after the initial two conflicts ended. These two missions alone counted over 7500 military personnel, while the entire strength of UNPROFOR in both Croatia and Bosnia was around 35000.²³³ Although there was most likely some overlap in military personnel in EU missions and UNPROFOR, it is safe to say that UNPROFOR would have benefited from extra numbers. For example, one of the main reason Dutchbat III was unable to defend Srebrenica

²³² European Commission 1992: 'Commission Regulation (EEC) No 1319/92'

²³³ European Union Institute for Security Studies 2009, p. 162; 211; United Nations Department of Public Information 1996;

was because of their numbers. It was even called the most vulnerable UNPROFOR battalion by Bill Clinton.²³⁴ If the EU was able to support UNPROFOR back in 1995 they may have had a fighting chance in Srebrenica. Of course the question of the mandate still remains. As seen from Dvor massacre, even when numbers were not an issue UNPROFOR failed to act because it was not in their mandate. Having had troops on ground in and around UNPROFOR safe areas that had a mandate more comparable to that of NATO in Kosovo, combined with the good numbers, would have been a more suitable way for the international community to pursue the resolution of Bosnian conflict. There was no actor of this description present in Bosnia, making it a gap that EU could have filled had the Member States leaders agreed on transferring some sovereignty in this policy area to supranational level.

Furthermore, the fact that EU had no means of enforcement of its peace plans meant that it could only make empty threats and the warring sides were seemingly aware of this. For example, during the Croatian conflict Croatian forces did manage to take back the territory that was occupied by Serbs, but it was at cost of hundreds of thousands families displaced from their homes, many never to return. This radical exodus came as a result of a quarter of Croatia's territory being occupied by Serbian minority for years, since shortly after the declaration of independence. Nationalistic sentiment that brought about this event continues to this day, and it is nowadays seen Croatian relation to Serbia and to the ICTY. Because Croatia felt like it was in the right in the conflict, it refused to cooperate in extraditing potential war criminals to the ICTY because they were considered war heroes.²³⁵ Furthermore, the EU threatened Croatia that there will be consequences if they went through with operation Storm, but there was no way for the EU to deliver on this threat and Croatian leaders did not face any consequences for this action. It could be argued that had the EU intervened in ending the conflict early on, it would not only immediately help save human lives and property, but also not allowing for the relations between the countries to deteriorate so deeply that it is still an issue today. Hostilities between countries after a conflict are not uncommon, however, Serbia and Croatia did reconcile quickly after the Second World War although they were on opposing sides, not much unlike France and Germany did.²³⁶

The diplomatic approach of the EU was, to some degree, directly caused by its lack of military capabilities. Since the military intervention was off the table at the onset, the EU saw conflicts differently than an actor with strong military would. Furthermore, the EU had to

²³⁴ NIOD 2002, p. 1355

²³⁵ Batt and Obradovic-Wochnik 2009, p. 13-14

²³⁶ Savezna narodna skupština 1963: 'Ustav Socijalističke Federativne Republike Jugoslavije'

think about its image, and according to theory as a predominantly soft power the EU must retain a level of morality, culture and attraction in order to be able to influence the actions of others. On the other hand, NATO and the US are freer to make seemingly unpopular decisions because they are militarily strong. The truth is that large scale airstrikes like the one performed during the Operation Allied Force are not popular, nor are they always effective. Yet when humanitarian crises gets as out of hand, as it did in Bosnia, they should at least be considered as an option. The main moral dilemma behind this kind of attacks is whether it's justifiable to kill a few to potentially save many. In the case of Bosnia ultimately it wasn't. However, NATO later came to regret this decision and decide that yes, it was justifiable when Kosovo conflict broke out. The unpopularity of violent conflict intervention may be another reason why EU missed its opportunity in Bosnia. Therefore, if the EU wishes to retain its soft, normative power appeal, questionable conflict involvement is a luxury it cannot afford. And, as mentioned in the introduction, civil wars are as questionable as conflicts get.

Still, after the Bosnian conflict EU managed to pass the CFSP, that could have actually been helpful during the conflict. Post-war EU missions in Bosnia that were possible because of the new CFSP really demonstrate that EU is more than capable of peace maintaining. Yet even with new possibilities EU again resorted to a diplomacy only approach in Kosovo, even after explicitly admitting the previous failure to act in Yugoslavia. When Kosovo came around, it seemed that the EU has not learned from previous mistakes. Before, during and after the conflict the EU has, in typical EU fashion, held countless conferences, discussions, formal and informal meetings on the topic of EU defence. It seemed as if defence was the next big step that everyone was ready to make. Most member States were clearly opposed to forming an actual EU army, but they agreed that Europe should be capable to provide its own security as well as provide security for its neighbourhood. Even the ever Eurosceptic UK agreed on this matter in the late 1990's. True astonishment, however, comes from the similarity of debate had back then to the debate we have today, best seen in relations between NATO and the EU in case of Kosovo conflict. NATO has plead during Kosovo war for EU to step up, stop making excuses related to institutional shortcomings and cut the redundancies in the organisation of its militaries.²³⁷ Looking at the debate on the issue today it is clear that the defence enthusiasm of the late nineties was not enough to make significant progress. History has repeated itself and EU's response is once again sanctions and humanitarian aid, which are a logical response to a conflict but quite ineffective in actually coercing belligerents to cease

²³⁷ Rutten 2001, p. 10-12

hostilities. This truly begs the question of how many more conflicts will have to get completely out of hand before European leaders decide that the loss of sovereignty in this policy area is less tragic than the loss of life?

6.3 Aftermath

EU has been ‘repaying for its sins’ in Bosnia since the end of the conflict. The feeling of guilt and responsibility blatantly stated the CFSP echo throughout the relationship between these actors. For years EU has been providing Bosnia with funds, security and help in judicial branch and area justice and home affairs, combined with the possibility of becoming a member State in the future. All of these means can be characterised as soft power, and they give Bosnia an incentive to further democratise its society and try to respect the rule of law. I believe that the fact that EU uses its armed soldiers simply as another tool of soft power truly shines a light on the nature of this beast. However noble this might be, it should be a preferred, not only option. To some extent, Kosovo war served as the wakeup call for CFSP that Bosnian war should have been. Only a couple of years after Kosovo, EU was able to deploy its own stabilising missions to Former Yugoslavia. In Bosnia, EU troops have even completely replaced NATO troops, which is a great improvement to its military capabilities a decade prior. EU troops were also deemed successful in their mission to bring stability to law and peace enforcement agencies in Bosnia, further evident from the steady decline in the number of EU forces needed. The next step for EU is to also shine in peacekeeping during the conflict.

Like in Bosnia, EU has been ‘repaying for its sins’ in Kosovo by being overly involved after the conflict. UNMIK, UN’s attempt to redeem for inaction during the conflict, had its mandate changed after Kosovo declared of independence in 2008 because of neutrality issue that occurred since not all UN members recognise Kosovar independence. This was an opportunity for the EU to swoop in, and it finally did. Military, police, justice and home affairs, economy and diplomacy of Kosovo were taken under the wing of the EU. However, the fact that not even all of the Member States recognise Kosovo as an independent state spoils the integrity of the EU as an international state-building actor.

Furthermore, unlike during the wars, the EU has successfully used soft power to maintain peace in the region. It continues to persuade Serbia and Kosovo to maintaining a peaceful dialogue by promises of aid and future membership. This may be a testament to growth of the EU as a soft power, although it was probably only effective in combination with a change in leadership in Serbia. As seen from the Operation Allied Force, Milošević was not an actor who could be convinced by diplomatic means, since he barely agreed to peace after weeks of aggressive bombing.

Interestingly enough, while the post-war recovery depends on many other factors and does not directly correlate with peacekeeping forces presence, in former Yugoslavia these factors seem to trend the opposite way. Of all of the countries analysed in the previous chapters Croatia is the one where the EU was least involved in after the war, yet also the one that had the most successful recovery, leaps and bounds in front of Kosovo and Bosnia.

The EU undoubtedly grew from its experience regarding Yugoslavia, which initiated the ESDP. The involvement in Kosovo and Bosnia after the war clearly shows a great increase in the EU's military capabilities, and further shows that it is possible to perform successful missions as the EU, and not under the wing of NATO or the UN. After Yugoslavia, EU performed several missions maintaining peace in post conflict areas under the EDSP in places like Kongo and Tchad.²³⁸ Although this growth as a security actor is significant, it is not enough to face the security challenges of today. Decades after the Second World War and EU is still unable to provide security even for its immediate neighbourhood. Yugoslavia started the security debate, how many conflicts will need to happen to end it?

²³⁸ European Union Institute for Security Studies 2009, p. 6-7

Conclusion

Breakup of Yugoslavia was an unexpected major global event taking place in 1990's that was followed by a series of deadly conflicts. It started after several Yugoslav republics at the time declared independence after holding independence referenda. The biggest of the Yugoslav republics, Serbia, was not fond of the breakup and it responded to separatist intentions with violence, resulting in several conflicts. After it became apparent that peaceful separation was not possible, international community became involved in finding a solution to the conflicts. EU was the first international actor on the scene, launching a Monitoring Mission to keep track of the initial outbreak of violence in Slovenia and Croatia. After the situation in Croatia became dire, the UN got involved in brokering a ceasefire agreement, and mandating newly established UNPROFOR to maintain it. Conflict did not stay confined to Croatia, and soon after its own declaration of independence Bosnia became the newest warzone in the Balkans. War in Bosnia was much more devastating than in Croatia, causing UNPROFOR to extend its mandate to Bosnian territory, and also causing NATO to get involved. It resulted in many dead and the largest displacement of persons since the Second World War. Three years after the conclusion of Bosnian conflict unrest began in Kosovo, quickly turning into a fully-fledged war with dire humanitarian consequences. Attempts to solve the conflict diplomatically did not work and it only ended after an 11 week long NATO bombing campaign of Serbia that caused Serbian president Milošević to sign the peace agreement.

EU was tasked with resolving the conflicts, yet due to the lack of enforcement capabilities for its peace plans, it was unable to achieve peace. Although it was the first international actor to get involved in Yugoslavia, its involvement remained non-military. EU did come up with peaceful solutions, yet it was missing hard power tools necessary to enforce its peace plans. Coercive tools that were available to EU were economic aid and sanctions, which proved to be weak and inefficient in the face of an ethnic conflict. In the end, UN and NATO ended up being the primary actors responsible for bringing peace in what they characterised as EU's own backyard. On the other hand, EU's post conflict involvement played an important role in maintaining peace in Bosnia and state building in Kosovo.

Behaviour of the EU in the area of conflict intervention appears to be circular process divided in three stages: initial shock, promise of intervening next time, and finally not being able to intervene next time due to structural shortcomings. After witnessing one after another violent conflict in the Western Balkans, EU kept repeating the same mistakes in each of them. At present even the most recent of the Yugoslav conflicts has reached legal age, and the

common defence in the EU is still a matter of debate. European backyard is on fire once again, yet for European leaders it is still not a good enough incentive to transfer more sovereignty in this policy area to supranational level.

Peace is something that Europe should strive for, not take for granted. Conflicts have a tendency to spill over, and there are viable threats to European security present as close as our external borders. Diplomacy and soft power are excellent tools; however, they should not make up the entire toolkit. In some cases military intervention is certainly more humane than doing nothing. EU needs to stop picking up the pieces after the conflict and picking up the weapons during.

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