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PREVENTING ARMED CONFLICT
IN EUROPE: LESSONS
FROM RECENT EXPERIENCE

————— *Gabriel Munuera* —————

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PREFACE

Gariel Munuera joined the Institute as a research fellow in July 1993 and has since then devoted a good deal of his time to work connected with conflict prevention. This *chailot Paper*, which is the principal result of that work, was discussed in draft form at a meeting in the Institute on 17-18 March 1994 at which a number of those with first-hand experience of the work of the various international organizations discussed in this paper took part. Their comments were very much appreciated and were taken into account by Mr Munuera in this final version. The bulk of the work on the paper was completed by the end of April 1994, and it has not always been possible to take into account events that have occurred subsequently.

Conflict prevention in Europe has been one of the major security challenges facing us in the post-Cold War period. This paper, which attempts, through examining case studies, to derive some general lessons will, we hope, make a useful contribution to the further debate on the subject. It is significantly longer than most of our *chailot Papers* and we are therefore issuing it exceptionally as a double paper.

Mr Munuera will be leaving the Institute at the beginning of September 1994 to take up a post in the Political Affairs Division of the United Nations in New York.

John Roper
Paris, June 1994

INTRODUCTION

The end of the Cold War has not, as many hoped, brought general peace and prosperity to Europe. Instead, elements of instability, and in some cases even war, have become all too frequent in Central and Eastern Europe after the demise of the communist bloc. The fall of communism has given way to the disintegration of multinational states, a painful process of political and economic transition towards democracy and the market economy, and the re-emergence of nationalism as a destabilising factor in the region.

The breakup of the Soviet Union, the Yugoslav federation and Czechoslovakia (although the latter occurred fairly smoothly) provides good proof of the strains created by the transition from communism. The unsolved national questions that emerged virulently in the aftermath of World War I with the collapse of the multinational Austro-Hungarian, Tsarist, and Ottoman empires, were 'frozen' by forty years of communist repression and arbitrariness. Grandiloquent concepts of federalism and national sovereignty were largely subverted by the reality of the communist party's centralised authority, which manipulated the different nationalities to its advantage⁽¹⁾ and largely rendered these rights devoid of any content. However, the Stalinist 'nationality policy', which was more or less closely adopted by Tito's Yugoslavia, created the structures which some of these ethnic communities would later use to further their political goals; the titular nations had state structures to which they could add real substance when the centre collapsed. In short, and beyond the complexities and particularities of the different cases, the fact is that communist rule did not solve the national questions. On the contrary, it often exacerbated the problems by arbitrarily privileging some national groups, and by failing to provide the basis for civilized management of inter-ethnic relations: a sound economy and democratic rules of behaviour based on the rule of law.

When these totalitarian regimes fell apart, Central and East European countries found themselves in the middle of deep economic recession and political unrest. The nationalist card proved, as in the past throughout Europe, a powerful and effective instrument for electoral purposes. Nationalism quickly filled the vacuum left by communist rhetoric, and was often used by former apparatchiks vying for new power bases. Thus Central and Eastern Europe has in a number of cases witnessed a process of nation-building, in fact nation-state building (see note 1), which has had particularly unsettling consequences for multinational federations and for regional security. The result of this combination of economic distress, socio-political unrest and national revival has been a more unstable situation in the region and the eruption of wars in continental Europe for the first time since 1949, the year when the Greek civil war ended.

Western Europe and the international community at large, at first unaware of the real magnitude of the problems or unwilling to draw the necessary conclusions,⁽²⁾ were slow in responding to these challenges to peace and security in Europe. This was perhaps most evident in the case of the Yugoslav conflict. However, efforts were and are being made to prevent and manage emerging or potential armed conflicts. This paper attempts to analyse some of the experiences of the period 1991-1993,⁽³⁾ draw

lessons from them whenever possible, and reflect on several issues that are relevant to conflict prevention.

As regards the scope of the paper, the study mainly assesses the performance of external players, who are for the most part international or regional organizations⁽⁴⁾ and their subordinate organs. It also bears in mind the role of individual states and internal parties to a dispute, as they have generally proved of key importance to its final outcome.

The term *conflict prevention* is used in a broader sense than that in which it is usually understood, which is the application of non-constraining measures (those which are not coercive and depend on the goodwill of the parties involved), primarily diplomatic in nature. In this paper it is roughly equivalent to preventive diplomacy as defined in the UN Secretary-General's *Agenda for Peace*,⁽⁵⁾ regarding the instruments employed: fact-finding and observer missions, early mediation, diplomatic and economic pressure, or even the preventive deployment of troops. Conflict prevention measures will thus aim at preventing disputes from arising and preventing existing disputes from deteriorating into armed conflict. However, the possible need for more muscular preventive action will also be considered in cases where armed hostilities have just broken out (when skirmishes may have already taken place) or are about to start; in these more acute situations the prevention of escalation might require the recourse to sanctions and even the threat of the use of force (by troops already deployed as a preventive measure, for instance). A distinction is drawn between cases where the perspective of armed conflict is some way off, in which 'long-term', 'softer' preventive measures⁽⁶⁾ could be appropriate, and cases where hostilities could begin at any moment and efforts should focus on averting a probable war by using 'emergency' or 'harder' measures.⁽⁷⁾ This distinction will relate to a number of factors, such as the level of tension between the parties, the quality of the leaders of the parties involved, and the gravity of the socio-political difficulties. However, there is no clear-cut division between the two sorts of conflict prevention measures, and it is argued here that it is better to consider a gradation in the assessment of conflict situations and the optimal combination of tools to use.

The paper analyses four post-Cold War disputes in Europe (Slovakia/Hungary, Estonia/Russia, Bosnia-Herzegovina, and the Former Yugoslav Republic of Macedonia -- FYROM), which followed the demise of communism and which had a number of basic features in common: actual or potential border claims, the presence of minorities whose ethnicity is shared with neighbouring states (which are generally supportive of their kin), a situation of post-communist socio-political and economic transition, and the more or less smooth disintegration of multinational states. The relevance of these cases to the study, apart from the acuteness of the problem (which is highest in Bosnia-Herzegovina, where war was not avoided, and successively lower in FYROM, Estonia/Russia, and finally Slovakia/Hungary), lies in their exemplifying character as to the consequences of the breakup of multinational entities, together with certain characteristics of each case that underscore some of the problems involved in conflict prevention or which provide opportunities for assessing specific mechanisms. The four cases are analysed in order of increasing likelihood of conflict (Slovakia, Estonia, FYROM and Bosnia-Herzegovina); obviously, this order implies a certain degree of subjectivity but for explanatory purposes it seemed an appropriate way of presenting the cases.

The controversy between Hungary and Slovakia combines the issue of minorities with that of broader disputes (concerning a hydroelectric project on the Danube), and illustrates the important effect of incentives, particularly the leverage associated with potential membership of the European Union.

The case of Estonia is closely linked to the history of the Soviet Union, especially its expansion beyond the Tsarist borders, its policy of sovietization/Russification, and its disintegration, which bequeathed Estonia a 40% minority of non-Estonian Russian speakers (mostly ethnic Russians). Estonia's problem with its Russian minority provides a clear example of the conflictual relationship between the interest in nation-state building, which is perceived as vital by weak new states struggling to survive as independent entities and the attempt by minorities to preserve their identity. It also highlights the difficulties inherent in mediating in a dispute between a small state and a great power which was also its former master.

The Former Yugoslav Republic of Macedonia (FYROM) has so far been spared the fate of Croatia and Bosnia-Herzegovina. The deployment of UN forces may so far have helped prevent the disputes that exist in connection with FYROM developing into war, and in any case it offers the first test case of preventive deployment as a means of conflict prevention.

Finally, valuable lessons can be drawn from the failure to prevent an armed conflict from erupting in Bosnia-Herzegovina⁽⁸⁾ on the need for comprehensiveness, coordination and resolve by the international community when addressing a potential conflict that is on the verge of becoming a full-blown war. This is particularly so regarding the need for credibility, the number of actors (international organizations and their member states) involved and the problems arising from the over-rigid application of the rules of the majority, and finally the caution required in the use of incentives such as international recognition when attempting to resolve complex situations resulting from the disintegration of multinational states. It could be argued that many situations in Central and Eastern Europe, including the former Soviet Union, share the features of those described above. Yet the limits imposed by the length of this paper, the fact that international players have not been active in the prevention phase of conflicts arising in the CIS, although they have played a role in managing them, and a certain exemplifying value⁽⁹⁾ have led to the choice of these four cases.

The second part of the paper attempts to draw some lessons from the analysis of these cases. It addresses some of the relevant issues that have come to the fore in the process of trying to prevent these potential and actual conflicts. They include: the effectiveness of external preventive action, given the limits imposed by the need to respect states' sovereignty and the interplay of internal factors in each situation; the feasibility of establishing general rules and criteria for conflict prevention; the strengths and limitations of minority rights as an instrument for conflict prevention; the value of preventive deployment; the importance of the type of leadership; the difficulty of coping with external 'backers of minorities'; the choice of a high or a low profile approach by the international community; the conflicting principles of self-determination and territorial integrity and the difficult issue of recognition; finally, the European Union's power of attraction for states interested in joining it.

The paper then analyses the feasibility of devising a system of conflict prevention: the criteria and validity of a model for early warning, the prerequisites and conditions, the range of instruments that might be used for conflict prevention and the roles of various international players, and finally the remaining obstacles to the establishment of such a system. While the study focuses on conceptual issues rather than institutional ones, some reference is made to specific instruments and mechanisms for conflict prevention, and their value and possible improvements are briefly assessed.

FOUR CASE STUDIES

Slovakia -- Hungary

Relations between these two countries have been soured by the legacy of the past: the dispute over the Gabčíkovo-Nagymáros hydroelectric project, a pharaonic example of proletarian solidarity launched by János Kádár and Gustav Husák in 1977 and the 600,000-strong ethnic Hungarian minority, remnants of the 1,000-year Hungarian presence in what is nowadays known as Slovakia.⁽¹⁰⁾ The disintegration of the Czechoslovak federation, which led to the emergence of an independent Slovakia, further complicated matters, since the ethnic Hungarian minority was deprived of the support it had previously received from the federal authorities in Prague and was faced with rising Slovakian national assertiveness.

The dam on the Danube

The Gabčíkovo-Nagymáros project was planned as the largest hydroelectric complex in Europe. It was agreed by two communist administrations that gave no consideration to either environmental issues or public opinion in the two countries. The more lenient Hungarian regime tolerated and finally bowed to mounting public pressure on environmental grounds regarding the project after 1984.⁽¹¹⁾ This resulted in Prime Minister Németh cancelling the Hungarian part of the project (Nagymáros) in 1989, and the Hungarian parliament passing a bill authorizing the government to renegotiate the treaty, and to annul it should negotiations fail. The process of renegotiation was largely hindered by Slovakia's drive towards independence in 1990-1991, during which Gabčíkovo became a rallying point of Slovak national identity and a symbol of its cherished sovereignty. Neither was it helpful that Vladimír Mečiar, the standard-bearer of this drive towards independence, was Slovakia's prime minister prior to separation and later federal commissioner in charge of the project. In any case, the Czechoslovak part was two-thirds completed by late 1991.⁽¹²⁾ It therefore came as little surprise that the negotiations stalled.

Following a further resolution passed by the Hungarian parliament in March 1992, along similar lines to that of 1989, the government of Prime Minister József Antall unilaterally annulled the 1977 treaty on 7 May 1992. The federal Czechoslovak, but in particular the Slovak authorities claimed that Hungary had violated an international treaty and went ahead with a variant of the original project ('Variant C') which entailed a minor diversion of the Danube. Hungary argued that the new plans constituted a violation of the 1920 Treaty of Trianon and the 1947 Paris Peace Treaty defining the border between Hungary and Czechoslovakia. A battle of charges and countercharges, with nationalistic overtones, ensued.⁽¹³⁾ Diplomatic shuttling between Prague, Bratislava and Budapest was unable to halt construction, and the Slovaks began diverting the Danube on 24 October 1992. The crisis was defused thanks to the mediation of the European Community, on 28 October, when an agreement of principle was signed during a Visegrad-EC summit in London.

This crisis unfolded against the background of Mečiar's victory in Slovakia in the June 1992 elections, which sealed the fate of the Czechoslovak federation,⁽¹⁴⁾ his nationalistic rhetoric, which caused deep concern among the ethnic Hungarian

minority, and Hungary's late attempts to internationalize the conflict after the river diversion plan had become irreversible.⁽¹⁵⁾ After officially requesting the help of the Danube Commission on 14 October 1992, Antall sent letters (which obtained no response) to world leaders, vowed to bring the issue to the International Court of Justice,⁽¹⁶⁾ invoked the CSCE emergency procedure⁽¹⁷⁾ on 23 October, and wrote to the UN Security Council on 24 October informing it of the situation. Apart from the project's advanced state, the Slovaks defended their position on the grounds of flood prevention and improvement of navigation. A last-minute Slovak proposal for joint use of some of the facilities met with no response from Budapest.

Pressure and efforts to mediate by the European Community proved central in defusing the crisis. The Community had been following the issue with concern, due to the possible implications for the already shaky Hungarian-Slovak relations. In May 1992 proposals by Commissioner Andriessen to set up an independent outside committee of technical experts foundered in view of the parties' reluctance to delegate decision-making to a third party.⁽¹⁸⁾ The German Minister for Foreign Affairs, Klaus Kinkel, brought up the subject at the EC summit in Birmingham on 19 October 1992, and exerted a great deal of pressure on the parties involved.⁽¹⁹⁾ While an EC-sponsored negotiation in Brussels between Czechoslovak, Slovak and Hungarian delegations broke down without agreement, the Community was more successful at the EC-Visegrad summit in London on 28 October 1992, where 'the European Community addressed the parties in much stronger terms than before, pointing out that the EC's goodwill could be endangered if the dispute escalated further.'⁽²⁰⁾ The London protocol stated that construction would be stopped at a later date, to be agreed (Prague announced the halt of construction on 21 November), that Czechoslovakia would re-divert 95% of the Danube water to its original course,⁽²¹⁾ that the turbines would not be brought into operation, that a group of experts would examine environmental, shipping and hydrological aspects of the project, and that Prague would accept a final ruling from the ICJ. The issue of submission of the case to the Court was finally cleared at a meeting between the Prime Ministers of Hungary and Slovakia, Antall and Meciar, chaired by Commissioner Van den Broek on 4 March 1993,⁽²²⁾ after which the EC Commissioner declared 'this decision is an important political step and a right signal to the EC, in connection with the prepared re-negotiation of the association agreement between the Slovak republic and the EC.'⁽²³⁾

One could justifiably argue that, by turning a highly emotional political issue into a technical one, this accord 'temporarily defused one of the two major causes of Slovak-Hungarian tension.'⁽²⁴⁾

The ethnic Hungarian minorities

Ethnic Hungarian minorities in Hungary's neighbouring countries date back to the Treaty of Trianon of 1920, when Hungary lost large parts of the territory it had controlled in one form or another for centuries. (There had been a Hungarian presence in Slovakia for 1,000 years, the last 100 of which had witnessed a campaign of enforced Magyarization -- see note 10). Hungary's temporary reacquisition of these regions during World War II was reversed by the Paris Peace Treaty in 1947. The 600,000 ethnic Hungarians living in the southern part of Slovakia⁽²⁵⁾ are one of the outcomes of these historical developments.⁽²⁶⁾

The dispute over ethnic Hungarian minorities, not only in Slovakia but also in Romania and Serbia,⁽²⁷⁾ emerged in the aftermath of the collapse of communism in Central and Eastern Europe. Old-time international proletarian solidarity gave way to new 'democratic' regimes that found themselves facing the painful economic transition towards a market economy, and social unrest. Nationalism proved a handy tool for rallying the support of the population, and ethnic minorities provided convenient scapegoats that could be used to divert attention from other pressing problems. This nationalist card has been all the more useful to Hungary's neighbours since their governments have not been in the fore in seeking radical reform.⁽²⁸⁾ These governments, except for that in Ukraine,⁽²⁹⁾ have been reluctant to accept any notion of collective rights for their ethnic Hungarians, let alone territorial autonomy, and have perceived the minorities' claims as concealing secessionist aims. Nor have unfortunate declarations by Hungary's politicians, for instance Antall's stated wish to be the prime minister of 15 million ethnic Hungarians⁽³⁰⁾ or Itsvan Csurka's references to *lebensraum*, contributed to the reduction of tensions. Besides, Budapest has remained vague on the question of borders: while pledging respect for the Helsinki principle that frontiers may not be changed by force, the government of József Antall has maintained a degree of ambiguity regarding the possibility of a peaceful redrawing of frontiers.⁽³¹⁾ Moreover, Hungary has refused to sign bilateral treaties guaranteeing borders unless its minorities are granted collective rights, providing at least for cultural autonomy.⁽³²⁾

In the case of Slovakia's ethnic Hungarian minority, the problem was somewhat worsened by the splitting up of the Czechoslovak federation and the Slovakian drive for independence, led by Vladimir Meciar's nationalist programme, which reflected the underlying fear of losing their identity to strong neighbours displayed by Slovak politicians, who are aware of Slovakia's relatively weak cultural base and national identity. The comparatively comfortable position of ethnic Hungarians as a small minority in a multinational state, where their relative weight was not perceived as a threat by the two main national groups, and where they were protected by the federal structure, changed when they became a substantial and to some extent alien presence in an otherwise ethnically homogeneous Slovakia.

Well organised politically and represented in parliament,⁽³³⁾ the ethnic Hungarian minority's opposition to Slovakia's independence and constitution, which they consider discriminatory, further soured the situation. The coalition of ethnic Hungarian parties abstained in the vote on the Meciar government's programme on 15 July 1992, since it did not include provisions for educational and cultural autonomy. Nor did they support the proclamation of Slovak sovereignty on 17 July,⁽³⁴⁾ or the new Slovak constitution, approved by the parliament on 1 September in their absence. They refused to endorse a text which 'did not fully guarantee minority rights specified in Czechoslovakia's Constitutional Law No.144 of 1968',⁽³⁵⁾ but which described only the Slovak nation as a 'state-building nation' and included a last-minute amendment that replaced the formula 'We, the citizens of the Slovak Republic' by 'We, the Slovak nation'.⁽³⁶⁾ Meciar's refusal to talk to members of the ethnic Hungarian parties, whom he considered did not represent the minority's views, but were rather agents from Budapest, did not help either. He has also firmly opposed the notion of collective rights for the ethnic Hungarian minority on the grounds that no such rights have been codified in Europe, that individual human rights suffice to preserve the cultural identity of this minority, and that these claims concealed secessionist aims.

Adding to this already tense relationship, which Meciar and other Slovak politicians continued to inflame with their declarations,⁽³⁷⁾ Bratislava further escalated the dispute by removing signs with the names of villages or streets written in Hungarian, and by creating obstacles to the use of Hungarian names in civil registers from the autumn of 1992.⁽³⁸⁾

Fortunately, both the ethnic Hungarian minority and Budapest, aware of their weak position⁽³⁹⁾ and the European Community's concern regarding the potentially explosive nature of the dispute,⁽⁴⁰⁾ decided to appeal to international forums to seek satisfaction for their grievances.⁽⁴¹⁾ Meciar, also worried about the risk of being relegated from the first group of Central European candidates for European Community membership, reluctantly accepted international intervention.⁽⁴²⁾

This trend of international intervention was clearly illustrated by Slovakia's struggle to attain membership of the Council of Europe (COE), which is widely seen as a prerequisite to admission to the European Union. On 13 January 1993, the COE Parliamentary Assembly rapporteur reviewing Slovakia's application, the Finnish Social Democrat Tarja Halonen, pointed out several deficiencies: the forcible removal, since November 1992, of Hungarian language place signs; the ban on the use of Hungarian Christian names in birth registers; the planned territorial reorganization that would change the ethnic composition of the present administrative districts to the detriment of the Magyars; and discrimination in the legislation on compensation for losses suffered by ethnic Magyars and Germans as a result of the Benes decree of 1945.⁽⁴³⁾ One month later, the CSCE High Commissioner for National Minorities (HCNM), Max van der Stoep, on a visit to Bratislava, recommended that a panel of three experts should study the situation of the Slovak and ethnic Hungarian minorities⁽⁴⁴⁾ for a minimum of two years, and this was accepted. On 12 May 1993, following a visit by senior members of the COE's Legal and Human Rights Committees, the COE's Parliamentary Assembly Political Committee proposed Slovakia's admission, subject to ten conditions.⁽⁴⁵⁾ On 19 May 1993 the ethnic Hungarian coalition submitted a draft proposal containing the COE's recommendations to the Slovak parliament; the proposal was never voted on, with accusations by the Slovak parties that the Magyars were delaying Slovakia's admission to the COE. Despite assurances by Foreign Minister Moravcik, President Kovac and Prime Minister Meciar, by early June it became evident that the Slovak government had not implemented any of the recommendations. However, the argument in favour of proceeding with both Czech and Slovak admission at the same time finally prevailed, on the grounds that the international community would be in a better position to exert pressure on Bratislava once it became a member. Budapest, which had stated its intention to block admission at the meeting of the COE Council of Ministers on 30 June 1993, came under overwhelming pressure from the COE, European Community member states and its Visegrad partners.⁽⁴⁶⁾ After the council's Parliamentary Assembly approved, with no opposing votes, the Czech Republic and Slovakia's membership on 29 June 1993, Hungary abstained in the intergovernmental body and half-heartedly accepted the COE's assurances and conditions imposed on the Slovak government. A special committee was created to monitor the two new members' compliance with the Council's basic principles and to make recommendations at six-monthly intervals.

Slovakia's record since admission in June 1993, however, looks rather bleak. While a new law was passed allowing minorities to register their names in their mother tongues, Meciar asked the president to return the law to parliament shortly after, heeding claims by Slovakia's Culture Minister Dusan Slobodnik that Slovak grammar was outside the competence of the COE. Moreover, the Slovak Transportation Minister Roman Hofbauer ordered road maintenance officials to remove Hungarian language locality signs because they did not conform to a variety of traffic and other regulations. These actions led to a mass demonstration by ethnic Hungarians in Komarno on 27 August 1993. On 24 September 1993, a law on first and last names was finally passed, proposing a costly and complex system to change names; President Kovac sent it back to Parliament two weeks later. By mid-November the government had approved a draft law on non-Slovak place names that permitted the use of names which can be translated from Slovak into Hungarian in localities where Hungarians form at least 20% of the population (but which would exclude the use of historic names, like Bos for Gabcikovo). Finally, amendments to the law on the official language⁽⁴⁷⁾ and the law on the territorial and administrative division⁽⁴⁸⁾ are on the agenda of the Slovak National Council (parliament) for the session that started on 26 January 1994. The record so far is thus rather poor, and the parliamentary stalemate provoked by the fall of Meciar's government by a vote of no confidence on 11 March 1994 has not enhanced it. Given the relative weakness of the new governing coalition in office and the aura of provisionality that the autumn elections have given the current parliament, prospects for the adoption of all of this important legislation may seem rather distant at the moment.

Nevertheless, despite the tense atmosphere and the occasion crisis, both Budapest and Bratislava have tried to keep open channels for dialogue, and the Meciar government certainly followed, albeit reluctantly, some of the international community's recommendations. At the height of the tension created by Meciar's victory and Slovakia's drive for independence, a 'hot line' was established between the two prime ministers' offices in July 1992. In August 1992, the Hungarian Foreign Minister Jeszenszky proposed a bilateral agreement on Slovakia's Magyar minority. Although the offer was turned down during Meciar's visit to Budapest on 9 September 1992, three joint parliamentary committees were created to examine the Danube project, the minority issue and the whole spectrum of bilateral relations. In the same month, the finance ministers agreed to set up a joint bank in the border town of Komarno. In another attempt at bridge-building, both countries' Parliamentary Foreign Affairs Committees met on 24 November 1992 in Komarno, where the chairman of the Slovak committee, Ivan Lanula, suggested the joint examination of a plan put forward by some third party, such as the CSCE, as a solution for the minority issue. Moreover, Slovakia's President Michal Kovac, elected in February 1993, has led an inter-ethnic round-table meeting to discuss minority issues and make non-binding proposals on this matter. Finally, Meciar was reluctant to accept an 'Open Skies' (mutual aerial inspection) treaty and an 'Open Barracks' inspection scheme proposed by Hungary's Minister of Defence Fur on April 1993; yet in October 1993, a five-year military cooperation agreement was signed, providing for an exchange of information on large troop movements, the exchange of military observers and the coordination of air defence and aviation activity in border areas.

The prospect of an armed conflict therefore appears to be remote, although the lack of a clear policy on the minority issue is still souring relations between Budapest and

Bratislava. The crisis over a meeting of ethnic Hungarians in Komarno on 8 January 1994 further illustrates the fragility of inter-ethnic relations in Slovakia. The meeting was organized by the Association of the Zitny Ostrov Towns and Villages (ZMOZO), an assembly of some 100 ethnic Hungarian mayors and local officials, and by the two ethnic Hungarian parties represented in parliament, Coexistence and the HCDM. It came as a follow-up to an assembly of the ZMOZO and parliamentary representatives on 6 December 1993, which produced a document entitled 'The Declaration of the Association of Towns and villages of Zitny Ostrov', calling for further discussions on the establishment of a province with an independent government and public administration and a special legal status. Some 3,000 ethnic Hungarians gathered to discuss the issue of territorial autonomy, amid accusations of secessionist and warnings of the serious consequences this meeting could have for territorial integrity and civil peace in Slovakia.⁽⁴⁹⁾ A Slovak cultural heritage organization, Matica Slovenska, further complicated matters by organizing a demonstration in the southern Slovak town of Surany, and issued a 'Memorandum of Slovaks from southern Slovakia', which demanded a revision of the resolutions adopted by the parliament when Slovakia joined the COE, and laws protecting the Slovak language. Fortunately, Slovakian political parties did not support these demands.

The message that moderation was needed had, however, been conveyed. Despite early hints by ethnic-Hungarian political leaders that they supported some measure of autonomy,⁽⁵⁰⁾ their public statements increasingly showed a willingness to compromise as the January 1994 meeting approached: Béla Bugár (HCDM) stated that it was 'not possible to create ethnic borders in Slovakia, because southern Slovakia is ethnically mixed', and Miklós Duray advocated 'self-ruling administration' rather than outright autonomy (although the border between them appeared rather blurred). Finally, the meeting produced a mild proclamation proposing a 'special legal status for regions dominated by ethnic Hungarians', but offered to solve their problems 'within the territory of Slovakia' and 'with respect to the integrity' of the country.⁽⁵¹⁾ Although reason prevailed once more, the potential for escalation will remain at least as long as the ethnic Hungarian minority's basic claims are not met.

Assessment

Several factors have been instrumental in limiting the potential for deterioration in Hungarian-Slovak relations over the Gabčíkovo project and the ethnic minority issue.

The first is the moderating influence exerted by some leaders and the ultimately sensible stance adopted by most Hungarian and Slovak politicians in coping with bilateral disputes, which has offset to a large extent their understandable inexperience in managing bilateral relations. Hungarian leaders have been aware of the need not to isolate Slovakia, and of their better chances of defending ethnic Hungarian minorities by appealing to external third parties. Given Meciar's interest in joining European organizations, and Hungary's inherently weak position in attempting to uphold the rights of its minorities by other than peaceful means, it was a wise decision to refer contentious issues to international organizations such as the European Community, the COE or the CSCE. Moreover, in spite of some unfortunate statements by its politicians, Budapest has repeatedly vowed to respect the principles of the Helsinki Final Act, and thus not seek the redrawing of borders by force (some degree of uncertainty has nevertheless remained regarding the peaceful alteration of frontiers).

Finally, by passing a comprehensive law on minorities⁽⁵²⁾ (which affects the Slovak minority as well), Hungary has attempted to provide an example, in the hope that others would follow, or at least seize the moral advantage in its dealings with international institutions.

Some Slovak leaders, too, have shown a certain degree of good sense, despite Meciar's often inflammatory remarks and uncompromising position on minority issues. Slovakia's Defence Minister, Imrich Andrejčák, twice denied claims by Meciar accusing Budapest of stepping up military activities on the border and of triggering an arms race with its recent purchases. Slovakia's President, Michal Kováč, has also received unanimous praise for his permanent search for dialogue with the ethnic Hungarian minority. He has led the inter-ethnic round-table talks since they began in 1993, and his intervention proved important in defusing tension over the ZMOZO meeting on 8 January 1994.⁽⁵³⁾ Even Vladimír Meciar understood the need to show goodwill *vis-à-vis* the international community, and the advantages a third party could offer in terms of face-saving when hard choices had to be made. His government accepted visits by CSCE missions and the HCNM, and was attentive to their recommendations, as well as those of the COE. He reluctantly accepted European Community mediation in the dispute over Gabčíkovo, and was careful not to be seen as an insurmountable obstacle to negotiation. His position was generally that of showing a willingness to negotiate while delaying the implementation of agreements. The appointment on 14 March 1994 of the former Foreign Minister Moravčík as the new Slovak Prime Minister has been regarded as a positive development, given his reportedly more moderate approach. Yet he has to cope with a rather nationalistic and fragmented parliament and a weak coalition, and the minority issue still provides a convenient alibi for the negative economic consequences of independence.

The basic underlying factor imposing a certain measure of restraint on the parties has been their shared interest in joining the European Union. Having been singled out as part of the first group of Central European candidates for admission, neither Bratislava nor Budapest could afford to jeopardise its privileged position by failing to resolve minority issues and the dispute over the Gabčíkovo-Nagymáros project. This has given the European Union considerable leverage on the behaviour of the parties, as the crisis of October 1992 over the dam on the Danube rightly illustrated. Furthermore, the parties' interest in joining the European Union has also indirectly enhanced the position of the CSCE and the COE, whose approval and membership of which are perceived as prerequisites for the highly coveted admission to the Union. Their role in suggesting ways of protecting the ethnic Hungarian minority and their monitoring of Bratislava's implementation of recommended measures has been and still is fundamental in reducing bilateral tension. Also, and perhaps most importantly, they have provided alibis for the parties, enabling Hungary to put forward its concerns without appearing to harbour annexationist aims and allowing Meciar to compromise without being perceived as giving in, and allowing the ethnic Hungarian minority to seek peaceful ways of redressing their situation without being regarded as secessionist.

Did the international community miss any opportunities? Despite the inherent unfairness of judgements made with hindsight, there might be value in attempting to identify measures or actions which could have reduced the probability of armed conflicts occurring. In the case of Hungary-Slovakia, two lines of action could have

prevented an escalation of tension over Gabčíkovo: earlier and more determined pressure from the then European Community, and earlier internationalization of the dispute by Budapest. When European Community members addressed the parties firmly at the London EC-Visegrad summit of October 1992, the latter accepted a compromise. Commissioner Andriessen's proposals for European Community mediation, made one year earlier, could have provided as valid a basis for agreement, if only the Community had appreciated at the time the potential for escalation of the dispute and reacted accordingly. Hungary's late appeal to the international community and its dealing with the federal authorities in Prague on an issue that closely affected Slovakia also reflected a failure to analyse correctly developments in Bratislava. An internationalization of the dispute at an earlier stage, when Slovakia's drive for independence was less dominant, and direct talks with Slovak leaders, could have simplified things.

On the issue of minorities, more pressure on Slovakia to implement the agreed COE and CSCE recommendations,⁽⁵⁴⁾ and attempts to persuade ethnic Hungarians not to push for territorial autonomy of any sort, would have facilitated matters. By allowing ethnic Hungarians to retain their names (whether of people or places), to freely set up their own TV channels, schools and newspapers, and to cross the border with Hungary without impediments, Slovak authorities would have limited the scope of claims. The European Union could, and still can, do much to redress the situation, for instance by helping finance some of these projects. Small changes in the constitution, reverting to the formula 'We, the citizens of the Slovak Republic', and references to the ethnic Hungarians and the right to use their mother tongue in public and freely establish their centres of education, might also have helped. Finally, the international community could have attempted at an earlier stage to persuade Hungary to cease to be ambiguous about possible border changes; this could have been effective if the Hungarians had seen that the Slovaks were also under pressure.

More generally, any action geared to improving the economic situation in Slovakia, particularly that of the ethnic Hungarian minority largely contributes to stability, and thereby provides a more positive basis for negotiations. Whether outright integration of both countries into NATO or WEU would have helped keep tensions under control is difficult to say; on the other hand, a measure of cooperation with Western armed forces, as is foreseen in the Partnership for Peace initiative, will be positive, since it will be perceived as another step towards integration. The 'associate partner' status both countries will have in WEU will have a similar effect. In short, the opening of new opportunities for bilateral contacts, and for the international community to exert a moderating influence on both countries, should always be welcome, provided full integration is not delayed for too long and both countries are given similar treatment.⁽⁵⁵⁾

In the end, prospects will probably look all the better the more likely integration into the European Union appears. At a certain moment, though, a bilateral treaty covering minority issues and the inviolability of borders will be inescapable if bilateral relations are to be normalised. A joint COE/CSCE/EU initiative proposing a compromise, perhaps within the framework of the Pact on Stability in Europe, might help.⁽⁵⁶⁾ However, the lack of consensus throughout Europe on the question of collective rights should be borne in mind. Meciar does not appear to be alone in his view on this point. At the last summit of the Central European Initiative, the Czech

Prime Minister, Vaclav Klaus, stated (perhaps in exchange for Meciar's concessions on border arrangements) that the status of Slovakia's Magyar minority was in accordance with European norms and that the issue had been overemphasized. In October, at the COE summit in Vienna, Czech President Havel declared that too much emphasis on minority rights could revive the evils of nationalism and even lead to the questioning of existing borders, and that respect for humanitarian civil rights was the best way to reduce ethnic tensions. Furthermore, Romania and Serbia are keen supporters of Meciar's hard stance on the subject of the collective rights of minorities.

Estonia ñ Russia

These two countries have been at loggerheads ever since Estonia, together with Latvia and Lithuania, successfully seceded from the Soviet Union in August 1991. The treatment of the ethnic Russian minority constitutes the main source of conflict, aggravated by controversy over the withdrawal of Russian troops and a minor border dispute. All these problems stem from the forced integration of Estonia into the Soviet Union in 1940, after two decades of independence, and the redrawing of borders which ensued, together with a Sovietization/Russification campaign, and the stationing of large military contingents on the Baltic coast.

Ethnic Russians without a state

The 1934 census in Estonia showed that 88% of the population were Estonians and 8% ethnic Russians. With the border changes of 1945, which detached the regions inhabited mostly by Russians, the Estonian majority rose to 97.3% of the population of the Estonian SSR. During the Soviet period, however, the non-Estonian population increased 26-fold, from 23,000 in 1945 to 602,000 in 1989, as a result of a policy of migration designed to support industrialization and political control by Moscow. Meanwhile, the number of ethnic Estonians fell (from 1,000,000 in 1945 to 965,000 in 1989), due to low birth rates, the war and post-World War II deportations. Even now, some 25% of the people living in Estonia were not born there.

Moreover, non-Estonians (around 40% of the population in 1989), consisting for the most part of ethnic Russians or Russian-speakers,⁽⁵⁷⁾ were granted a privileged status throughout the Soviet period. They had preferential access to housing and better paid jobs in industry, and their language and culture relegated local ones to a secondary position. On top of this, the Baltic republics in general contained large military bases, whose personnel were also privileged, and they became favourite havens for many Soviet army officers on retirement.

This background explains the deep resentment, and the fears for their own survival as a nation, that the Estonian population and political élite harboured *vis-à-vis* Estonia's non-Estonian inhabitants at the time of independence.⁽⁵⁸⁾ The ethnic cleavage was also evident in the referendum on independence, held on 3 March 1991: there was a turnout of 83%, with 78% of those voting being in favour, but only 25% of the non-Estonians voted affirmatively. Furthermore, the divide was geographic, since non-Estonians are heavily concentrated in urban areas, mostly in the industrial towns of the north-east of the country,⁽⁵⁹⁾ which has added the spectre of secession to Estonian fears. These elements may shed some light on the decisions that followed independence.

The language law passed by the Estonian Supreme Soviet in January 1989, declaring Estonian as the official language of the republic,⁽⁶⁰⁾ was the first of a series of laws which `have in effect put most of the Russian-speaking population at a disadvantage.⁽⁶¹⁾

The centrepiece of Estonia's legislation affecting non-Estonians, however, was parliament's decision to reinstate the citizenship law of 1938. Therein lies the core of the dispute between the Estonian authorities and the non-Estonian population (and indirectly Moscow, as most non-Estonians are ethnic Russians). According to this law, and the enabling legislation passed on 26 February 1992, only citizens of the pre-war Estonia or their direct descendants have an automatic right to citizenship. An exception was made for those who had registered for Estonian citizenship with the Estonian citizens' committees before 24 February 1990. By early 1992, only 135,000 Russian-speakers qualified (out of 602,000 non-Estonians living in the country in 1989). The rest had to apply for naturalization, which entailed two years' residency, taking an oath of loyalty and passing a language examination. And yet, since the period of residence would only begin on 30 March 1991, even those applying for citizenship immediately would not obtain it until 30 March 1993, and thus be unable to vote in the 1992 general election.⁽⁶²⁾

As a result of this law, nearly one third of the population who had been privileged citizens of the USSR, suddenly found themselves in a situation of *de facto* statelessness which actually deprived them of many rights, starting with the right to elect their representatives to parliament. Not a single Russian-speaker was elected in the elections for the Riigikogu, (parliament) held on 20 September 1992.⁽⁶³⁾ In the meantime, the new constitution of the Republic of Estonia had been accepted by 90% of the electorate in a referendum held on 28 June 1992, in which non-citizens could not vote; in this same referendum, 53% of voters refused an additional proposal to allow non-Estonians who had applied for citizenship by 1 June 1992 to participate in the elections of September 1992.

The decision on citizenship led to protest by non-Estonians⁽⁶⁴⁾ as well as Moscow,⁽⁶⁵⁾ which considered that the law violated the treaty signed by the then two Soviet republics on 12 January 1991. That treaty granted citizens of the USSR living in either of the two republics the right to preserve or obtain the citizenship of the Republic of Estonia or the Russian Federation, in accordance with legislation in the state of residence and a subsequent bilateral treaty on citizenship. That treaty is still to be concluded.

The provisions regarding citizenship attracted criticism from international institutions as well; a report written in December 1991 for the Parliamentary Assembly of the COE argued that `if substantial parts of the population of a country are denied the right to become citizens, and thereby are also denied for instance the right to vote in parliamentary elections . . . the question could be raised whether in such a situation the elections to the legislature would sufficiently ensure the free expression of the opinion of the people, as required by Art. 3 of the first Protocol of the Convention [the European Convention on Human Rights]."⁽⁶⁶⁾

As of April 1993, 400,000 inhabitants of Estonia (26% of the population) were *de facto* stateless. As Russian citizenship was not granted automatically either, this added to the confusion. Although it has been reported that most non-citizens appeared interested in applying for Estonian nationality, only 11,000 had done so by 2 February 1994, while 42,300 had chosen Russian nationality.⁽⁶⁷⁾ Lack of information, a confused situation, fear of not passing the language test, and inadequacies in the teaching system (reported shortages of Estonian language professors, together with high tuition fees) were some of the reasons given by the representatives of the non-Estonian community to account for such low numbers.

The strains in the multi-ethnic fabric of the Republic created by the reinstatement of the 1938 law on citizenship were slightly alleviated by the law on local elections, passed on 19 May 1993, which allowed resident non-citizens to vote but barred them from standing for election. However, the situation worsened when, on 16 June 1993, the parliament approved a bill phasing out education in Russian in state schools by the year 2000; President Meri wisely sent the law back to the Riigikogu. Matters finally became critical when a law on aliens was passed on 21 June 1993, according to which all non-citizens (around 500,000 at the time) became aliens and had two years to apply for Estonian, Russian or other citizenship, or to apply for an alien's passport.

This was perceived by Russian speakers as the last straw in a process leading to the expulsion of non-citizens,⁽⁶⁸⁾ and produced hostile reactions: leaders of Narva and Sillamäe called for a referendum on autonomy;⁽⁶⁹⁾ Russian Foreign Minister Kozyrev declared that Estonia had taken a step 'along the road of apartheid by declaring a third of its population aliens'; Vitali Churkin, Deputy Foreign Minister, claimed that Estonia had taken the path of ethnic cleansing; and President Yeltsin asserted that 'the Estonian leadership, yielding to the pressures of nationalism, had forgotten certain geopolitical and demographic realities, which Russia could remind it of . . .'⁽⁷⁰⁾

President Meri played an important role in defusing the crisis by submitting the law to the HCNM and a COE panel of experts before promulgating it. The panel considered that it was wrong to equate the status of those already resident in Estonia with that of non-citizens not currently resident there, and the HCNM urged that language requirements be eased. In response to criticism the parliament included a new article guaranteeing residence and work permits to any alien who had settled in Estonia before 1 July 1990 and registered as a permanent resident in the former Estonian SSR. The requirement to renew work permits every five years was dropped, but resident permits were still refused to career officers of the former USSR, including the significant number of retired officers living in Estonia.⁽⁷¹⁾ The amended law was finally signed by Meri on 12 July 1993, and won praise from the European Community. The fact that the text was handed to international organizations for revision and the responsive attitude of the parliament reduced the level of hostile rhetoric emanating from Moscow.

At the same time, President Meri also announced the creation of a 'Round-table of non-Citizens and Ethnic Minorities,⁽⁷²⁾ and on 6 July 1993 the Representative Assembly, a moderate party representing Russian-speakers, was officially registered. In addition, agreement was reached with leaders of the non-Estonian communities in Narva and Sillamäe allowing the referendums on autonomy to take place subject to the Supreme Court's ruling on their legality. They took place peacefully on 16-17 July

1993, with a low turnout (around 50%) and resulted in an overwhelming vote for autonomy. Although they were ruled unconstitutional by the Court, the referendums were a good exercise in releasing tensions.

The local elections of 17 October 1993 were another crucial test for inter-ethnic relations in Estonia. There were fears that these elections would further alienate the Russian-speaking population and infuriate Moscow again, since only Estonian citizens could be elected, but this did not happen. The Estonian authorities naturalized some Russian-speaking moderate candidates, so that the non-Estonian minority could find appropriate representation. In Tallinn, for instance, the largest number of votes went to the Russian Democratic Movement.

Still in the legislative field, a law on cultural autonomy was approved on 26 October 1993; it applied to ethnic groups of more than 3,000 individuals and provided for the election of cultural autonomy councils. The only caveat was its limitation to *Estonian citizens* who are members of an ethnic minority.

While these developments have calmed an otherwise tense situation, the underlying problems remain. About one third of the population is still stateless, and has understandable reasons for fearing that Tallinn is waging a policy of discrimination against non-Estonians with the ultimate goal of encouraging their departure. Apart from the crucial decision on citizenship in 1991 and some declarations by Estonian politicians questioning the integration of non-citizens,⁽⁷³⁾ other difficulties need to be addressed. There is a reported lack of information on naturalization procedures and their too stringent requirements,⁽⁷⁴⁾ meagre funding for language classes and a shortage of teachers of Estonian. Then there is the very difficult problem of retired Soviet officers, which has recently been linked by Moscow to the withdrawal of Russian troops.⁽⁷⁵⁾ A fund has even been established by the Estonian authorities to facilitate the emigration of non-Estonians.

On the other hand, Estonians are rightly concerned about Russia's ambiguously expressed intentions and often threatening statements and deeds, such as the delays in the withdrawal of troops or the use of energy supplies for blackmail.⁽⁷⁶⁾ The impressive showing by Vladimir Zhirinovskiy in the Russian elections of 12 December 1993 increased those fears.⁽⁷⁷⁾ Besides, one should also bear in mind the Estonians' resentment of decades of repression, cultural and social subjugation, and *de facto* second-class status; and their fears of fifth columns. The question is to what extent the current policy of scarcely concealed revenge and discrimination, understandable as it may be, might not in fact turn those fears into a self-fulfilling prophecy.

The question of foreign troops and borders

The withdrawal of former Soviet troops stationed in the Baltic states has been a constant demand from those countries ever since they attained independence in 1991. The international community, whether in the UN General Assembly or in the CSCE, has strongly supported those countries' claims with declarations and diplomatic pressure. Although the Russian leadership pledged to withdraw the troops by 31 August 1994, Moscow has wavered on this matter, pointing at housing shortages in Russia, lack of employment prospects for the demobilized troops and strategic reasons

for maintaining a residual presence. At times this issue has been linked to the treatment of Russian minorities; in particular Moscow has deliberately related the current stalemate on negotiations to the situation of retired former Soviet officers in Estonia. Furthermore, the partial withdrawal has taken place in a unilateral manner, without treaty-based concerted binding provisions on the details of the process and the final arrangements.

It is the view of many that Russia is not really committed to a complete withdrawal of its armed forces, and that it is keen on keeping the troops as a bargaining chip to impose conditions on bilateral relations. The fact that the troops have actually left Lithuania, where the ethnic Russian population is much less significant than in Latvia or Estonia, appears to support the bargaining chip theory; the withdrawal would thus be linked mostly to the Russian minority, as well as to strategic reasons related to the geographic situation of each Baltic state (the coastal facade of Lithuania is less significant).

At present, there are still 2,300 Russian troops in Estonia⁽⁷⁸⁾ (out of 30-35,000 at the time of independence). The linkage to minority issues and remarks raising the prospect of a permanent military presence have increased fears on the part of Estonians, thus doing little good to inter-ethnic relations. The question of withdrawal has also shown the constraints on the international community when dealing with a big power; in any case, it remains an obstacle to the improvement of bilateral and inter-ethnic relations.

Finally, there is the territorial dispute over Pechory and Izbirsk, a small zone between the water reservoir of Narna/Ivangorod and the Peipsi lake that was detached from Estonia by Stalin in 1944. Although Tallinn has never recognized this redrawing of borders, and might foster some aims of restitution,⁽⁷⁹⁾ the matter appears unlikely to escalate, for the area is inhabited mostly by Russians that Estonia would not like to take back.⁽⁸⁰⁾

Assessment

The case of Estonia/Russia provides a good example in showing the possibilities and limitations of international organizations in preventing armed conflicts, particularly in cases where a big power is involved. The CSCE, like the COE, has played a major role in defusing crises arising over the issue of non-Estonian minorities. Their visits, recommendations, missions, informal mediation and contacts with the parties concerned have all helped relieve tensions and provide face-saving options for them.

In particular, the HCNM has played a key role in Estonia. His efforts in coordinating the actions of the different agencies involved, his valuable advice to Estonian leaders and his continuous contacts with the parties (in Estonia, Russia, or in other meetings outside the region) have been of great relevance to the preservation of peace and the promotion of mutual understanding. After exploratory visits in January and March 1993, he sent a letter to President Meri proposing measures for the further integration of non-Estonians.⁽⁸¹⁾ He was a major force behind Meri's submitting the text of the law on aliens to third parties for comments and then quickly publishing these remarks on 1 July 1993, immediately after reconvening the parliament. He was also instrumental in brokering a formula for the referendums in Narva and Sillamäe. He

has remained in close contact with the disputants, and will certainly continue to facilitate dialogue and mutual understanding.

However, the efforts of the High Commissioner might have foundered had he not received full support from the CSCE chairman-in-Office in 1992-1993, the Swedish Foreign Minister Margaretha af Ugglas, who ensured strong backing from the Committee of Senior Officials (CSO) of the CSCE and led numerous diplomatic attempts at promoting dialogue and assuaging tensions. The CSCE long-term mission, originally established in February 1993 for six months (which were then extended), also proved of major importance. Its mere physical presence had a deterrent value, since it showed international interest. It also encouraged dialogue, provided timely first-hand information (of great importance when the parties wage claims against each other regularly), and precious advice to the parties. The CSCE Office for Democratic Institutions and Human Rights (ODIHR), and the COE made important contributions as well, with their comments on Estonian legislation,⁽⁸²⁾ which argued that the legislation should be clarified and advocated measures aimed at integrating non-Estonians.

The European Community and Nordic countries also did an important job of subtle diplomacy with regard to both Russia and, most important, Estonia; a great deal of pressure was put on Tallinn to be more open in its approach to non-Estonians, and on Moscow to speed up the withdrawal of troops. Subtle mediation had the advantage of not giving the impression that the mediators were bullying the parties. Finally, the European Union has responded in part to the Baltic states' concerns, and thus those of Estonia, by giving the Commission, in February 1994, a mandate to start negotiations on a free trade zone with them, with the prospect of concluding Europe Agreements (which would in turn offer the prospect of membership⁽⁸³⁾). WEU has involved these countries in its activities since 1992, with the creation of a Forum of Consultation, and further strengthened this perspective of closer association by offering them 'associate partner' status on 9 May 1994; thus it may have helped moderate Estonia's fears *vis-à-vis* Russia and reduce the negative effect of this anxiety among Estonians on the non-Estonian population.

NATO's Partnership for Peace has also been welcome, in the absence of a much preferred full membership (requested by the Baltic states in the aftermath of Zhirinovsky's electoral success), for its value in forming ties with the West. Estonia has already applied to become a partner, in the hope that crisis situations will merit further attention from the organization,⁽⁸⁴⁾ short of direct security guarantees.

Have there been any missed opportunities? Earlier encouragement, in 1991-1992, of the sort which was quite successful in 1993, for Estonia to integrate its non-Estonian inhabitants, might have avoided the crisis over subsequent laws (on aliens and cultural autonomy for minorities, for instance). Apart from the decision on citizenship, these were comparable to similar Western laws. Nobody can claim that the decisions on citizenship went unnoticed; the Pekkanen and Danelius report to the COE's Assembly provides hard evidence to the contrary. It could be argued that some of the instruments for preventing conflict were not there either: legislation on citizenship was adopted between November 1991 and February 1992, whereas the CSCE long-term mission was not established until early 1993; nor was the office of the HCNM involved till then. The European Union has also been rather slow in drawing the

Baltic states closer: only in February 1994 was a free trade zone offered. The reason for this sluggishness in international action probably lies in the fact that it is not until some considerable time after first becoming aware of a problem that the international community takes any action, especially when tackling the demise of an old order.

However, pressure and advice are still necessary to convince Estonians that the best option for them probably lies in making it easier for Estonians who wish to integrate to do so. Scores of measures have been proposed by CSCE bodies and the COE: to grant automatic citizenship to children born in Estonia after it regained independence (it could be extended to all people born there), to provide more information about naturalization procedures, to grant permanent residence and work permits to those residing in Estonia at the time of independence, to show flexibility regarding retired Soviet officers (although this may prove the most difficult issue to tackle), and to facilitate the requirement to learn Estonian.

The European Union could help finance these programmes. Could it have done more by making an earlier offer of integration? Given a background of resentment and fears about ethnic Estonians' survival as a nation, the main problems of Estonian-Russian relations are Estonia's concern over its security and the interlinked issue of its treatment of ethnic minorities. The European Union could have contributed to alleviating those fears by drawing Estonia closer at an earlier stage. In fact, this now appears to be the trend in both the European Union and WEU, with the decision to negotiate free trade agreements and the WEU associate partner status that is being offered to the Baltic states and other members of WEU's Forum of Consultation.⁽⁸⁵⁾

The European Union and NATO have been cautious in their approach to the dispute between Estonia and Russia at least in part because of the problems of dealing with the latter. Unlike Hungary and Slovakia, both of which are interested in EU membership and do not have the resources to wage a significant war against each other, Russia has the means to impose its will by force but no prospect of integration into the EU; this reduces the EU's leverage and invites caution on the part of NATO. Yet Moscow, at least its present leadership, is not completely indifferent to international criticism, and is perfectly aware of the close attention paid to the Baltic republics by the West.⁽⁸⁶⁾ Perhaps the European Union should clearly state the goal of membership for the Baltic states; this would reassure Estonia, which would then be more responsive to external advice, and would increase the European Union's leverage. The period of transition would give time for Russia to adjust to the new situation, and agreements could be made regarding the eventual relationship between the Baltic states and WEU (they might remain as observers). Meanwhile, the international community should be firm regarding the territorial integrity of Estonia and the completion of Russia's troop withdrawal.

Given Russia's military might and the inherent indefensibility and weakness of the Baltic states, the international community should concentrate on the existing scope for influencing the behaviour of the parties involved. While keeping pressure on Moscow,⁽⁸⁷⁾ the West should do its utmost to help in the solution of the problem of the non-Estonian minority. As in the case of Hungary and Slovakia, and provided Russian troops leave, a bilateral treaty covering borders and minorities, for which the CSCE, the COE and the European Union could provide their good offices and support, would have some value. In the end, Estonia has to understand that its best chance of

achieving security is by gaining the confidence and support of the Russian speakers. They have to be granted citizenship; the law on cultural autonomy for national minorities of October 1993 would then offer a reasonable umbrella protecting this minority's identity. Estonia was formerly an independent country populated by 90% of ethnic Estonians, but this is no longer the case; besides, 40% of the population cannot easily be assimilated or, even less plausibly, expelled, in the short or medium term. And they are backed by a powerful neighbour, whose nationalist forces long for excuses to fight back for the lost empire.

Some of the steps taken by Tallinn go in the right direction, and Estonia's relative prosperity, compared with Russia, helps considerably; there is, however, scope for more.⁽⁸⁸⁾ In the long run, the younger generation of ethnic Russians will need to master Estonian in an independent Estonia, particularly since political life will remain dominated by ethnic Estonians. In the meantime, rather than adopting a policy of segregation of non-Estonian speakers, it would be more realistic and constructive to make it easier for non-Estonians to learn the local language. Here the European Union can and should help.

The Former Yugoslav Republic of Macedonia (FYROM)

After a referendum on independence held on 7 September 1991, the Yugoslav republic of Macedonia declared its sovereignty on 17 September 1991. While its President, former communist Kiro Gligorov, had been favourable to association within the former Yugoslav federation, by the month of September the drive of Croatia and Slovenia (which had unilaterally declared independence in June) towards independence appeared unstoppable. Neither Gligorov nor Izetbegovic, Bosnia-Herzegovina's President, wanted to remain in a Serbian-controlled rump Yugoslavia.

The new state only represented one third of the area which has been described geographically as Macedonia, a land coveted by four 'greater' neighbours: greater Serbia, for Skopje was once the centre of a Serbian medieval kingdom; greater Albania, composed of Albania and Albanian-populated Kosovo and some western areas of the present FYROM; greater Greece, for this region is part of the historic Macedonia of Philip and Alexander; finally, greater Bulgaria, for Slav Macedonians are closely linked to Bulgarians,⁽⁸⁹⁾ and Bulgaria was granted most of the region in 1878.⁽⁹⁰⁾ Bulgaria, Serbia and Greece fought two Balkan wars in 1912-13 over this region. The territory of the current FYROM was incorporated in the kingdom of Yugoslavia after World War I. It became the Yugoslav Socialist Republic of Macedonia in Tito's Yugoslavia; he created the republic and made the Slav Macedonians its 'titular' nation,⁽⁹¹⁾ as part of his attempt to balance Serbia's weight in the federation and counter Bulgarian claims.

The new state was thus born in the midst of a troubled situation -- the violent process of disintegration of the Yugoslav federation -- and faced potential irredentist claims from all its neighbours. Besides, it is 'an arid, landlocked region, devoid of significant natural resources'⁽⁹²⁾ and was the poorest Yugoslav republic. It is also a multi-ethnic state, with a majority of Slav Macedonians, a substantial Albanian component, and smaller contingents of Turks, Serbs, Romanians, Vlachs, and other ethnic groups. Political domination by Slav Macedonians, and the inevitable, difficult interplay

between their aspirations of nation-state building and the existence of minorities supported by neighbouring states has been an underlying factor of instability.

The specific sources of potential conflict menacing the new country at the time of independence were multi-faceted: a dispute between FYROM's ethnic Albanians and the Slav Macedonian majority over the status of the former and their weight in the Republic; the possible extension of the conflict ravaging former Yugoslavia via Kosovo; the ambiguous stance of Serbian leaders, who might well harbour expansionist ambitions regarding Skopje; potential irredentism in Bulgaria; finally, and perhaps most importantly, the controversy with Greece over FYROM's name and symbols, which has hindered international recognition⁽⁹³⁾ and assistance, thus worsening the already deep economic woes of Skopje.

Two additional factors have affected the potential for armed conflict regarding FYROM. The UN economic sanctions against the rump Yugoslav federation (Serbia and Montenegro), though flexibly applied until September 1993, have largely deepened the economic problems of this country that many already considered economically non-viable. Another element has been the preventive deployment of UN 'blue helmets' (including US troops) on the borders with Serbia and Albania, which has undoubtedly exerted a stabilising influence.

The Albanian question

FYROM's ethnic Albanians have attempted to redress, in the new state, what they perceived as a discriminatory situation imposed first by Tito and then by the Slav Macedonian political élite who have governed the Republic of Macedonia since independence. They consider that their demographic weight, which they estimate at 40% of the total population, entitles them to become a 'constitutive people' of the republic on the same footing as the Slav Macedonians. Ideally, they would like to see the constitution amended to reflect their equal status. However, since that still remains some way off,⁽⁹⁴⁾ they demand an increased presence in all levels of the administration and upgrading of the status of their language, both in education and the media. Calls for territorial autonomy⁽⁹⁵⁾ have also been heard.⁽⁹⁶⁾

As usually happens with new, weak multi-ethnic states embarked on a process of nation-state building by the ethnic majorities that control the political arena, these demands have been perceived by Slav Macedonians as a threat to the territorial integrity of FYROM: a first step towards a greater Albania. Moreover, the ethnic Albanians are well organized politically⁽⁹⁷⁾ and enjoy the support of Salih Berisha, Albania's President, for their claims, while accepting that these must be exercised within the framework of the present FYROM.⁽⁹⁸⁾

Conflictual relations between ethnic Albanians and Slav Macedonians have been reflected in the political landscape. The strong showing of parties representing ethnic Albanians in the November 1990 elections (close to 20% of the vote and 25 seats went to the main ethnic Albanian party, the Party of Democratic Prosperity-PDP), was, according to many, critical in assuring the success of the Macedonian nationalist Internal Macedonian Revolutionary Organization-Democratic Party for Macedonian Unity (VMRO-DPMNU), in obtaining 37 seats. Kiro Gligorov, leading a party of former communist moderates (Party of Democratic Transformation) with 31 seats, has

so far managed to exclude the VMRO from government,⁽⁹⁹⁾ but compromises have been unavoidable, both on the constitution and with respect to the hardening of positions over the state's symbols.

Three issues are at the centre of the Albanian question: the dispute over the census, the constitution and the alleged discrimination of ethnic Albanians and their culture. In a tense situation where conflicting claims are made on the grounds of demographic weight, the census becomes highly relevant. The last reliable census in FYROM dates back to 1981; of the republic's 1,912,257 inhabitants, 1,285,195 (67%) were Slav Macedonians while 377,725 (20%) were ethnic Albanians. Since then, due to the higher birth rate of the latter and immigration from Albania and Kosovo, the proportion of ethnic Albanians has risen. Yet the last census available, that of 1991, shows only 21% of ethnic Albanians and 66% Slav Macedonians. These figures, however, are strongly contested by ethnic Albanians, since they boycotted that census; they argue that the forms were written in Macedonian and that there were no ethnic Albanians in the census commission. At present another census is being conducted under international monitoring, and it should be ready by June 1994.⁽¹⁰⁰⁾ This census, and its acceptance by both parties, will be of crucial importance to the future internal stability of FYROM.

Intimately linked to the previous issue, the battle over the constitution is another aspect of the Albanian question. Ethnic Albanians are particularly opposed to the reference in its preamble to 'the historical fact that Macedonia is established as a *nation state of the Macedonian people* [our emphasis], in which full equality as citizens and permanent coexistence with the Macedonian people is provided for Albanians, Turks, Vlachs, Romanies and other nationalities . . .' Moreover, the constitution does not provide for territorial autonomy, and restricts the rights of 'members of nationalities' to the cultural sphere (Art.48), the state only guaranteeing the protection of the nationalities' 'ethnic, cultural, linguistic identity'. No reference is made to their collective participation in public institutions or to any sort of affirmative action by the state. There are, however, provisions for the creation of a 'Council for Inter-ethnic Relations'(Art.78), which has a consultative character. These provisions were clearly not sufficient for the ethnic Albanian deputies, who boycotted the vote on the constitution in November 1991.⁽¹⁰¹⁾

The third aspect of the 'question' relates to the long-standing *de facto* discrimination of ethnic Albanians and their culture in FYROM. While in a much better position than their kinsmen in Kosovo, ethnic Albanians in FYROM are badly represented in the administration, the army, the police and the economic sector. Instruction in the Albanian language is deemed insufficient; there is no Albanian-language university and there is an acknowledged shortage of Albanian teachers. Ethnic Albanians are seeking to use their language and alphabet in all national institutions, establish an Albanian-language university and increase their participation in all sectors of Macedonian political, institutional and economic life.⁽¹⁰²⁾ Many are also calling for territorial autonomy; an illegal referendum on autonomy was held on 11-12 January 1992 and received strong support.⁽¹⁰³⁾ Whereas the government, under pressure from the nationalist camp in parliament, has not budged regarding the constitution or the issue of territorial autonomy, some steps have been taken to increase the presence of ethnic Albanians in public institutions.⁽¹⁰⁴⁾ The PDP was brought into government, in a clear attempt to co-opt the ethnic Albanian moderates. The Macedonian and

Albanian leadership have also been very cautious, while defending the position of their main constituencies, not to exacerbate further an already delicate situation. Both Gligorov and Berisha reacted swiftly to the several crises arising in recent years: when ethnic Albanians rioted in Skopje in November 1992, both presidents met at the border shortly after to defuse tensions. When several ethnic Albanians, including the Deputy Minister of Defence, were arrested in November 1993 on a charge of arms smuggling,⁽¹⁰⁵⁾ the PDP issued a very mild and understanding statement and a trip to Tirana by the Under-Secretary of the Foreign Ministry contributed to bringing the problem under control.⁽¹⁰⁶⁾ Moreover, ethnic Albanians in FYROM appear to be aware that their position is more favourable than that of their cousins in Kosovo, or even in Albania. Finally, the explosive consequences that a move toward secession would have for the stability of the region constitute another powerful deterrent.

This is not to say that the potential for conflict over the Albanian question has disappeared. There is a historical background of mistrust and lack of dialogue between the Slav Macedonian and ethnic Albanian communities.⁽¹⁰⁷⁾ In addition, the Slav Macedonians are deeply concerned regarding the republic's ethnic balance, in the light of substantial ethnic Albanian migration and the high birth rate among Albanians; they are concerned for their privileged position as the 'titular' nation of FYROM. So far, skilful manoeuvring by Skopje and Tirana and the relative moderation of ethnic Albanian parties has avoided a conflict along ethnic lines. The threatening external environment may have helped moderate positions as well, yet the underlying problem of power-sharing remains,⁽¹⁰⁸⁾ together with the explosive situation in Kosovo, which is populated largely by ethnic Albanians. If an open conflict were to erupt in Kosovo, it would be difficult for FYROM's ethnic Albanians not to support their brethren across the border. Should the situation be destabilized or deteriorate in FYROM and widespread civil strife erupt, Berisha would come under strong pressure to support ethnic Albanians.⁽¹⁰⁹⁾

The legacy of Alexander

FYROM and Greece have disputed the name and other symbols of FYROM ever since it proclaimed its independence. Greece argues that these symbols belong to the Greek heritage, and that, by displaying them, Skopje is fostering expansionist ambitions over Greece.⁽¹¹⁰⁾ Moreover, Athens claims that Art. 49 of FYROM's constitution provides further evidence of Skopje's aggressive aims by stating that 'the Republic [of Macedonia] cares for the status and rights of those persons belonging to the Macedonian people in neighbouring countries . . .'.⁽¹¹¹⁾ This relates in part to Greece's unrecognized Slav minority,⁽¹¹²⁾ many of whom supported the communists during the Greek civil war (1945-1949) and fled to Yugoslavia's Macedonia, where they rose to influential positions and might be planning to take their revenge.⁽¹¹³⁾

Given FYROM's military weakness, the small size and high degree of assimilation of the Slav community in Greece, and FYROM's strong economic dependence on its southern neighbour,⁽¹¹⁴⁾ the prospect of expansionist aims or fifth columnists appears somewhat far-fetched (in addition to the fact of Greece's membership of the European Union, WEU and NATO). Furthermore, Athens did not oppose Tito's granting Macedonia and Slav Macedonians constitutive republic and nation status, respectively.⁽¹¹⁵⁾ Slav Macedonians, traditionally uncertain about their identity, seized the opportunity offered by Tito to assert their nationhood; the name Macedonia and

the heritage of ancient Macedonia are part of it, at least from the nationalists' standpoint.⁽¹¹⁶⁾ The disintegration of Yugoslavia gave them the opportunity to strive for statehood, and the strong presence of nationalists in parliament has left Gligorov little room for compromise over highly sensitive symbolic matters. Nor has Greece's staunch and highly publicised opposition to all these symbols, including the name, provided many face-saving options.

In this dispute, Greece has firmly opposed recognition of this country under the name 'Republic of Macedonia'. The then Greek Foreign Minister, Antonis Samaras, already opposed recognition of the republic with that name in December 1991, when the issue of recognition of former Yugoslav republics was being considered by the Twelve. Despite a favourable opinion from the Badinter Commission,⁽¹¹⁷⁾ the European Community submitted to pressure from Greece and, at the Lisbon EC summit in June 1992, refused to recognize this country with a name that included the word Macedonia. Another positive assessment by the UN rapporteur on the human rights situation in the republics of former Yugoslavia, Tadeusz Mazowiecki, did not change matters either.

Finally, a compromise proposed by the EC members of the UN Security Council (Spain, France and the UK) opened the doors of UN membership (and therefore of the IMF and the World Bank) to Skopje in April 1993; it would enter the UN with the provisional name of Former Yugoslav Republic of Macedonia (FYROM), while a final arrangement was to be found through UN-sponsored bilateral negotiations, chaired by Cyrus Vance. A plan proposed by Vance and Lord Owen on confidence-building measures (CBMs) and the border was rejected by Greece in May 1993, since disagreement over the name rendered any progress on CBMs void of value, and formal negotiations were finally interrupted by the Greek elections in the autumn of 1993.

Greek inflexibility on this issue has prevented wide international recognition for almost two years, thus hindering vital economic assistance. Lack of recognition has also added to the instability of the region by feeding possible ambitions of partition among neighbours (especially Serbia, where this uncertainty played into the hands of expansionists like Seselj). Moreover, by isolating FYROM, Greece might also have indirectly strengthened the position of VMRO's nationalists and increased the likelihood of hysterical over-reaction to events by Skopje. Finally, Greece may have undermined its privileged position regarding this country, which provided Athens with a potential role of pole of development in the southern Balkans; its stance on FYROM has forced Skopje to rely on Albania and Bulgaria instead, and strengthen ties with Turkey (all of these have recognized the republic).

Athens has also damaged its international standing, and has become increasingly isolated over this problem. Several EU members have so far broken ranks and have recognized FYROM,⁽¹¹⁸⁾ and the United States and Moscow have followed suit.⁽¹¹⁹⁾ Yet nationalistic passions run high in Greece; when Mitsotakis dismissed Samaras in April 1993 because of the latter's uncompromising stance on FYROM, his government barely survived a vote of no-confidence shortly after. The winner of the autumn 1993 elections, Andreas Papandreu, pledged a tough approach, refused to reopen the Vance-mediated talks with Skopje, and closed the border on 16 February 1994, following recognition by the United States. Despite mounting pressure from EU

partners and institutions (the European Commission has taken the Greek Government before the European Court of Justice for breaching provisions regarding the internal market), and Gligorov's willingness to resume talks under UN auspices and sign a bilateral treaty guaranteeing borders (provided the blockade is lifted), Athens seems reluctant to budge unless Skopje makes further concessions on symbols. This appears unlikely in the short term, given the negative interplay of reciprocally exclusive demands created by the blockade, the two-thirds parliamentary majority needed to amend FYROM's constitution, and the fact that the next general elections in this country will not take place until November 1994.

The threat from the north

Serbia has maintained an ambiguous position *vis-à-vis* FYROM. Together with some reassuring statements at the time of independence,⁽¹²⁰⁾ in particular regarding respect for borders,⁽¹²¹⁾ Milosevic has also made rather threatening remarks on the future of FYROM.⁽¹²²⁾ Many put Belgrade's ambivalence down to a two-fold aim: to assuage Serbian radicals waving the banner of a Greater Serbia, and a more cynical consideration that FYROM might prove unviable, especially if isolated, and might fall back on a Serbian-led Yugoslav entity (or part of it might, if internal tensions led to partition). Milosevic is perfectly aware that the latter outcome would not necessarily be opposed by Athens; Tirana's reaction would be different, but Serbia might have to deal with Albania anyway over the issue of Kosovo. Whatever Serbia's true position, there appears to be a consensus among analysts on the low probability of action from Belgrade on the southern front in the short term, given that war is still raging in Bosnia-Herzegovina.⁽¹²³⁾

Quite a different issue, though, is internal destabilization. FYROM's Serbs are widely believed to be small in number, living mostly in the north and in the capital, Skopje. As with the ethnic Albanians, official and Serbian accounts differ widely (hence the importance of the census), although here the 1991 census appears more accurate. FYROM's Serbs claim to be 250-300,000, while Skopje calculates some 40-43,000. So far Serbs have tried to obtain inclusion in the constitution on an equal footing with the other national minorities. Negotiations between Skopje and FYROM's Serbs chaired by Ambassador Geert Ahrens within the framework of the International Conference on the Former Yugoslavia reached an agreement in principle to amend the constitution in exchange for a pledge to respect the framework of the 'Republic of Macedonia' -- the so-called 'Agreed Minutes'.⁽¹²⁴⁾

Some practical steps have also been taken to meet ethnic Serbian demands on cultural grounds: programmes of instruction in Serbian have been put in place, and a Serbian language TV channel has been announced. Yet the president of the Democratic Party of the Serbs living in Macedonia (DPSM), Boro Ristic, resigned in November 1993, citing pressure from abroad on the creation of party policy; it appeared that foreign lobbyists representing political parties from abroad (the Socialist Party of Serbia and the Radical Party) had been influential in splitting the membership of the party by focusing a verbal attack on the Agreed Minutes.⁽¹²⁵⁾ Whether this is the beginning of a campaign of destabilization by Serbia remains to be seen.⁽¹²⁶⁾ In any event, Belgrade has not yet recognized FYROM.

Bulgaria

Many feared that Bulgaria might renew its historical claim on FYROM in the aftermath of the disintegration of former Yugoslavia. Nevertheless, while Sofia has not acknowledged the existence of Macedonian nationality,⁽¹²⁷⁾ it was quick to recognise the new country (Bulgaria was the first country to announce recognition, on 16 January 1992), and has been supportive of the new state ever since. Bulgaria's awareness of the additional problems it might face if it incorporated part of FYROM, its interest in Western approval, and the future advantages that a privileged relationship with Skopje could bring in terms of regional power, appear to be good reasons for Sofia's present course of action.

International action: the testing ground for preventive deployment

The most publicised among international efforts to prevent an armed conflict in FYROM has undoubtedly been the preventive deployment of UN forces. In December 1991, during talks with Cyrus Vance, President Gligorov unofficially requested the sending of UN observers to FYROM. This was followed on 12 November 1992 by an official request to the UN Secretary-General to send UN peacekeeping troops to the republic. Boutros Ghali reported results of a mission sent by UNPROFOR (25 November - 3 December), and recommended the dispatch of UN troops⁽¹²⁸⁾ on the grounds that the war in former Yugoslavia might spill over to FYROM if the political situation in Kosovo deteriorated. On 11 December 1992, UN Security Council Resolution 795 authorized the deployment of an infantry battalion and observers to monitor FYROM's border with Albania and the Federal Republic of Yugoslavia.⁽¹²⁹⁾ On 11 June 1993, at the meeting of the North Atlantic Council in Athens, US Secretary of State Warren Christopher announced that the United States would offer a reinforced company team to the UN in FYROM, with the aim of underscoring the seriousness of earlier warnings to Belgrade and the Bosnian Serbs and preventing the conflict in former Yugoslavia from spilling over.⁽¹³⁰⁾ On 18 June 1993 the UNSC authorized the reinforcement of the 'Macedonia' command with 1,000 US troops; a 300-strong US mechanized infantry company was sent in July 1993. This was increased to 550 in spring 1994. It is difficult to evaluate the effectiveness of the UN presence. It appears to have had some deterrent effect, especially since the arrival of US troops (which some argue were mainly designed to prevent any Greek involvement in a potential conflict). At least Skopje seemed reassured by the American presence,⁽¹³¹⁾ which in itself has the positive consequence of preventing hysterical overreaction. A statement by the US Army Chief of Staff, General Sullivan, that the US Army was ready to prevent aggression against FYROM⁽¹³²⁾ further reassured Skopje of the US commitment to FYROM's independence in its present borders; the deterrent effect may have increased accordingly.

The UN deployment, however, has not been the only measure adopted by the international community to prevent a conflict in FYROM. The CSCE has sent several fact-finding missions to FYROM, and a long-term mission was established in Skopje in September 1992 with the aim of preventing spillover and enhancing stability.⁽¹³³⁾ The HCNM has also visited FYROM on several occasions; he has supported the internationally monitored census being carried out under the supervision of the Council of Europe (in which the European Union, the UN, the ICFY and the COE are collaborating), recommended stepping up efforts regarding the pedagogical faculty in

the Albanian language, and proposed strengthening the role of the Council for Inter-Ethnic Relations.⁽¹³⁴⁾

The International Conference on the Former Yugoslavia (ICFY), through its Working Group for National and Ethnic Questions which is chaired by Ambassador Geert Ahrens, has since 1991 been working permanently on preventing a conflict in FYROM.⁽¹³⁵⁾ Ambassador Ahrens has been involved in continuous mediation efforts between Skopje and the different minorities; it was his idea to carry out an internationally monitored census, and he brokered the 'Agreed Minutes' between ethnic Serbs and the government.

The European Union, on the other hand, has had its role, which remains potentially fundamental in the economic area, greatly constrained by its non-recognition of FYROM. Some assistance has been pledged,⁽¹³⁶⁾ but it is certainly not comparable to what an Association Agreement or the PHARE programme (originally called the Action Plan for Coordinated Aid to Poland and Hungary, but later extended to include other Central and East European countries) would offer. Recently, however, the Union has become more assertive *vis-à-vis* Greece: the European Commission has declared the recent Greek blockade of FYROM illegal according to Community law, and has engaged in bilateral mediation through EU Commissioner Van den Broek.

Assessment

Several factors have so far contributed to preventing an armed conflict in FYROM. The first of these is the relatively responsible behaviour of some of the parties involved, and their leaders. While ultimately supporting ethnic Albanians in their demands for 'state-building status' (a status on a par with that of the Slav Macedonians) and territorial autonomy, and the more radical 'Tetovo branch' in the recent split within the PDP, the Albanian President Sali Berisha has at least officially endeavoured to ease tensions and to maintain a cooperative approach *vis-à-vis* Skopje. While he has maintained a certain ambivalence regarding ethnic-Albanians' claims and ways of pursuing them, he has kept open channels for dialogue with Gligorov, and his government has recognized the 'Republic of Macedonia'. The FYROM's president has perhaps been more instrumental in defusing tensions; his visit to Tirana in June 1992 can be considered a watershed in Albanian-Macedonian relations.⁽¹³⁷⁾ Both leaders have had to make compromises in the face of local nationalistic pressure, however, as the Macedonian constitution and Albania's negative stance on FYROM's application to the CSCE reflect. The PDP, the main party representing ethnic Albanians, has also contributed to defusing tensions, by joining the cabinet, remaining cool during crises (such as the arrest of Albanians in November 1993), or just by putting forward their demands within the legal framework. Ethnic Serbs, at least until the resignation of Ristic, have also been cooperative; the Seselj-sponsored referendum on independence was a failure, and they appeared to settle for minority status in the Agreed Minutes.

The power of attraction of the European Union and the limited capabilities of countries that are potential parties to a conflict in connection with FYROM may have played a role as well. Albania, FYROM and Bulgaria are all to some extent rather weak states which badly need Western assistance and long for integration in Western forums, mainly the EU. This objective provides a strong indirect incentive to

compromise; besides, the West can directly affect developments by making aid available. In the case of Serbia, the fact that it lacks the means to intervene in FYROM because of its commitments elsewhere in former Yugoslavia may have also exerted some moderating influence on its otherwise potentially aggressive aims, as may the Russian decision on recognition.

The good record of coordinated action among international players has been underscored by many as a major preventive factor; the latest example of this trend has been seen in the joint efforts deployed by the representatives of the European Union (Commissioner Van den Broek), and the UN (Cyrus Vance), and the US envoy (Matthew Nimetz) in defusing the current crisis caused by the Greek blockade. At an individual level, efforts within the framework of the ICFY also deserve a great deal of praise: those of Ambassador Ahrens regarding inter-ethnic relations, but also the mediation efforts of Lord Owen and Cyrus Vance regarding FYROM-Greek relations. The CSCE mission has also projected stability, through the timely information it provides (fundamental for early action, especially when not many countries have embassies), the advice it offers to the parties, and its deterrent value as a token of international attention (what could be called a 'political preventive deployment'). The HCNM's discreet work of 'facilitation', by opening channels of dialogue, improving mutual understanding, and recommending compromise measures aimed at alleviating tension, cannot be omitted from the analysis. Finally, the COE currently bears a great responsibility as supervisor of the census, which is to be funded by the European Union.

Another factor that has contributed to the prevention of armed conflict has been the preventive deployment of UN troops. It has certainly helped reassure Skopje and deterred Belgrade's potentially aggressive aims by demonstrating the UNSC's interest. These troops add to the pressure the international community is already exerting on Serbia, and thus counter the benefits Milosevic might obtain by engaging his already stretched country in any further expansionist venture. Yet as the conflicts in former Yugoslavia have already widely demonstrated, the 'preventive' value of preventive deployment, both in deterring external potential aggressors and in reassuring the potential victim (thus moderating its behaviour regarding potential fifth columns, for instance), is directly linked to the credibility of the international commitment of which these troops are a token. Not surprisingly, the preventive effect of UN blue helmets in FYROM soared when the United States engaged its troops and backed them with pledges of further intervention, if they were attacked. An additional question is the effectiveness of UNPROFOR (M) in the event of internal destabilization, namely a civil crisis between ethnic Albanians and Slav Macedonians: in such a case, it could have an indirect deterrent effect via Tirana, which does exert clear influence on its ethnic brethren in FYROM. Berisha, who is deeply interested in Western assistance and integration (Albania has applied for NATO membership and has signed a treaty of military cooperation with the United States), will probably understand the implications of the US action. Some would argue the message was aimed at Athens as well.

In the catalogue of missed opportunities, or scope for future action, the European Union's failure to reach decisions on recognition and economic assistance carries a great deal of responsibility. This has largely allowed the shaky economy of the poorest former Yugoslav republic to approach the point of collapse,⁽¹³⁸⁾ thus

increasing the chances of internal conflict over the allocation of meagre resources along ethnic lines, for the sake of solidarity among the Twelve in foreign policy. Moreover, by not recognizing this country, as a result of Greek pressure, the European Union may have fed the ambitions of countries that might secretly hope for neighbouring FYROM's partition or eventual absorption. In the light of the EC treaties' goals, it is difficult to explain on what grounds consensus within EPC/CFSP took preference over the promotion of closer union among the peoples of Europe.⁽¹³⁹⁾ However, while the vital interests of EU member countries must be upheld, it may still not be too late for the European Union to find a compromise solution.

FYROM is in desperate need of financial and technical assistance. It has suffered from the Greek blockage of transport routes, the loss of markets and raw materials due to problems with Serbia and Greece, an uncertain climate for investment and foreign aid linked with diplomatic isolation, the problems common to the transition to a market economy, and the additional hardship imposed by the implementation of UN sanctions (a fall in imports from Serbia and the severance of Yugoslavia's electrical grid). It needs foreign assistance, especially supplies of wheat and a reduction of the \$120 million debt with the World Bank, which dates back to the time of former Yugoslavia. The European Union (together with other institutions like the IMF, the World Bank or the EBRD) can provide assistance and, what is equally or more important, it can offer the prospect of future integration.⁽¹⁴⁰⁾ Greece's uncompromising position over recognition remains the main obstacle to determined action by the European Union. Yet, Gligorov is struggling with a nationalist opposition, and the parliament has already passed resolutions vowing to respect the territorial integrity and sovereignty of FYROM's neighbours; giving in on highly symbolic matters appears difficult. On the other hand, Greece accepted the provisional solution of FYROM at the UN; why should this not become a final rather than a transitory solution? A compromise package might be proposed by EU members (especially the more influential ones) and the United States, within the framework of the ICFY or directly to Skopje and Athens. It could include CBMs, a compromise over the name (FYROM) and a generous economic package (including substantial US aid and an association treaty with the European Union). This would permit Skopje to continue using the name Macedonia internally, whereas the international name would be FYROM, where the word Macedonia does not appear.⁽¹⁴¹⁾ Once the problem of recognition has been resolved, the United States, the European Union and Greece can play an important role in promoting regional stability. The Greek blockade of FYROM should end, and funding for regional infrastructure should be forthcoming. The idea would be initially to promote economic integration, perhaps at a sub-regional level (FYROM, Greece, Albania, Bulgaria, Serbia when freed of sanctions), which would not exclude closer ties with the European Union or the prospect of eventual membership. Another remaining obstacle, the Albanian question, should be overcome, perhaps through a bilateral treaty⁽¹⁴²⁾ solving the problem of the Albanian ethnic minority. The census is a key element here; the international community must ensure its acceptance by all ethnic communities living in FYROM, particularly the ethnic Albanians. If the census reveals a share of the population close to 30% (as it appears sensible to presume, rather than the 21% given in the 1991 census or the 40% claimed by ethnic Albanians), the constitution may have to be re-examined. Given the reluctance of Slav Macedonians to offer formal 'state-building status' within the constitution to the ethnic Albanians, a solution might be to continue enhancing the *de facto* status of ethnic Albanians (for instance by increasing their presence in the

administration, and teaching and broadcasting in their language) while slightly rewording the Preamble of the constitution to 'open it up': the 'national state of the Macedonian people' could become the 'state of the Macedonian citizens in which full equality [as citizens] and permanent coexistence with the Macedonian people is provided to . . .' The latter remains unlikely, though, in the light of VMRO's opposition. Finally, and this underlines the need for a regional approach, an improvement in the economic situation in Albania and resolution of the current problems in Kosovo will indirectly help stabilise FYROM, for this would be a way of stemming the important trend of immigration into that country.

These measures will not in themselves prevent an armed conflict if Milosevic cedes to nationalist pressures and attempts to destabilize FYROM, via an open conflict in Kosovo or by promoting an ethnic Serbian uprising along FYROM's northern border. With their present strength and mandate the troops deployed preventively could not avert such a scenario. There might be some value in considering a 'muscular' preventive deployment of combat-ready forces,⁽¹⁴³⁾ with a mandate to use all necessary means to avert conflict. The signal would be much clearer, and therefore the chances of having to use them might be smaller.

At present, the situation appears very tense. The Greek-Macedonian crisis has aggravated the underlying potential for conflict over the ethnic Albanian/Slav Macedonian dispute, the issue of Kosovo, and the crumbling economy, which is a powerful source of instability and a potential detonator of conflict.⁽¹⁴⁴⁾ Yet recognition is gradually occurring, and with it international assistance is arriving. Besides, the United States appears to have made a clear statement on the country's territorial integrity (recently reinforced by a visit by General Shalikashvili to Skopje, President Clinton's sending more US troops to FYROM and the appointment of Matthew Nimetz to mediate in the Athens-Skopje dispute). Furthermore, EU solidarity having been broken in December 1993, the Union now seems ready to exert stronger pressure on Greece, as has been reflected by the Commission's recent action. Most other neighbours also seem cooperative, as shown by the proposal by Turkey, Bulgaria, Albania and Italy to provide Skopje with a road and railway corridor to reduce the effect of the current Greek blockade.⁽¹⁴⁵⁾ The international community, the European Union or its members in particular, must step up efforts; recognition by the European Union should be forthcoming, together with substantial economic assistance and a fair census accepted by the parties.

Bosnia-Herzegovina

Neither the origins of the conflict in Bosnia-Herzegovina nor the international efforts aimed at preventing it can be separated from the process of disintegration of the Yugoslav federation. It is only within this framework, and in the light of the secessionist drive by Slovenia and Croatia, the war in the latter, and attempts at conflict management by the EC-sponsored Conference on Yugoslavia, that one can fully understand the failure to prevent war in Bosnia-Herzegovina.

The breakdown of the Yugoslav federation

Although the origins of the disintegration of socialist Yugoslavia can be traced to its very inception in 1945, and more specifically to the 'Croatian Spring' in the late 1960s

and the resulting 1974 constitution, it was only after Tito's death in 1980 that the foundations of the Socialist Federal Republic of Yugoslavia began to crumble decisively: the economic system of 'self-management', the federal structure's collective executive organs in which all the republics (and autonomous provinces after 1974) were equally represented, and the unifying League of Communists gradually deteriorated. The vacuum left by Tito was filled by a drive towards formal democratization or rather 'republicanization' (for many consider that it was the republics which increased their power *vis-à-vis* Belgrade, rather than all the citizens of Yugoslavia in a truly democratic manner), but also by rising nationalism and ethnic polarization. Serbia harboured deep resentment that stemmed from the creation of the federation, when two autonomous republics (Kosovo and Vojvodina) were carved out of its soil, and deepened further after the constitution of 1974 gave them equal status in the collective presidency. In 1981, riots in Kosovo (the cradle of Serbian culture whose population was then 90% Albanian) over the failure of Belgrade's economic policies to raise living standards ignited anti-Albanian passions in Serbia, and provided a rallying theme for Serbian nationalism. In March 1986, the Serbian Academy of Sciences and Art published a memorandum on the oppression of Serbs in communist Yugoslavia which became a manifesto of Serbian nationalist opposition. When Slobodan Milosevic⁽¹⁴⁶⁾ seized power in an internal coup in the Serbian socialist party in 1987, he promised to carry out the manifesto's programme. He created a 'Committee for the Protection of Kosovo Serbs and Montenegrins', which became a tool for Milosevic's subversion of the political system in Kosovo, Vojvodina and Montenegro (considered by Serbia as ethnically Serb). A Belgrade-backed campaign of demonstrations brought down the governments in these regions, replacing them with Milosevic's supporters in 1988-89. The autonomy of Vojvodina and Kosovo was progressively eroded, and finally terminated in 1990. At the same time, Milosevic behaved in an authoritarian manner towards Serbia and the federation: he defended the monopoly of the Communist Party, the collapsing 'self-management' economic model, and a more centralized federal system. In addition to the Serbian nationalists and the communist bureaucracy, he could count on the Yugoslav National Army (JNA), which was interested in preserving a socialist Yugoslavia⁽¹⁴⁷⁾ and afraid of losing its privileges. As polarization deepened and the drive towards the dismemberment of Yugoslavia continued, the army, the top echelons of which were already dominated by Serbs, became even more Serbian-dominated (the other republics sent fewer and fewer conscripts).

In the meantime, other republics (particularly Slovenia and Croatia) were on the path towards democratization, or at least the replacement of ruling élites through formally democratic procedures, and pressed for further economic and political decentralization. Liberal aims combined well with anti-centralist/Serbian nationalist themes in the hands of local, anti-communist, politicians. This was especially true in Croatia, with its long record of friction with Belgrade. Croatia and Slovenia were the richest republics and had long complained of having to subsidize the rest of Yugoslavia (Belgrade included). They were growing wary of Milosevic's policies and by 1989 political leaders in Zagreb and Ljubljana had decided that Milosevic had become a threat to the stability of Yugoslavia. In 1989 the Slovenian Assembly amended the republican constitution and proclaimed the right to secede on the basis of the federal constitution (which upheld the right of 'nations' to secede), and in December of that year the Slovenian Communist Party endorsed a multiparty system. Belgrade reacted with a ban on commercial relations with Slovenia, a move that

finally disrupted the already strained Yugoslav economy. Another cornerstone of the federation, the League of Communists, collapsed when the Slovenian delegates walked out of the congress in 1990. Moreover, republican elections had brought non-communist governments to power in Slovenia, Croatia, and Bosnia-Herzegovina by the end of 1990 (in Macedonia the communists were a minority in a coalition).

The old Yugoslavia was dead, and there were growing signs of conflict between Serbia, which had the support of the JNA, and its satellites (Kosovo, Montenegro, and Vojvodina) on the one side, and Slovenia and Croatia on the other. Bosnia-Herzegovina and Macedonia were cautiously standing aside, although their sympathy was with the rebellious republics. At stake appeared to be two opposing visions of Yugoslavia's future: democratization and a multiparty system, movement towards a market economy and the European Community and a more decentralized confederation versus communist monopoly, a command economy and a more centralized federal system (some would argue that Milosevic, aware that a Serbian-controlled federation was not feasible, had already chosen to push for a Greater Serbia). Many consider, however, that the underlying struggle was one between various élites, some democratic and some less so, which was taking place mostly at the republican level, and in which all were using nationalism as the best route to power. The confrontation was heightened by a trend towards ethnic polarization and the revival of old hatreds and tensions that dated back to the interwar and World War II periods. The fact that Serbs formed substantial minorities in Croatia and Bosnia-Herzegovina, and the limited sensitivity showed by Croatian President Tudjman and the new Croatian constitution in this regard did not help calm ethnic passions.⁽¹⁴⁸⁾

When meetings between leaders of the republics in 1991 failed to avert a showdown, and Slovenia and Croatia warned of their intention to secede, the seeds of conflict were sown, since Milosevic was supporting the right of Serbs to live in a single state (a strategy which he employed partially because of his actual nationalistic beliefs, but also to divert attention from Serbia's economic difficulties and silence any opposition). On 26 June 1991 Slovenia and Croatia declared independence, following referendums that were boycotted by the Serbs in Croatia (who had declared that they would seek their own independent republic in Krajina), and the JNA intervened. With practically no Serb minority in Slovenia, after being defeated in several skirmishes the JNA concentrated in Croatia, where it had previously partially emptied the arsenals of the territorial defence units (created by Tito to balance the power of the army), and helped Serb irregulars to seize 30% of Croatia's territory (Krajina, Slavonia and Baranja) by the autumn of 1991.

At first, at least until June-July 1991, the European Community's aim was to preserve the federation (a goal shared by the UN and the United States, as James Baker's speech in Belgrade in June 1991 clearly stressed), for fear of creating a dangerous precedent in an ethnically volatile Europe. When, in June-July, the conflict unravelled, the European Community engaged in a 'damage control operation'.⁽¹⁴⁹⁾ A number of ministerial missions (the EC Troika of Foreign Ministers) and other negotiating missions by the Dutch EC presidency attempted to mediate throughout the summer. These efforts resulted in the Brioni declaration of 7 July, which suspended the implementation of the two seceding republics' independence for three months, helped to bring about a cease-fire in Slovenia and led to the withdrawal of the Yugoslav National Army from that republic by mid-October 1991. The European

Community attempted to steer a course between Croatia's demands for EC forces to be interposed, and reluctance by Belgrade (for the federal presidency had *de facto* collapsed) to accept foreign interference on internal matters.⁽¹⁵⁰⁾ On 29 July, the EC Council of Ministers stressed the inviolability of internal frontiers and set up a mission in Zagreb to oversee the implementation of the Brioni agreements; this was extended to the Serbian areas of Croatia in September.⁽¹⁵¹⁾ The WEU declined to play any role at that stage,⁽¹⁵²⁾ and the CSCE, hampered by Belgrade's power of veto, could do no more than decide to support EC efforts. Starting on 7 September, the EC-sponsored Conference on Yugoslavia (The Hague Conference), chaired by Lord Carrington, attempted to find a comprehensive negotiated solution to the underlying problems of former Yugoslavia.⁽¹⁵³⁾ His plan, unveiled on 18 October, proposed a free association of independent states, asserted the inviolability of internal frontiers and provided for regions with a special statute;⁽¹⁵⁴⁾ closer relations with the European Community would depend on the degree of cooperation shown by the republics, and diplomatic recognition would be linked to a general arrangement. The Conference was adjourned on 8 November 1991,⁽¹⁵⁵⁾ amid Milosevic's opposition to the principle of inviolability of borders between republics, the continuation of warfare and Serbian atrocities (of which Vukovar provided clear evidence), as well as Germany's pressure over recognition.⁽¹⁵⁶⁾ In the meantime, the European Community's diplomatic efforts were accompanied by more constraining measures: the financial protocols with Yugoslavia were frozen in July, an arms embargo proposed by the European Community was confirmed by the UNSC on 25 September (Resolution 713), and restrictions on trade and cooperation were introduced against Serbia and Montenegro on 2 December.

By December 1991, the internal balance in the European Community had tilted in favour of recognition. On 16 December, the European Community, against the advice of the UN Secretary-General, Cyrus Vance and Lord Carrington,⁽¹⁵⁷⁾ decided to recognize the independence of all republics that wished it (the deadline for 'applications' was fixed for 23 December), provided they abided by international and CSCE standards, in particular concerning human rights, minority protection and the non-violent change of borders. While the Badinter Commission, a body created at the same time as the conference to provide technical advice on mostly legal issues, was in favour of the immediate recognition of Macedonia and Slovenia, the European Community decided instead to recognize Croatia and Slovenia. Meanwhile, Milosevic had suggested a UN peacekeeping force to Cyrus Vance (the UNSG's personal representative in Yugoslavia since October 1991). This became the Vance plan for the creation of the UN Protected Areas (UNPAs) in Croatia. The plan was approved by the UNSC on 15 December, a cease-fire came into force on 2 January 1992, and the UN Protection Force (UNPROFOR) in former Yugoslavia was created in February.⁽¹⁵⁸⁾ Its deployment began in April. One war had momentarily ended, and another was about to start.

Bosnia-Herzegovina unravels

A real patchwork of ethnic diversity, the republic of Bosnia-Herzegovina was populated by Muslims Slavs (44%), Serbs (31%), and Croats (12%), who were to a large extent geographically intermingled. The Croats lived primarily in western Herzegovina, the Muslims were usually in a majority in the towns and the Serbs,

living mainly in rural areas, concentrated in northern and north-eastern Bosnia around Banja Luka.

By the Autumn of 1991, the Muslim Slav Alija Izetbegovic presided over a coalition of Muslims, Serbs and Croats. He pursued a cautious policy⁽¹⁵⁹⁾ of support for further democratization and decentralization, but at the same time tried to avoid alienating either the Serbian population in Bosnia-Herzegovina or Belgrade, in view of events in Croatia. Thus the Bosnian government attempted to negotiate a confederation that would provide further autonomy for the republics without separation from the Yugoslav state. It was only at the end of 1991, when it became clear that the secession of Slovenia and Croatia was irrevocable, and that the European Community would ultimately recognize them, that both the government and parliament declared Bosnia-Herzegovina's sovereignty⁽¹⁶⁰⁾ and asked for recognition by the European Community in December 1991. This move had been matched by the republic's Serbs in a plebiscite on sovereignty held on 9-10 November 1991.

When his calls for the preventive deployment of UN troops went unheeded,⁽¹⁶¹⁾ and it became clear that the seceding republics would be recognized by the European Community in January 1992, Izetbegovic had no other viable option but to seek independence. The alternative would have been to remain in a rump Yugoslavia under the aegis of Milosevic and his authoritarian and nationalist policies. As was to be expected, this move alienated the Bosnian Serbs, led by Radovan Karadzic, a fiery nationalist who had the support of Milosevic and the JNA (which had 100,000 troops and important arms factories in Bosnia-Herzegovina),⁽¹⁶²⁾ more and more a `Serbian' army following the collapse of the federation. They were determined not to abandon the federation and had the goal of a Greater Serbia⁽¹⁶³⁾ to aim for. Serb immigrants and JNA troops withdrawn from Croatia had consequently been welcomed by Serbs in Bosnia-Herzegovina, and this added to the instability of the republic.

Meanwhile, the European Community's efforts to avert conflict in former Yugoslavia had continued. Given the strong Serbian opposition, the European Community considered it paramount that Bosnia-Herzegovina's independence be ratified by referendum,⁽¹⁶⁴⁾ and that the constitutional organization of the new state be agreed upon before recognizing the independence of the republic. On 6 January Lord Carrington proposed the opening of negotiations on Bosnia-Herzegovina within the Conference on Yugoslavia. The working group on Bosnia-Herzegovina was to be chaired by Ambassador José Cutilheiro. Several meetings with delegations from the government and representatives of the ethnic Serbian and ethnic Croatian communities (led by Radovan Karadzic and Mate Boban, respectively) took place in Lisbon throughout the first quarter of 1992.

An agreement on the constitutional organization of the independent Bosnia-Herzegovina was apparently reached in principle on March 18 in Lisbon. The declaration of principles asserted the inviolability of the borders of Bosnia-Herzegovina, which was formed by three constitutive units that would be established `on national principles and taking into account economic, geographical and other criteria.'⁽¹⁶⁵⁾ The idea was to cantonise the republic using the criterion of ethnicity, *inter alia*. The accord would preserve the integrity of Bosnia-Herzegovina while at the same time providing the Serbs with self-rule, thus increasing the incentive for them to remain in Bosnia-Herzegovina and abandon the idea of joining a greater

Serbia. The preliminary draft of the future 'cantonal Bosnia-Herzegovina' reportedly allocated the Serb and Muslim communities 44% of the territory each, and the remaining 12% to the Croats. Due to the intricate ethnic distribution of the population, 50% of the Serbs and 59% of the Croats were left outside their 'cantons'. However, this draft was considered merely a starting point⁽¹⁶⁶⁾ subject to further negotiation.⁽¹⁶⁷⁾ While the ethnic Serbians' understanding of the accord allowed for the creation of three distinct and coherent geographic entities, the government argued that the republic's ethnic intermingling made such a solution impossible.

Meanwhile incidents were increasing following the referendum⁽¹⁶⁸⁾ of 29 February-1 March, which approved Bosnia-Herzegovina's independence, and which Bosnian Serbs had boycotted. Sporadic skirmishes and shelling were reported throughout the republic, as well as instances of ethnic cleansing. Serb irregulars acting in connivance with the JNA appeared to bear most of the responsibility for the violence. The situation was becoming increasingly polarized and explosive. In early March, the European Community coordinated recognition of Bosnia-Herzegovina with the United States for the beginning of April,⁽¹⁶⁹⁾ perhaps in the hope that an agreement would have been reached in Lisbon by then. An accord was indeed reached, but as the situation deteriorated on the ground, the Muslim side progressively backed out⁽¹⁷⁰⁾ and President Izetbegovic finally denounced the agreement at the end of March.⁽¹⁷¹⁾ On April 6 the European Community officially recognized Bosnia-Herzegovina. The United States followed on April 7, and the Serbian Republic of Bosnia-Herzegovina was proclaimed by the so-called Bosnia-Herzegovina Serb Parliament on the same day. By then the country was already immersed in real war.

Assessment

Several factors may account for the failure to prevent the war in Bosnia-Herzegovina. The first of these is the uncompromising stance of some of the parties involved. There is ample evidence of the bad faith displayed by Tudjman and Milosevic regarding the preservation of the territorial integrity of an independent Bosnia-Herzegovina;⁽¹⁷²⁾ both most probably nurtured hopes of partitioning the republic. They also had effective ways of influencing the behaviour of their ethnic brethren in Bosnia-Herzegovina, Milosevic in particular. At the Conference on Yugoslavia, Milosevic had stressed the need for a consensus on the future of Bosnia-Herzegovina among the three ethnic communities. Yet such a consensus appeared out of reach, given the highly conflictual interests (to remain in or to escape from a Serbian-dominated Yugoslavia), the growing polarization caused by the war in Croatia and by nationalist propaganda, and the imbalance of power between the Serb side and the rest. Given Serbia's strong backing, Serbs in Bosnia-Herzegovina had no incentive to soften their position of remaining within the Yugoslav federation or insuring an ethnic Serbian constitutive unit. The government in Sarajevo, which represented to some extent the view of Muslims and Croats (who both wished to avoid a Serbian-controlled rump Yugoslavia), attempted to steer a cautious policy in 1991. However, the European Community's opening of the door to recognition and mixed signals from the international community made a compromise, given all other considerations, almost unachievable.

This brings us to the role played by the international community. It was definitely not ready for the arduous task of preventing a conflict from breaking out in Yugoslavia.

By 1991, the CSCE had not fully developed its conflict prevention mechanisms: the creation of the Office of the HCNM was almost two years away; CSCE participants were still agreeing on the details of the 'emergency mechanism' created at the CSCE Council of Ministers on 19-20 June 1991; and the 'consensus minus one' decision-making procedure was to be devised at the Prague meeting of the CSCE Council on 30-31 January 1992. Moreover, even with these instruments in place, the CSCE might have been powerless, given the absence of goodwill that has characterized the Yugoslav conflicts. The emergency mechanism requires consensus for further action, and even the 'consensus minus one' procedure cannot lead to action within the country affected. In the end the CSCE supported EC and UN efforts, and sent a human rights rapporteur to the six Yugoslav republics in December 1991-January 1992.

The European Community was in the middle of negotiations on the Treaty on European Union, in which the instruments were to be created for a more active, comprehensive European presence in international affairs. WEU had not fully developed its operational capabilities, and NATO had just started to re-think its role in the post-Cold War world. The UN was overstretched and reluctant to interfere in states' internal affairs, and the United States was in the middle of a presidential campaign that focused on domestic issues (to which should be added post-Gulf war lassitude, which affected the United States in particular). Washington was thus eager to let an enthusiastic European Community deal with a problem on its doorstep. Moreover, Moscow, whose considerable leverage over Serbia has recently proved helpful in managing the Yugoslav crisis, was too busy dealing with the collapse of the Soviet Union. Finally, a psychological factor should be taken into account: after 40 years of 'cold' peace in Europe imposed by the East-West confrontation, all countries were only too eager to reap the undoubted benefits of a 'warm' peace which appeared within reach. Despite the substantial evidence provided by diplomats and academics that a conflict in Yugoslavia was likely, decision-makers were not ready to make the necessary effort to prevent war in Europe.

As regards Bosnia-Herzegovina in particular, there were more specific elements in the behaviour of third parties that undermined the already difficult task of preventing an armed conflict there. In the case of the European Community, these included:

- Its haste in recognizing Slovenia and Croatia, without having fully reflected on the consequences, which 'pushed' Izetbegovic towards independence and undermined his policy of moderation regarding the Serbs. It also deprived Carrington of almost the only levers he had to press the parties toward a negotiated solution. The European Community's promise of recognition conditional upon the holding of a referendum further alienated the Serbs. Its subsequent pressure on Izetbegovic to accept what Muslims considered an unfair plan undermined the stability of the agreement and gave the Serbs' claims some legitimacy.
- Its internal dissension, which was translated into mixed signals and a lack of will to commit the necessary means (whatever it would have taken in terms of troops, economic sanctions or promises) to find a negotiated workable solution and implement it. This was perceived as a sign of weakness⁽¹⁷³⁾ and/or lack of interest by the parties, and it therefore undermined the credibility of the European Community's efforts to provide strong incentives for the parties to reach an

agreement and comply with it. The Serbs never believed in the possibility of a military intervention, not even a preventive deployment. The Muslims, however, desperate as they were, may have harboured hopes that Germany's influence in the European Community and in the international arena would trigger military intervention by NATO or the UN.

- As regards the negotiating process itself, the discontinuity of the talks and the lack of full-time, high-level EC mediators strongly backed by the European Community (the negotiating team consisted of Lord Carrington, part-time, and an ambassador from Portugal), which detracted from EC efforts to put pressure on the parties.⁽¹⁷⁴⁾
- Finally, the fact that the European Community was not perceived as a neutral mediator by the parties, nor as one which could 'deliver' (as the United States had done in the Middle East peace process), but as one that looked after its own interests. The Serbs considered that the European Community was biased against them as a result of German influence, whereas the Muslim side grew wary of the European Community's intention to obtain a quick solution at any cost.

The abstention of Russia and the United States from the conflict, and the UN's limited role, may have further undermined the EC's efforts by reducing its credibility as a third party. The actors which had some of the means to provide incentives lacked the interest or the will to do so, while the party involved in the mediation did not have a credible commitment to enforce a settlement. There was a general lack of coordination regarding the signalling of intentions, which added to the confusion and further hindered negotiations. The UN Secretary-General and his personal representative, Cyrus Vance, voiced their disagreement with the hastiness of the European Community's recognition of the new states,⁽¹⁷⁵⁾ as did the United States, which reportedly gave President Izetbegovic guarantees regarding Bosnia-Herzegovina's territorial integrity. Izetbegovic apparently misinterpreted the extent of these assurances (armed intervention, or at least arms deliveries, if the Serbs tried to carve up the republic).

This lack of a common stance, coordinated action, determination and the commitment of means on the part of the international community, together with the lack of a continuing process of negotiation brokered by high-ranking, full-time mediators with appropriate authority and a broad mandate, resulted in mixed signals and an absence of incentives for the parties to agree to a workable plan and comply with its implementation. The international community failed to show the determination and transparency needed to assure the parties and their backers that there was no other way out but to agree on a fair plan (not one based on ethnic cantonization) and to comply with its closely monitored implementation (perhaps by the preventive deployment of UN or NATO forces). This crisis has shown that only strong incentives or disincentives, close scrutiny and constant pressure can bring highly reluctant and suspicious parties to the negotiating table and make them stick to agreements: in the Yugoslav crisis, one of the main problems to date has been not so much reaching agreements as implementing them. In this case, the international community, in particular the European Community, was unable to meet the challenge of 'emergency' or 'hard' conflict prevention.

Were there any missed opportunities? Some argue that perhaps the perspective of integration into the European Community might have made the parties more responsive; yet in 1991 the Soviet Union was still in place, and there was no prospect of integration of former socialist Central European countries.⁽¹⁷⁶⁾ Given the uncompromising stance adopted by most parties, the determination of most leaders to attain their goals by force, and the polarization caused by the war in Croatia, it is somewhat unlikely that the mere withholding of recognition would by itself have averted a conflict in Bosnia-Herzegovina. Withholding recognition might have been a necessary condition for the work of the conference, but not sufficient to grant success.

Perhaps determined action by the European Community,⁽¹⁷⁷⁾ in close coordination with the UN, and with the full support of the United States and USSR/Russia, might have provided the incentives for the parties to agree on the preventive deployment of troops in Bosnia-Herzegovina.⁽¹⁷⁸⁾ Meanwhile, a continuous negotiation process, co-chaired by high-ranking officials from the European Community (such as Lord Carrington working full time or a former prime minister like Margaret Thatcher), the UN (Vance, Pérez de Cuéllar) and maybe also from the United States (Ex-Presidents Carter or Reagan) and the USSR (Gorbachev, after his resignation) might have persuaded the parties to agree on a draft constitution that preserved Bosnia-Herzegovina, without dividing it ethnically but also without permitting domination by any ethnic group. Closely monitored implementation of the accords and economic cooperation (especially from the European Community) might have then led to a referendum on independence, based on such a constitution, and to international recognition.

LESSONS FOR CONFLICT PREVENTION

The second part of this paper attempts to draw some lessons from these cases and reflect on several issues that are highly relevant to conflict prevention. Some of these topics may be considered as lessons in the strict sense, whereas others are general issues in the field of conflict prevention, and others again are a mixture of both. In any case, all appear to be of sufficient importance to merit closer evaluation in this section.

General rules versus a case-by-case approach

How far do the cases analysed provide a basis for establishing general rules for conflict prevention, at least in Central and Eastern Europe? Are they homogeneous enough? If so, are the lessons from them valid for the whole region? All these cases of potential or actual conflict involve multi-ethnic states undergoing a painful socio-economic and political transition, where ethnic minorities are struggling for their perceived rights against an ethnic majority that is engaged in a process of nation-state building: thus, ethnic Albanians (and possibly Serbs) against Slav Macedonians, ethnic Russians against ethnic Estonians, ethnic Hungarians against ethnic Slovaks, and Serbs against Muslim Slavs. These minorities are supported by neighbouring states (Albania, Russia, Hungary and Serbia) in which the majority share their ethnicity. The nationalist card plays an important role in the hands of some politicians in most of the countries of the region, whether former communists trying to cling to or regain power or nationalists seeking to redress past grievances. This is set against a background of past inter-ethnic grievances that were frozen or were even aggravated during the communist period, and painful transition towards democracy and the market, which creates strains on the socio-economic and political fabric of society in these states. These elements are widely shared in Central and Eastern Europe, so there may be sufficient common ground for general rules to be established which would be applicable to the entire region. The fact that these four cases concern new states that have emerged from the disintegration of federal entities may also have wide application, at least in the former Soviet Union.

Particularities abound, however. As regards Slovakia/Hungary, the relatively peaceful historical background and the smooth disintegration of the Czechoslovak federation, together with their status as countries 'earmarked' for membership of the European Union, distinguish them. In the case of Estonia, the process of Sovietization/Russification and the involvement of a big power put specific constraints on conflict prevention efforts. The specificity of FYROM is its late or non-recognition by the international community, acute economic problems which have been exacerbated by UN sanctions and the blockade by Greece, the many possible sources of conflict, and the special interest that the United States has shown towards it (it has deployed ground troops as UN blue helmets in a preventive manner for the first time). Finally, Bosnia-Herzegovina was involved in the particular features of the Yugoslav conflict which increased the tension in the republic, faced revisionist neighbours who were determined backers of local ethnic groups, and rather uncompromising local leaders; besides, the international community was in this instance particularly unready for conflict prevention.

In the light of all these specific features of the cases considered, is there still value in devising a general approach to conflict prevention? As usual, a middle course should prove safest. As a result of the analysis of these four cases, some generally valid factors can be identified. Since the chances of defusing a potential conflict usually increase as the economic situation improves, there is a need for economic assistance and market access to help these countries accomplish their transition toward market economies; a closer relationship with the European Union is widely regarded by most countries in the area as the best way to achieve that. The earlier potential conflicts have been identified, and above all the earlier the international community has acted, the more effective it has been in helping prevent conflicts. A coordinated stance has always been a fundamental advantage as well. Moreover, the setting up of instruments such as the CSCE missions and the HCNM devoted to conflict prevention has also had a positive effect. Finally, whereas non constraining preventive measures have proved adequate for situations that have not become polarized and in which armed conflict is some way off, a firm and credible stance by the international community is essential in emergency situations, where the parties are determined to attain their goals by the use of force. On these occasions the international community has to muster the necessary means, including military ones, to deal with the crisis; consensus has to give way to more effective decision-making procedures, and negotiations have to be backed by the clear determination to act.

Beyond these general rules, the international community has to adopt an approach that is suited to the specific circumstances of each potential conflict, concerning both the combination of instruments to be used and the timing of their application.

Are minority rights the answer?

The main source of conflict in these four cases, but also throughout Central and Eastern Europe in general, is probably the difficult relationship, against a background of economic difficulties and socio-political unrest, between the larger ethnic groups which constitute the titular nation of the state, and the ethnic minority or minorities, which are generally members of the same ethnic community as neighbouring titular nations. The four cases studied provide good examples of why this relationship is prone to conflict, since they concern relatively new, weak states in which the titular nation asserts its predominant status and the ethnic minorities (especially the larger ones) and their claims are perceived as a threat to the integrity of the state, at least as a nation-state.

Moreover, inter-ethnic relations are further soured by the minority's previously privileged or protected status (except perhaps in the case of FYROM, where ethnic Albanians were in a worse situation in the days of Yugoslavia), whether as part of the 'oppressor', the dominant ethnic group (such as the ethnic Russians and Serbs, or at an earlier stage ethnic Hungarians) in the former larger state or as a less threatening minority in a more multi-ethnic setting (like the ethnic Hungarians in Czechoslovakia or ethnic Albanians in Yugoslavia). Ethnic minorities such as these wish to preserve this status through measures ranging from the right to self-determination, which would ultimately lead to the possibility of joining their ethnic motherland (Serbs or Croats in Bosnia-Herzegovina), to a variety of collective rights. These include the minority's right to use their language, receive education in their mother tongue, set up cultural organizations and mass media, have quotas in the administration, set up local

self-administration and attain territorial autonomy. The last of these is regarded by the majority as particularly threatening.

In the light of the explosive potential of the ethnic issue, which has been at the heart of the conflict raging in former Yugoslavia, the international community has generally proposed solutions combining the inviolability of borders and minority rights. Ethnic communities' self-determination would come through the possibility to use their mother tongue freely and to preserve their identity, within multi-ethnic states. While the development of democracy (particularly the habits and institutions that permit the management of disputes through dialogue and negotiation) and economic stability are the prerequisites for moderation and dialogue, the observance of minority rights can fulfil the aspirations of ethnic minorities. Another prerequisite, however, is the need for goodwill, not only from the internal parties, but from the external ethnic motherland: the dispute over the south Tyrol was not resolved until Rome and Vienna developed good, solid relations.

None of these prerequisites is fully present in much of Central and Eastern Europe today. In any case, the nation-state building process undertaken by the titular nationality (whether Slav Macedonians, Slovaks, or Estonians) and its bad relations with the ethnic minorities exacerbate passions and render compromise more difficult. International institutions dealing with these matters (particularly the CSCE, and within it the HCNM) have a preference for elements of cultural autonomy rather than territorial autonomy; the latter only appears appropriate when the situation is very stable (as was the case in the south Tyrol) or too polarized to allow for anything less (as in Kosovo, where ethnic Albanians are not likely to settle for anything short of substantial territorial autonomy). The setting up of inter-ethnic councils to deal with minority matters, together with practical measures to enhance the participation of minorities in the public life of the state, are also ingredients in the recipe. The situation on the spot varies widely, both with respect to the claims of the minorities and to the response of the majority: in Estonia ethnic Russians are not being granted citizenship automatically, whereas Slovakia's ethnic Hungarians are asking for cultural autonomy, and in FYROM ethnic Albanians are demanding the status of constitutive nation and the co-officiality of their language. The ethnic majorities in these states have been reluctant to share their national dominance, as enshrined in the constitution, with any other ethnic group (as would be implied by giving it the status of constitutive people, or the co-officiality of languages); and in general to any measure that gives autonomous political power to a minority (territorial autonomy⁽¹⁷⁹⁾), or which might undermine ultimate control over its citizens or give a *droit de regard* to a neighbouring country (dual citizenship and freedom of movement are perceived as doing this). It can also be argued that quotas and rigid affirmative action programmes generate resentment, since they may allow for discrimination or become obsolete when the situation changes.

An additional problem is the lack of international agreement on the concept of minority rights, let alone its scope. The Copenhagen document⁽¹⁸⁰⁾ talks of the 'rights of the persons belonging to ethnic minorities' (Art.30), but does not define what constitutes an ethnic minority, and gives states considerable leeway in the articulation of these rights. Moreover, the practice and positions of Western countries regarding their ethnic minorities greatly differ. As has been seen, several Central and East European leaders have publicly advocated the defence of individual human rights,

rather than collective rights, as the best way to protect the identity of ethnic minorities without worsening the already strained social fabric of society.

Are minority rights the solution then? They were always meant to be only part of the answer, together with democratic practices⁽¹⁸¹⁾ and economic stability. Given the generally tense state of inter-ethnic relations today, the best option appears to be, as the HCNM and CSCE missions have already stressed, to enhance the actual situation of ethnic minorities, which can be seen as the substance of their claims. Beyond legal provisions,⁽¹⁸²⁾ international action should endeavour to improve the minorities' living conditions, increase their presence in administrations and raise the number of centres of education, teachers, newspapers, radio and TV stations, cultural associations and trans-border projects. Provided the legal framework permits the preservation of the identity of these minorities, the international community (particularly the European Union) can contribute to the financing of some of these projects;⁽¹⁸³⁾ some pressure on governments might also facilitate a greater ethnic minority presence in administrations. Thus in the case of Estonia, while the easing of citizenship requirements is being urged, it is the substance of citizenship which matters most (even if ethnic Russians were to have it only as 'denizens'). Another part of the answer lies in the progressive reduction of the importance of borders, through trans-border cooperation⁽¹⁸⁴⁾ and integration into regional groupings. The European Union provides a clear example of this. Similar initiatives should be encouraged in Central and Eastern Europe during the transitional period before accession to the European Union, and in countries where this may not be the goal (Russia, Belarus, perhaps Ukraine, and certainly the Transcaucasian and Central Asian republics).

Preventive deployment for collective security

The preventive deployment of military forces was tested for the first time as an instrument of conflict prevention in FYROM. Its value lay in the message of the UNSC's intention that it conveyed to Serbia, the reassuring effect on Skopje, and perhaps, after US troops joined the UN forces, the indirect signals it sent to Athens and Tirana. Its deterrent value has been mainly symbolic, since the number of troops deployed could not stop an attack on any significant scale. Its significance in regard to possible internal destabilization stems from US influence on Tirana, which has an important leverage on the ethnic Albanian community in FYROM.

In any case, the effectiveness of this deployment was largely increased when the United States showed its commitment to averting conflict in FYROM. The preventive deployment was all the more effective the more credible it was *perceived* by the parties. In this respect, it may be argued that in non-polarized situations, whether of disputes between states or internal instability,⁽¹⁸⁵⁾ a 'soft' preventive deployment along the lines of traditional UN peacekeeping can suffice, involving lightly armed troops that need the consent to their deployment of the parties involved in a potential conflict, and which are only authorized to use force in self-defence.

However, when the onset of hostilities is imminent something further is needed. In these emergency situations, any preventive deployment has to show the international community's determination to act if need be. A 'muscular' preventive deployment may become necessary, in which troops have the mandate and the capability to prevent or de-escalate hostilities. In these cases, either the force deployed should be

strong enough, or it should be easily reinforceable, and this must be clearly perceived by the parties involved. The force should therefore maintain high visibility, through frequent patrolling for instance, and the reinforcement procedure should be fast and clearly stated. A request by at least one party should be necessary, either one of the states in dispute or the government in the case of an internal crisis; otherwise it would be a case of 'preventive peace enforcement', in which international forces preemptively impose a 'non-fire' zone. Such 'muscular' deployment could be effective even in the case of an essentially internal conflict, if avoiding the intervention of a neighbour were considered to be of prime importance, or simply so as to freeze the situation and allow for humanitarian supplies to be provided and political negotiation to take place. An additional problem in internal conflicts, however, is the difficulty in identifying 'lines of separation' along which the forces can be preventively deployed.

Such 'muscular' deployment could also be called a 'chapter VII preventive deployment', since troops would be allowed to use force to avert a breach to international peace and security.⁽¹⁸⁶⁾ Given the constraints that operations carried out under this chapter impose on participating UN member states in terms of logistics, equipment and political will, this could require either a coalition of those countries that are willing and able or a single power acting under the mandate of the UN. In the case of Europe, regional organizations like WEU or NATO could be made responsible for muscular preventive deployments; many think that something along these lines could have contributed to avoiding a conflict in Bosnia-Herzegovina.

The 'backer' effect

The cases analysed in the second part of this paper all revealed the presence of ethnic minorities who received the support of their neighbouring ethnic motherland as one of the main sources of conflict. The study has put forward substantial evidence of the influence of the motherland's attitude (the 'backer' effect) on the probability that an armed conflict will break out. The stance of the backer (Russia, Hungary, Albania or Serbia) has proved instrumental in the minority's choice of goals and of the means with which it pursues them. Serbia's support was paramount in the Bosnian Serbs' decision to strive for secession and achieve it by force. On the other hand, Budapest has conveyed clear messages to Slovakia's ethnic Hungarians regarding the need to seek accommodation with Bratislava and further their goals through dialogue and assistance from the international community.

'Backers' who have displayed goodwill have greatly facilitated the task of the international community, by moderating the stance of ethnic minorities, or just by referring disputes to international forums. Problems, however, arise in the case of the uncompromising, irredentist 'negative' backer, who may stir nationalistic passions and offer unconditional support to the minority's hardened stance (as Serbia did in Bosnia-Herzegovina and Russia might do in Estonia). An additional problem has often been that of differentiating good from bad attitudes, which in some cases have been mixed. In any event, most would agree that in Central and Eastern Europe the 'negative backer effect' relates to Serbia, and perhaps Russia, since they have in common the frustration of having lost dominant positions, the pain of a recent diaspora, and the means to pursue revisionist aims by force. Is there anything the international community could do in such cases? Are some interests so vital that there is no way of mollifying them?

The effectiveness of incentives can always be said to have some impact if they are properly targeted and introduced early enough in the escalation sequence. Perhaps, although the evidence given by those directly involved is mixed, if the prospect of closer association with the European Community had been offered in the late 1980s, this might have softened the stance of Slovenia and Croatia, on the one hand, and Serbia on the other, so that agreement on a loose confederation might have been possible. Even if the chances of providing incentives for Russia are slim, Moscow does pay attention to Western interests, and is aware of the importance of good relations: the difference between Moscow's approach to the Baltic states and its stance on the Caucasus or Central Asia, for instance, could be linked to the far greater attention paid by the West to developments in Tallinn or Riga than to events in Stepanakert or Dushanbe.

A second element of a possible set of measures to counter the 'negative' backer effect is the importance of an international presence, either political or military, or a combination of both, in the form of: CSCE missions, visits and recommendations by the HCNM, the COE or the EU Troika; any sort of agreements associating the country with Western institutions; or, ultimately, the preventive deployment of international troops (under UN or CSCE mandate). Provided the country in question accepts it -- and they are usually eager to do so -- this presence can provide proof of international commitment to avert a conflict. This should be a useful deterrent and, provided it is combined with the right incentives, might soften the stance of the backer. Of course the collaboration of the host country and substantial external assistance would be required in order to improve the situation of the minority -- and that is itself the best conflict prevention measure.

When the situation has already polarized (as it had by autumn 1991 in Bosnia), however, a tougher stance may be necessary, including measures such as economic sanctions and diplomatic isolation, or even a 'muscular' preventive deployment before the situation deteriorates further.

The leadership factor

Can a scenario be imagined in which Yeltsin, Gligorov or the late Antall had switched positions with Milosevic, Karadzic or Zhirinovskiy? If there is one lesson to be drawn from recent experience of conflict prevention in Europe, it is that the personality and behaviour of national leaders has a great bearing on the likelihood of conflict. This is even more true since nationalistic passions are not a known quantity but are open to manipulation. In Central and Eastern European post-communist and multi-ethnic societies, the nationalist card has proved a highly useful instrument for stemming or diverting dissent, as well as for building support. In general, leaders committed to democratic and economic reform, and aware of the need to integrate into Western forums, have greatly contributed to reducing the scope for conflict. Those who have clung to the past, appealing to nationalism to gain popular support, have brought hardship and even war to their people.

At first glance, then, the solution would appear simple. The international community should support the first group of leaders described above. While this in itself is correct, the problem is how to do it. Structural reform is tough medicine, the benefits

of which are not apparent in the short term; hence external support for a leader committed to reform might be unhelpful for his cause, and might play into the hands of the populist (as it did for Zhirinovsky) who denounces external/Western intervention that seeks to bring the nation to its knees. It is even more difficult to prevent a particular leader from being elected, particularly if democratic rules have been applied, or to weaken his position internally, which can again have the opposite effect to that desired.

However, early and properly targeted action by the international community can influence developments. It can at least avoid harming the standing of reformist leaders. One possibility is to grant substantial financial assistance to high-profile projects, for instance those directed towards the establishment of a social network designed to soften the blow of reforms, labour-intensive investments, support for privatization schemes and the funding of balance of payments deficits caused by necessary imports. Another measure consists in offering non-partisan support (particularly from institutions like the COE, CSCE or the HCNM) for the strengthening of the democratic process and for policies aimed at ensuring effective freedom of expression and promoting respect for the rule of law. If this is done early enough, the emergence of 'bad leaders' may be less likely; at least their behaviour may be moderated by a more powerful civil society. These long-term provisions appear wise, but what should be done if the wrong leader seizes power and the situation polarizes? The international community can always make proposals in ways which avoid such leaders losing face *vis-à-vis* their own population, while at the same time stressing the limits within which they will be allowed to operate. This can be combined with the sort of long-term measures aimed at favouring the right policies, as soon as that becomes possible. In principle, there is no such thing as an inherently 'sick' society, but rather 'sick' leaders who manipulate the 'sick' feelings of their people in particular circumstances. In the long run, the best remedy against Milosevic may be the reintegration of Serbia into the wider European community, once a political settlement has been found in Bosnia-Herzegovina, with the subsequent increase of contacts and comparisons with the rest of Europe that Serbia's people will inevitably make.

The relative roles of hard and soft preventive measures

'Soft' measures appear appropriate when the parties in a potential conflict show some degree of goodwill, and when the actual conflict seems still some way off. CSCE missions and fact-finding missions, visits and recommendations by the HCNM, and contacts and technical expertise from the COE, have greatly contributed to the defusing of tension in Estonia and FYROM, where the parties are relatively amenable and open to compromise. Economic assistance and the prospect of EU membership have also proved effective in inducing Hungarian and Slovakian leaders to show restraint. Yet in the winter of 1991-1992, none of these measures would by themselves have prevented a war from breaking out in Bosnia-Herzegovina. When the situation worsens, discreet mediation, the use of the good offices of international bodies and the stabilization effect of an international presence become insufficient. There is then a need for a more public stance, a commitment from the international community to use tougher measures if need be. Negotiations behind closed doors may and should continue, but they might need to be accompanied by a public 'early warning', high-profile international conferences at which real pressure is exerted on

all the parties by mediators who have the general support of the international community, economic sanctions, and perhaps even a muscular preventive deployment of troops to prevent aggression or to impose the freezing of hostilities (which would already be peace enforcement); Bosnia-Herzegovina offers ample illustration of this. These 'hard' measures are characterized by the fact that they impose constraints upon their target as well as demanding more in terms of a rapid response, coordination and resolve on the part of the international community.

Given the wide range of situations of potential conflict, it appears advisable to consider a wide range of conflict prevention measures -- a menu of options from which the international community can choose the proper combination depending on the seriousness of the dispute, or the stage of escalation. Two things will, however, always be essential: coordination, and a readiness to move to harder conflict prevention measures as circumstances demand.

Self-determination, territorial integrity and recognition

Is diplomatic recognition of splinters of multinational states breaking away a useful instrument of conflict prevention, or does it merely complicate matters further and accelerate the eruption of armed conflict? These questions have gained in relevance as multi-ethnic federations have collapsed in the post-Cold War period. The cases of the USSR and Yugoslavia have brought the debate over the uneasy interplay between the principles of self-determination and territorial integrity back to the surface. The debate is not a new one; it has been going on at least since Woodrow Wilson sealed the fate of the 'prison of nations', as the Austro-Hungarian empire was called, in the aftermath of World War I. Yet the international community is a system of states that is naturally inclined towards self-preservation. Accordingly, the principle of territorial integrity has usually prevailed over that of self-determination. Since 1945, self-determination in the strict sense has been invoked in the decolonization process to support the right of former colonies to attain independence, and in a somewhat broader sense (what some call 'internal' self-determination) to guarantee the population of states the right freely to choose their leaders. This second sense has obviously been subject to wide interpretation.

It has thus not been accepted that the right to self-determination implies a right to secession. Yet secessionist attempts are not a new development in the international arena: Katanga and Biafra both invoked the right to self-determination to justify their drive towards independence. While they did not receive widespread support, partly because some countries were worried about their own integrity, and failed in their attempt, the international order has proved adaptable to successful *de facto* secession; thus, Bangladesh and Eritrea were accepted as new members of the community of states. In general the implicit criteria for international acceptance have been a *de facto* control of territory, the agreement of the states they were leaving, and a referendum, permitting the population to express its will, after the other two conditions had been fulfilled.

The issue came up again with the disintegration of the USSR. Although the Baltic republics had already embarked on a secessionist course by 1990, the attempted coup of August 1991 and the crumbling of the 'centre' accelerated the Union's disintegration. The international community recognized all 15 former Soviet

Republics, provided the will of the population in each had been expressed and the republic had pledged to respect the UN charter and the Helsinki principles. The other two criteria mentioned above were also fulfilled at that time: as the centre collapsed, the republics assumed control of their territories, and the potential irredentist element, Russia, helped bury the federation. Besides, the Soviet constitution granted the sovereign Soviet Republics the right to secede; as a matter of fact, Belarus and Ukraine were full members of the UN.

While in the case of Czechoslovakia the dissolution of the federation took place by agreement between the Czech and the Slovak republics, the real problem arose in Yugoslavia. Several factors complicated the case: there was no inter-republican consensus on the breakup of the federation (as there had been in Czechoslovakia), the centre did not voluntarily crumble (as it had in the USSR), and the existing constitution granted nations, not republics, the legal right to self-determination. Moreover, Serbia was determined to enforce this provision of the constitution on behalf of its ethnic brethren in Bosnia-Herzegovina and Croatia, and had the means to do so. The European Community thought that by opening the door to recognition of Yugoslav republics on the basis of their inter-republican frontiers the war in Croatia could be controlled and other potential conflicts within Yugoslavia prevented. Apart from creating a dangerous precedent, this recognition did not stem the conflict in former Yugoslavia; many think it accelerated the eruption of the Bosnian war and aggravated it. It also undermined the Conference on Yugoslavia that the Europeans had established, and tarnished the Community's reputation, since it did not adhere to its own stated conditions for recognition. Besides, by internationalizing the actual or potential conflicts, and not living up to the consequences of such internationalization, the whole international community lost face.

Some lessons can be drawn from this experience. On such highly sensitive issues as the non-consensual secession or breakup of a multi-ethnic state, the fact that there is a majority in favour of secession in the area wishing to secede does not appear to be the most appropriate mechanism for resolving the problem. Which is the majority that should legitimize the expression of self-determination? In multi-ethnic societies, it is rather the consent of all the ethnic communities that should count. Anyhow, these matters should first be settled through political negotiation, both internal and with potential irredentist states; a referendum could subsequently provide democratic legitimation.

Another aspect of this problem is where to draw borders; the practice in post-communist Europe has been to accept former inter-republican borders as new international borders which automatically become inviolable. This worked smoothly in the USSR in general (the case of Moldova being the clearest exception), but not in Yugoslavia. There is no international legal document granting internal borders any special status in the event of secession, and neither did constitutionally-based justification properly apply in Yugoslavia. Perhaps it might be better to make recognition subject to *de facto* control of territory and political negotiation in order to gain the agreement of the parties concerned; on these grounds Slovenia and possibly Macedonia were in a position to gain recognition, but not Croatia, let alone Bosnia-Herzegovina. The arguments by which the international community recognized Croatia's republican borders, on the grounds that it 'partially' controls its territory, that the majority of the population have expressed their will to attain independence, and

that it was a constitutive entity of the former state, could equally be applied to Crimea. It is an autonomous entity within Ukraine, the majority of its population appear to favour secession, and its authorities seem to be in control of their territory.

It might be wiser to consider recognition openly as a political rather than a purely legal matter, which mostly expresses a *de facto* situation agreed by the central authorities and those wishing to secede, rather than to base recognition inflexibly on the results of referendums and upon existing internal borders. What if the parties do not agree? Experience shows that by granting recognition based on the latter criteria, conflicts are not necessarily avoided, but sometimes precipitated. Political negotiations, incentives, face-saving solutions and flexibility on specific conditions might prove more satisfactory. Ultimately, it may be better to have a peaceful change of borders than to have to come to terms with an unpeaceful one.

The power of attraction of the European Union

To what extent can the appeal of membership to the European Union contribute to the prevention of conflicts in Central and Eastern Europe? In principle, it may contribute in two ways: on the one hand by imposing self-restraint on countries that want to show their good intentions and their readiness for membership; on the other hand, this appeal provides the European Union with important external leverage over the behaviour of potential candidates. This effect has perhaps been best illustrated in the case of Slovakia-Hungary: pressure from the European Community was a key factor in brokering the London accord on Gabcikovo and in encouraging Bratislava to moderate its stance on minorities. The role played by the European Union has also been important, as has that of Scandinavian countries, in discreet diplomatic *démarches* aimed at encouraging moderation in Tallinn's treatment of ethnic Russian minorities. There are certain caveats on the effectiveness of this power of attraction, however. First of all, it seems useful if membership appears likely to be granted in the relatively near future. Otherwise, it might produce frustration. It is thus necessary to find ways of providing countries earmarked for membership with gradual but effective integration. This question is closely linked to the effects of closer integration. For the European Union to have leverage, the population and governments of these countries have to consider EU membership as something worth striving for; if they have to undergo painful restructuring processes but their products are not easily allowed into the European Union, and if this situation is prolonged, the European Union might find itself facing governments that are less amenable. Hence the need to offer some of the substance of integration during the period of transition, which risks being protracted for some Central and East European states. Some degree of market access, technical and financial assistance geared to labour-intensive exports, and perhaps even limited forms of EU membership (closer association with the activities of the CFSP -- as decided on 9 March 1994 by the EU Council of Ministers -- and then membership of the CFSP, for instance) could help preserve the desirability of accession to the European Union.

Another related issue is the geographical limits of membership. The European Union is likely to lose much of its influence in the region if some Central and East European countries feel that they are permanently excluded from the club, especially if they perceive this as an arbitrary decision. The European Union could even undermine regional stability if it was perceived to be drawing lines of division, or if some

countries acted on the assumption that that was the case (there have been signs that the Czech Republic might be distancing itself from other Visegrad countries in the belief that the possibility of its being admitted to the European Union would be greater if it decided to 'go it alone'). This raises the difficult problem of criteria for membership: should all Central Europeans holding Europe Agreements be integrated at the same time, irrespective of their performance in the economic and political fields? What degree of divergence in performance should be tolerated in the interests of regional stability? These are difficult questions to which no clear answer appears in sight at present, but which will have to be addressed by the Union at some stage.

Then there is the problem of those countries for whom membership is not being considered; this concerns Russia in particular, a country too big to be integrated but which is central to some of the potential conflicts in Central and Eastern Europe. In earlier sections it has been shown that Russia is not indifferent to incentives from the West, nor to the attention paid by the West to certain of its neighbours. In this respect the European Union does have important leverage, directly but mostly indirectly through the granting of association status or membership to particular countries. By drawing the Baltic states closer, the European Union is in the view of many already exerting some influence on Moscow's approach to these countries. If this is so, there might be value in earmarking these republics clearly for membership by offering them Europe Agreements immediately.

In conclusion, the power of attraction of the European Union is and may remain an instrument for moderating behaviour, provided membership is forthcoming, perceived as worthwhile and clear as to its geographical coverage.

External intervention versus sovereignty

The widely accepted limitations on external intervention in the internal affairs of sovereign states⁽¹⁸⁷⁾ (the so-called *principle of non-intervention*) has restricted the possibilities of action by the international community in most post-Cold War conflicts in Europe, which are essentially internal. The principle of intervention for humanitarian purposes may be gradually making headway in the international community, but is still far from attaining universal acceptance. Meanwhile, UN resolutions and action in northern Iraq and in Somalia have set some precedent for international intervention without the explicit consent of the state concerned (although in the case of Somalia it is doubtful whether there was a state at all). However, in the case of Yugoslavia, the constraint imposed by the sovereignty of states was among the factors that impeded earlier action. The European Community and later the UN sought the consent of Belgrade for the deployment of EC observers and UN peacekeeping troops in Croatia. In terms of international law, the conflicts in Croatia or in Bosnia-Herzegovina were, until the international recognition of those states, an internal matter within a sovereign state.

Does this mean that international action to prevent potential conflicts with an internal dimension, as is the case in Central and Eastern Europe is precluded? Not necessarily. First of all, the principle of non-interference is not absolute. Art. 2.7 of the UN charter does not 'prejudice the application of enforcement measures under chapter VII' (when the UNSC considers that there is a threat or breach of peace), and limits non-intervention to matters 'which are essentially within the domestic jurisdiction of any

state'. Yet the CSCE participants have declared national minorities 'of legitimate international concern and consequently do not constitute exclusively an internal affair of the respective state.'⁽¹⁸⁸⁾ Likewise, most countries in Central and Eastern Europe more or less willingly accept international 'interference' in their internal affairs concerning minorities. They have invited CSCE missions, visits and recommendations by the HCNM and the COE; they have seemed relatively responsive to EU incentives, and have even welcomed UN preventive deployment. In an emergency, one could hardly envisage FYROM, Estonia or even Slovakia not calling for international 'urgent' preventive measures to avert conflict.

Serbia may be an exception in this respect. Belgrade expelled the CSCE missions from Kosovo and Vojvodina, and has not shown much willingness to compromise over the future of Serbs in Croatia and Bosnia-Herzegovina, despite international isolation and damaging sanctions. The constraints imposed on the international community by the doctrine of sovereignty appear to be hampering 'hard' preventive action, particularly in view of the failure of 'softer' actions which were undertaken with the consent of the state. Yet one could imagine a scenario in which sanctions remain in place until a solution is found for Kosovo. Something similar could happen if Russia faced internal ethnic turmoil. In this case it could be even more complicated, since Moscow has a veto in the UNSC, the only body (since the CSCE is hampered by its consensual approach) with the legitimate right, albeit limited, to intervene in the internal affairs of sovereign states. However, even in the case of Russia some economic incentives or disincentives by the United States, the European Union, or international financial institutions, provided they are used in a discreet, tactful manner, might have some influence on Moscow's behaviour.

A CONFLICT PREVENTION SYSTEM

Is it possible to devise a system aimed at improving the international response to potential conflicts in Europe? On what elements would it be based? Such a system should clearly include mechanisms to provide accurate early warning and assessment of potential conflicts. It should also include a range of options or preventive measures, and effective decision-making procedures which would make early action possible. The system, or parts of it, could be embodied in a single new institution or, more likely, operate as a set of arrangements between international organizations responsible for conflict prevention in Europe. In any case, the objective of this section is to provide elements of what may be seen as a more coherent response to the requirements of conflict prevention. In attempting to do this, it considers the features, criteria and effectiveness of an early warning model. It also considers a range of possible options for conflict prevention, the prerequisites for a workable system, and the obstacles still to be surmounted. Finally, it assesses the feasibility of such a project.

Criteria for early warning

Apart from institutional facilities capable of gathering and analysing information, a comprehensive mechanism for early warning should comprise a model that includes a set of criteria for such an analysis. An ideal conflict prevention system would include a centralised, autonomous body, whether at a global or regional level, to gather and analyse information; the international community, however, is still far from displaying the degree of supranationality required of such a body. Furthermore, devising a well-developed model for early warning is clearly beyond the limited scope of this study. It may, however, be worthwhile to reflect on the criteria on which such an early warning mechanism might be based. In the light of recent experience, the list of criteria could include, for any situation: the historical background of relations, both internally with the ethnic minorities and externally with the backers of local minorities or with other neighbours; the nature of the leadership of the country, its minorities, the backers and other neighbours; the parties' willingness to collaborate; the ability of the parties concerned to attain their goals by force; the democratic character of the country (including respect for the rule of law and human and minority rights), the backers and other neighbours; the economic situation; the attention of the international community (this criterion would be important regarding the Transcaucasus or Central Asia); the prospects of integration into the European Union and other regional organizations; the number of dimensions within potential conflicts; finally, and most importantly in the short term, the 'triggers' which could provoke a latent conflict (for instance the law on aliens and the autonomy referendums in the case of Estonia, or the arrest of ethnic-Albanian officials in the case of FYROM).

While a model quantifying these factors could be helpful, in the end the usefulness of any model depends on the way its predictions are interpreted by those who are to give early warning to decision-makers and those who are to make decisions on the necessary conflict-prevention measures. As with all models, this one would be a useful tool for decision-makers, but would not and should not aim at replacing them.

A range of instruments

Within the system, perhaps operated by the existing organizations, there would be a range of instruments to be used in averting conflicts. Most of these already exist; the idea of the system would be to coordinate them more effectively. This range of options also assumes a more centralised or at least coordinated decision-making process than that which exists at present among the numerous organizations and countries that make up the international community, at least as far as the choice of tools to use for particular cases is concerned.

We can distinguish between 'soft', 'intermediate', and 'hard' measures. Their classification depends on their profile, the constraints imposed (both on the parties and on the international community), and their dependence on the will of the parties involved. Soft measures are those which are not very constraining, are usually discreet and low-profile, and depend to a large extent on the goodwill of the parties. They include the missions and recommendations of the HCNM,⁽¹⁸⁹⁾ fact-finding and long-term CSCE missions, arms control measures and CSBMs within the CSCE Forum for Security Cooperation,⁽¹⁹⁰⁾ and COE's monitoring and technical advice. One could also consider as soft measures, though slightly more constraining, EU assistance (PHARE or TACIS (Technical Assistance to the CIS)), EU Association Agreements and political or diplomatic mediation and pressure, the Pact on Stability in Europe, WEU's 'associate partner' status for Central Europeans and activities within NACC or NATO's Partnership for Peace.

'Intermediate' measures would be those that have a rather higher profile (in relation to the urgency of the measure) and would be less dependent on the cooperation of the parties involved. They would comprise early warning and early action by the HCNM, the sending of fact-finding missions under the CSCE Moscow and Emergency mechanisms, public warnings or the threat of sanctions by the European Union and the preventive deployment of observers and troops with a traditional UN peacekeeping mandate.

Finally, in emergency situations where tension is very high and the outbreak of hostilities is imminent, 'hard' measures should be used, including EU and/or UN sanctions and their enforcement, a muscular preventive deployment, or even some enforcing action aimed at freezing hostilities which are just starting (when the first skirmishes have taken place, for instance). This can be done with UN legitimacy, and conducted by WEU and/or NATO, or more likely by coalitions of the willing and able.⁽¹⁹¹⁾

Finally, another option may merit consideration: the possibility that the international community contains or isolates a potential or emerging conflict, rather than getting involved and trying to prevent it. What could be called a 'sarcophagus technique' would aim at preventing possible spillover from a potential conflict, by a preventive deployment at a country's borders, for instance. As a preventive technique, however, it would not appear very courageous on the part of the international community, which should at least attempt to prevent armed conflict. In most cases that requires some degree of intervention in disputes, through an appropriate combination of the measures outlined above. Yet, averting possible spillover, if initial attempts at

prevention prove unsuccessful, appears a reasonable alternative approach, and should be taken into consideration by policy-makers.

Prerequisites

The success of such a system would depend on the fulfilment of certain fundamental conditions, for the most part quite well-known. First of all, such a system assumes a workable division of labour among different existing organizations, agreed in advance, together with a high degree of coordination of their actions. The aim is to present a common front and avoid duplication or, what is even worse, counterproductive action. Coordination should permit a common stance, the early identification of potential conflicts and swift action to defuse them. Another key element is the resolve and determination to progress through the range of conflict prevention measures, which requires an important dose of political will; no system will work well if it is not credible. Similarly, the chances of success of preventive action will increase if the international community takes a comprehensive approach to potential conflicts, not just with respect to the range of options, but also to the parties concerned. Pressure and motivation should be directed at all the parties involved, both internal parties and their backers (not only Belgrade, but also Zagreb in the case of Bosnia-Herzegovina).

Obstacles

The obstacles to conflict prevention have already been mentioned in previous sections. There may be value, however, in summarizing them so as to provide a clear picture of the difficulties of devising a workable system of conflict prevention. At present, conflict prevention, in an international community formed by states that are fiercely suspicious of external interference with their internal matters, is hampered by the constraints imposed by sovereignty. The difficulties of decision-making in most international organizations, where consensus is the rule, and the slowness of the international community in gathering momentum for action, constitute another hindrance to effective prevention. Moreover, and probably most important, lack of political will greatly undermines the credibility of international action. This is linked to the role of public opinion in democracies, as well as to the range of interests among member states of international organizations (which can provide fatally mixed signals to parties in conflict); international organizations cannot compensate for this themselves.

Furthermore, the existing instruments are also far from perfect. To begin with, international organizations have certain inherent shortcomings that make them inadequate tools for the system described;⁽¹⁹²⁾ the most important drawback is their dependence on the cooperation of their leading members, few of whom feel the pull to engage themselves.⁽¹⁹³⁾ Besides, there are no independent UN forces that are not subject to the whims of national governments, which themselves can be influenced by the 'CNN effect' on public opinion. Some of the institutions that deal with the key element of early warning are badly understaffed (HCNM, CPC), and there is no arrangement for recruiting at short notice international mediators who would have widespread support from the international community (a standing list of those prepared to serve could be of value). Finally, some conflicts may just be intractable, barring armed intervention to impose an end to hostilities; this might be the case for

conflicts like that in Afghanistan, or perhaps Somalia, both cases where a very fragmented society is involved in an all-out war with unclear lines of division.

The international community, at a global or European level, does not therefore appear ready for a centralised system of conflict prevention, let alone making decisions and deciding on options by majority vote. Bureaucratic inertia, lack of common interests and, most importantly, lack of political will, appear at present insurmountable obstacles to such a system. `Ad hoc-ism' and untidiness in preventing conflicts will therefore remain a basic feature of the international order for some time to come. Nevertheless, there is a growing international awareness of the need to identify and defuse potential conflicts at an early stage; hence the profusion of new instruments aimed at least partially at conflict prevention: the HCNM, CSCE long-term missions, the Pact on Stability in Europe, the Partnership for Peace, WEU's `associate partner' status and the precedent created by the preventive deployment of UN troops to avert an initial outbreak of conflict in FYROM.

CONCLUSION

This paper has analysed four cases of actual or potential armed conflict in Central and Eastern Europe and the role of the international community in attempting to prevent them. These four cases -- Slovakia/Hungary, Estonia/Russia, FYROM and Bosnia-Herzegovina -- represent the type of disputes that have occurred in the region since the demise of the communist bloc. They combine situations of socio-economic hardship and political instability, the re-emergence of nationalist rhetoric, and the conflicting claims of ethnic communities in frail, pluri-ethnic states that are undergoing a process of nation-state building. The four cases studied have all taken place in or around new states that have broken away from larger federations, where ethnic majorities are struggling to assert a preferential position against the opposition of ethnic minorities that have often enjoyed the support of their neighbouring motherland.

Apart from these general aspects, however, each of these cases presents fairly specific features regarding: the ethnic interplay in the former federation (which affects current inter-ethnic relations); the attitude and means of external backers of the ethnic minorities; the scope of these minorities' demands; the role of the former federal armed forces; the dimensions of the conflict (single or multi-faceted); the goodwill displayed by the parties; the quality of leadership; the position of the parties *vis-à-vis* the West in general and the European Union in particular; the interest or readiness of the international community to intervene; and finally, the likelihood of armed conflict breaking out. The study shows a gradation in the four cases in relation to these factors: thus the role of the backer, the claims of minorities and the polarization of the parties have all been most important in the case of Bosnia-Herzegovina, leading to a greater likelihood of conflict, and less important in the case of Slovakia, with a correspondingly lower risk of conflict.

The international community, which was at first quite unprepared for the emergence of the new conflicts that replaced the Cold War certainties in Europe, has tried a number of measures to defuse or de-escalate emerging conflicts, with mixed results. This experience has provided several lessons for conflict prevention. First of all, despite the variety of situations, some rules have general validity: the need for economic assistance and open markets to help Central and East European countries overcome their economic problems, the need for a coordinated stance and early identification and action by the international community, the need for a wide range of options or tools for conflict prevention and, most importantly, the necessary political will to use them. Beyond these general rules, a substantial degree of discretion must remain in the hands of policy-makers as to the right timing and the appropriate package of measures, depending on the specific situation.

More particularly, the study has shown that minority rights remain a highly sensitive issue where no widespread consensus on how they should be dealt with appears in sight, and where a combination of *de facto* implementation of the 'substance' of these rights, with external funding, and the declining importance of borders through regional integration, may improve the situation of minorities without increasing tensions. The analysis has also shown the reassuring effects of preventive deployment, particularly if backed by a credible commitment to step up efforts if

necessary, and has argued for a 'muscular' deployment where required. These cases have also shown that the attitude of backers remains fundamental, and that the use of adequate incentives and an international presence, if applied early enough, can have positive results. Moreover, the quality of leaders has proved of key relevance as well: appropriate external support to the policies of the good ones, measures encouraging openness, a clear statement as to the limits of behaviour acceptable to the international community, and suggestions for compromises permitting face-saving when confronted with bad ones, may work. High-profile and low-profile approaches have shown that they have complementary value, depending on the urgency of the situation. Furthermore, the power of attraction of the European Union has been useful in encouraging moderation by parties interested in and earmarked for membership, although there are several caveats on the preventive value of this factor. Finally, the study has explored the possibilities of a system that would improve the existing mechanisms for conflict prevention, and has shown the difficulties posed by bureaucratic inertia, diverging interests, the slowness with which momentum is built up, and the remaining constraints imposed by sovereignty on international preventive action. However, the recent reinforcement of conflict prevention capabilities has also been described; while the international community is unlikely to move to the system of prevention outlined, its awareness of the value of conflict prevention has certainly increased.

In this respect, and even though this paper does not deal specifically with the institutional aspects of conflict prevention, three recent initiatives merit some consideration in these final pages. The French proposal, endorsed as one of the first joint actions by the European Union, for a Pact on Stability in Europe, aims to provide political momentum and incentives for the conclusion of bilateral and regional treaties between countries in Central and Eastern Europe, combining minority rights and border guarantees. It is a useful proposal attempting to provide an extra ounce of encouragement to these states, so that they can conclude successful and reassuring arrangements. Worthwhile as it is, this initiative produced initial concern that it might create duplication and undermine the CSCE, that some of the most pressing potential conflicts were not included (Kosovo, FYROM, Ukraine), and that a highly publicised international process might not be the best way to deal with sensitive issues for which no agreement might be better than unsatisfactory bilateral agreements accepted unwillingly by some of the parties. Nor is it yet clear that the sour aftertaste left by what was perceived by some as Western arrogance and double standards in making this proposal has completely disappeared.

NATO's proposed Partnership for Peace also reveals a preventive approach, for it aims partially at increasing confidence among Central and East European partners. These will cooperate in joint training for peacekeeping activities, their defence budgets will become more transparent, they will learn the habits of civilian-military relations in democracies, and, last but not least, their demoralised armies might find a new *raison d'être*. Nevertheless, the Central Europeans would feel more reassured by this broad initiative if it were more discriminating and/or provided hard security guarantees.

In addition, the decision by the WEU ministerial meeting in Luxembourg on 9 May 1994 to give the members of WEU's Forum of Consultation (the Baltic states, Bulgaria, the Czech Republic, Hungary, Poland, Romania, and Slovakia) 'associate

partner' status can also be seen as an important step towards increasing the security links between Western Europe and these countries. As with the NATO proposal, the actual substance of this arrangement remains to be seen,⁽¹⁹⁴⁾ and it also falls short of including hard security guarantees.

In the end, there may be grounds for relative optimism as to the likelihood of conflict in Central Europe, since most of the countries in the region either lack the means to impose their claims by force, or are too dependent on the West, i.e. the European Union. Serbia remains the regional exception. In the near future, however, three problems not discussed in this paper will probably test the capabilities of the international community for conflict prevention: the issue of Russia, and the potential problems in Kosovo and Ukraine. Each of these cases deserves separate study.⁽¹⁹⁵⁾

Ultimately, the basis for stability is well-known: democracy and socio-economic development provide the greatest hope for managing the problems of Central and Eastern Europe, particularly inter-ethnic relations. Although the reality of pluri-ethnic societies will remain a source of potential conflict, democratic habits and a stable economic situation will make it easier to find channels of dialogue among different ethnic groups and ways to integrate ethnic minorities so that they can participate fully in the economic, social and political life of their host countries. Institutions⁽¹⁹⁶⁾ like the CSCE and the COE have a strong role to play in promoting or facilitating dialogue, democratic behaviour, and respect for human and minority rights. This role would be reinforced if, for instance, CSCE members agreed a priori to welcome CSCE or COE monitors and fact-finding missions (including those of the HCNM), to submit disputes to the recently created Court of Conciliation and Arbitration, to host CSCE long-term missions when requested by a number of CSCE members, or to subscribe to the protocol on minority rights of the European Convention on Human Rights.

The European Union also has a fundamental role to play in projecting stability and preventing conflict. By drawing Central and East Europeans closer together through association or Europe Agreements, the importance of borders is diminished and EU candidates are offered a strong incentive to settle their differences peacefully. By providing some of the substance of integration through market access, financial and technical assistance, and perhaps partial membership of the Union or one of its pillars (such as the CFSP⁽¹⁹⁷⁾), the European Union can help stabilize the region throughout the period of transition prior to membership. Meanwhile, by encouraging sub-regional integration, even for those who may not be eligible for membership, the European Union can enhance the effects of external assistance, avoid frustration among those not finally chosen (Belarus, Russia, perhaps the Ukraine or Moldova, and surely the Transcaucasian and Central Asian states), and create a sound basis for regional cooperation.

1. For clarity, the term *nationality* will be used in this paper in an ethnological or anthropological sense (a group of people having a common origin, history, language, and traditions) whereas *nation* will mostly relate to the political manifestation of this ethnic community. Thus the nation will put forward political claims ultimately aimed at building a state -- a nation-state.

2. One should bear in mind the novelty of the situation created by the collapse of the communist bloc, and the inadequacies of a Western security system designed for defensive purposes and therefore ill-suited to outside conflict prevention or management. Moreover, the particular circumstances of the major international players on the European scene did not facilitate the task; the United States was suffering a recession and had a presidential election in 1992, and the European Community had been busy throughout 1991 negotiating the Maastricht treaty.

3. The focus will be on these three years, starting with efforts to prevent a conflict from arising in Bosnia-Herzegovina in 1991, and continuing until the end of 1993. Reference will of course be made to previous years, and the paper will include current events that might be of relevance to the conclusions drawn in this study; otherwise, the December 1993 cut-off will be maintained.

4. The analysis focuses on the role of international and regional organizations, such as the European Union, the CSCE, the Council of Europe and the UN. Given their particular relevance for European security, it would not be possible to exclude the US and Russia.

5. In *An Agenda for Peace*, the term preventive diplomacy is defined as the 'action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur.' With respect to the measures involved, the Secretary-General states that 'Preventive diplomacy requires measures to create confidence; it needs early warning based on information gathering and informal or formal fact-finding; it may also involve preventive deployment and, in some situations, demilitarized zones.' Boutros Boutros-Ghali, *An Agenda for Peace, Preventive Diplomacy, Peacemaking and Peace-keeping*, Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992 (New York: United Nations, 1992).

6. 'Softer' here means less constraining with regard to their effects on the parties involved in the dispute but also on the external actors which execute them. The criteria to be used to distinguish a 'soft' from a 'hard' approach relate to whether the consent of the parties is needed, the impact of the particular measure on the parties, and the economic/political commitment demanded from the international community in taking and implementing such decisions. In this paper, the term 'softer' is closely associated with the concept of 'long-term' measures, or those to be applied in cases where an armed struggle is not about to begin.

7. The approach used here is somewhat different from that of Jennone Walker, who has stated that 'the West should consider not only what might be called hard mediation -- efforts to find specific solutions to specific disputes, but also soft mediation -- the broader question of what outsiders can legitimately and usefully do to

ease tensions among ethnic groups.' See Jennone Walker, 'International Mediation of Ethnic Conflicts', *Survival*, Spring 1993, p. 105. In this paper the distinction between hard and soft measures refers to the urgency of the situation and the constraining nature of the instruments to be put in place; specific disputes might require soft prevention, provided the situation is not polarized and the parties show goodwill.

8. This case covers efforts to de-escalate the conflict in Croatia and prevent a war in Bosnia-Herzegovina. It therefore only covers the period up to in April 1992, when a full-blown war erupted in the latter.

9. These four cases illustrate the re-emergence of nationalism against a background of economic hardship and socio-political instability in Central and Eastern Europe, and the related processes of state disintegration/building at work in the region. Estonia, Slovakia, Bosnia-Herzegovina and FYROM are new, rather weak states, struggling to assert their independence and their 'nation-statehood' against vocal ethnic minorities. These minorities are generally accustomed to a privileged situation (ethnic-Albanians in FYROM being the exception), or at least a more protected one in the framework of larger multinational states.

10. Until the 19th century Hungarian feudal lords exerted control over their serfs, whether ethnically Slovak or Hungarian, in the area of what is today Slovakia. This loose domination was tightened up after 1867, when the Hungarian state introduced a policy of forced Magyarisation on its ethnic Slovak citizens.

11. In Hungary the environmental movement was born in 1984 and soon equated the environmental fight to the struggle for democracy. However, no such movement took place under Czechoslovakia's more stringent communist leadership. See Karoly Okolicsanyi, 'Hungary Cancels Treaty on Danube Dam Construction', *RFE/RL Research Report*, vol. 1, no. 26, 26 June 1992, p. 48.

12. Whereas the Hungarians had only built 30% of their part.

13. Meciar claimed that 'some people are using the discussions about Gabčíkovo for nationalistic goals' (Radio Budapest, 8 October 1992), and accused Hungarian leaders of 'nationalism, chauvinism and anti-semitism' (Radio Budapest, 30 October 1992), in *BBC Summary of World Broadcasts (SWB)*.

14. The deteriorating relations between Prague and Bratislava also affected the issue. At one point, for instance, the Czech finance minister, Ivan Kocarnik, said that Gabčíkovo was not a Czech problem. On another occasion, the federal Deputy Prime Minister, Antonin Baudys, stated that 'the Czechoslovak federal government has *de jure*, but not *de facto* control over the project.' Karoly Okolicsanyi, 'Slovak-Hungarian Tension: Bratislava Diverts the Danube', *RFE/RL Research Report*, vol. 1, no. 49, 11 December 1992.

15. According to K. Okolicsanyi, Hungary's insensitivity is partially to blame, together with Slovakia's insistence on continuing construction, for 'the Hungarian government stressed throughout the conflict that the diversion of the Danube was unacceptable to Hungary. The Hungarian side did not, however, provide a political face-saving device for Bratislava. The idea of compensation never came up.' In

Karoly Okolicsanyi, 'Slovak-Hungarian Tension: Bratislava diverts the Danube', *RFE/RL Research Report*, vol. 1, no. 49, 11 December 1992. Budapest did however offer to build gas turbines free of charge to replace the anticipated energy output of the Gabčíkovo dam in June 1991, but the offer was rejected.

16. For the ICJ rulings to have a binding effect both parties would have to have acknowledged its jurisdiction. However, Prague had not done so.

17. The CSCE emergency mechanism was halted after the first phase (request for clarification). Even if this was due to the fact the European Community had succeeded in bringing the parties back to the negotiating table, there were technical reasons regarding the suitability of this mechanism for tackling this dispute, 'having in mind the long-standing nature of the dispute and the existence of more appropriate CSCE mechanisms, such as the Valetta mechanism for the peaceful settlement of disputes.' See Arie Bloed, 'The CSCE in the post-Helsinki Era', *Helsinki Monitor*, vol. 3, no. 4, 1992.

18. Frank Andriessen had set three conditions for EC intervention: a letter from both parties requesting EC involvement, a commitment that the final recommendations would be accepted, and the promise to refrain from hampering the investigation. Neither party was prepared to accept the second condition, while the third was unacceptable to Slovakia (which wanted to finish the project by October 1992). See Okolicsanyi, *op. cit.* in note 11.

19. In a meeting with the Czech Foreign Minister, Josef Zieleniec, in Bonn, Kinkel stated that 'a unilateral diversion of the Danube would violate EC conditions for negotiations between the parties concerned and that if such a diversion were to take place, both successor states of Czechoslovakia would be judged by Europe as unreliable partners', Radio Budapest, *BBC SWB*, 23 October 1992.

20. See Okolicsanyi, *op. cit.* in note 14.

21. While tension over the issue of water distribution remains, an agreement was reached in September 1993 on a fact-finding group of independent experts proposed by the European Community, which is to make a final proposal on water distribution. See Alfred A. Reisch, 'Hungarian-Slovak Relations: A Difficult First Year', *RFE/RL Research Report*, vol. 2, no. 50, 17 December 1993, p. 18.

22. A final agreement to submit the case to the ICJ was signed by Hungary and Slovakia on 7 April 1993 in Brussels, and the dispute was officially handed to the Court on 9 July 1993. *BBC SWB*, 9 July 1993.

23. *BBC SWB*, 4 March 1993.

24. See Alfred A. Reisch, *op. cit.* in note 21.

25. Ethnic Hungarians are present in 11 of Slovakia's 37 districts, forming a small majority in only two of them. However, because of the first-past-the-post electoral system, their presence appears much more concentrated.

26. Of the 1,000,000 ethnic Hungarians living in Slovakia at the end of World War I, many were expelled after World War II, when the decree by the Benes government blamed the ethnic Hungarian and German minorities for collaboration with the Nazis. Expulsions and exchanges followed, bringing down the number of ethnic Hungarians to the present 10-11% of the population.

27. Romania is host to the largest ethnic Hungarian minority which, according to the most widely quoted estimates, numbers 2,000,000. Ukraine, Serbia (where they are concentrated in the formerly autonomous province of Vojvodina) and Croatia have smaller groups, in relation to their population.

28. Pierre Béhar puts it very bluntly: 'These three countries [Serbia, Romania and Slovakia] have three things in common: they have the largest Hungarian minorities, they are governed by national communist coalitions and they are prey to such serious economic difficulties that their leaders seek by every means possible to channel popular discontent . . .' See Pierre Béhar, 'Minorités Hongroises: La Nation de l'ombre', *Politique Internationale*, no. 60, Eté 1993, pp. 130-1.

29. Ukraine is the only neighbour with which Budapest has concluded a bilateral treaty (on 6 December 1991), following Kiev's guarantee of minority rights to 150-200,000 ethnic Hungarians living in the Transcarpathian region. The treaty states that both countries respect the other's borders and have no territorial claims either at present or in the future, which means that these borders cannot be revised either by peaceful or non-peaceful means. See *BBC SWB*, 7 December 1991.

30. 'I wish to be the head of government for 10 million Hungarian citizens, but I wish to be the Prime Minister of 15 million Hungarians emotionally as well as spiritually.' *BBC SWB*, 16 August 1992.

31. The then Hungarian Prime Minister, József Antall, stated that 'on the issue of borders we accepted the Helsinki Final Act and the Paris charter . . . at the same time the renunciation of aggressive methods of changing borders means that we expect guarantees that Hungarians, as a minority and from a human rights point of view, are treated well in those territories.' *BBC SWB*, 16 August 1992. The Foreign Minister, Géza Jeszenszky, went further when he advocated reshaping Europe 'like the Vienna Congress had to do it in 1814-15 or like the Paris Conference did in 1919.' See Géza Jeszenszky, 'What we need under the present circumstances is a completely different CSCE', *Current Policy*, no. 4, 1992, p. 1.

32. However, in June 1990, on the 70th anniversary of the Treaty of Trianon, the Hungarian parliament passed a resolution stating it had no intention of changing any border and seeking to establish good relations with all Hungary's neighbours.

33. Miklós Duray's Coexistence, with 9 seats, and Béla Bugar's Hungarian Christian Democratic Movement (HCDM) with 5 seats, reaped 75% of the ethnic Hungarian vote in Czechoslovakia's general election on 5-6 June 1992, which saw the victory of Meciar's pro-independence Movement for a Democratic Slovakia. Gyula Popely's Hungarian Civic Party and the Independent Hungarian Initiative got 2.3% of the total vote but no parliamentary representation. See Alfred Reisch, 'Meciar and Slovakia's

Hungarian Minority', *RFE/RL Research Report*, vol. 1, no. 43, 30 October 1992, p. 14.

34. 'Hungarian deputies . . . said that while they supported any nation's right to self-determination, they thought that the right should also be extended to national minorities.' *Ibid.*, p. 16.

35. The ethnic Hungarian minorities have sought mostly cultural autonomy articulated through local self-administration, which might evolve into some sort of regional autonomy. A certain vagueness and ambiguity, combined with a large dose of caution not to irritate local sensitivity further, can be easily spotted in declarations:

- thus Miklós Duray (Coexistence) contended that 'we think in terms not of territorial autonomy but in terms of several areas, and we derive territorial autonomy from local self-government, from the regional alliance of self-governments.' See *BBC SWB*, 18 June 1992.

- for his part, Béla Bugár (HCDM) declared that 'we have clearly stated that our aim is cultural and educational self-administration, and not territorial self-administration or a province', but then he stated that 'we are concerned about the sphere of education and culture and about the transfer of powers to the regions.' See *BBC SWB*, 4 January 1992.

36. Reisch, *op. cit.* in note 33, p. 17.

37. In an interview with *Le Monde*, Meciar contended that 'Hungary's advocacy of first cultural and then territorial autonomy for Magyar minorities beyond its borders was an ill-conceived scenario for their subsequent annexation.' *Le Monde*, 7 July 1992.

38. Ethnic Hungarian women had to add the Slovak feminine suffix '-ová' to their surname, rather than the Hungarian '-né'.

39. Pierre Béhar accurately reflects this situation when he states that 'the temptation for Serbia, Slovakia and Romania to put pressure on Budapest is even greater because the Hungarian armed forces are very modest in size.' Although this may not be the case *vis-à-vis* Slovakia in particular, it highlights the different relative strengths of Hungary and Serbia or Hungary and Russia. Béhar, *op. cit.* in note 28, p. 135.

40. In July 1992 the EC expressed its concern over the status of Slovakia's national minorities in connection with Bratislava's plans to adopt a declaration of sovereignty and a constitution. Reisch, *op. cit.* in note 33, p. 18.

41. In late November 1992 Miklós Duray lobbied the Council of Europe regarding the situation of the ethnic Hungarians in Slovakia; on 11 December 1992, 'three of Slovakia's four Hungarian ethnic parties sent a joint statement to the CSCE listing shortcomings regarding the observance of the Helsinki principles that, according to them, were to be found in Czechoslovakia's . . . legal system.' Alfred Reisch, 'Slovakia's Minority Policy under International Scrutiny', *RFE/RL Research Report*, vol. 2, no. 49, 10 December 1993, p. 37.

42. During a visit of Mme Catherine Lalumière, the Secretary-General of the Council of Europe, to Bratislava on 12 July 1992, Prime Minister Meciar asked the Council of Europe to establish an international commission to monitor human rights in Slovakia.

43. See *BBC SWB*, 15 January 1993.

44. The relatively much smaller Slovak minority in Hungary arrived only 300 years ago, and has been largely assimilated. Of the estimated 100,000 ethnic Slovaks at present in Hungary, only some 15,000 are thought to speak Slovak.

45. These include the signing of the European Convention on Human Rights and the provision of guarantees for minority rights based on COE's recommendation no. 1201. The latter aimed at ensuring the use of family and Christian names in the mother tongue and of locality, street and other names in the minority language. It also suggested that any administrative reorganization should take into account minority rights. See *BBC SWB*, 13 May 1993.

46. The Czech and Polish Prime Ministers sent letters to Antall asking him not to oppose Slovakia's membership, and Poland's president followed the same approach to his Hungarian counterpart.

47. The law declares Slovak to be the only official language but permits the use of Hungarian in communities where ethnic Hungarians make up at least 20% of the population.

48. A demonstration took place in Komarno to oppose the project to divide the country in eight regions, in a way that would allegedly divide the area where ethnic Hungarians constitute the majority into five parts. See 'Le Malaise des Hongrois de Slovaquie', *Libération*, 7 January 1994.

49. Slovakia's President Kovac, widely regarded as a moderating factor on minority problems, considered the initiative 'in conflict with the Slovak constitution' and called it 'a dangerous game'. The Parliament pushed things further: the chairman talked of the declaration as 'anti-state activity', and a resolution was passed stating that the implementation of the plan could 'damage the territorial integrity of the country and dismantle the coexistence of citizens and cooperation between different nationality groups.' See Sharon Fisher, 'Meeting of Slovakia's Hungarians Causes Stir', *RFE/RL Research Report*, vol. 3, no. 4, 28 January, 1994, p. 44.

50. Statements by some Hungarian politicians did not help. The Hungarian Socialist Party chairman, Gyula Horn said that ethnic Hungarians living in Slovakia had 'a right to self-rule in areas where they are in the majority.' For his part, the MFA Jeszenszky declared there was no basis for signing a bilateral treaty yet, and that Slovakia should be reorganized administratively into 'ethnic cantons'. *Ibid*, p. 45.

51. The proclamation included the co-officiality of the Hungarian language in areas where Hungarians are in the majority, the right to address and be addressed in Hungarian in public administration settings where ethnic Hungarians make up at least 10% of the population, quotas in public institutions, and a share of state and local

budgets according to their proportion of the local population. Two alternatives for the reorganization of Slovakia along ethnic lines (producing provinces where ethnic Hungarians are in the majority) were also proposed. Ibid, p. 46.

52. Hungary's Law on the Rights of National and Ethnic Minorities was passed on 7 July 1993. It provides for the establishment of local minority self-governing councils and the creation of a national ethnic minority fund. It also grants minorities the right to education in their mother tongue, the right to use their language in official bodies, and to be addressed in their mother tongue by civil servants in the areas where they live; It even provides for public radio and TV, including programmes in the minorities' languages, and creates the post of ombudsman for national minorities. See Edith Oltay, 'Hungary Passes a Law on Minority Rights', *RFE/RL Research Report*, vol. 2, no. 33, 20 August 1993, pp. 57-8.

53. On 15 December Kovac had a meeting with several Coexistence senior members at which he stressed the 'need for dialogue and the willingness of both sides to accept compromise solutions.' He also met representatives of ZMOZO on 17 December, and was probably instrumental in the subsequent toning down of the programme on 8 January. In any case ZMOZO's leaders appreciated the gesture, noting that he was 'the first official to take formal notice of the association's existence.' See Sharon Fisher, *op. cit.* in note 49, p. 44.

54. The HCNM, in a letter on 25 November 1993, recommended that the Slovak authorities upgrade the functions of the government's council on minorities, such that 'the dialogue would not restrict itself to discussions on future legislation, but would also be used to help solve problems of non-legislative character.' *CSCE Communication* no. 308, Prague, 25 November 1993.

55. Hungary's interest in not isolating Slovakia was also evident regarding a possible expansion of Western defence organizations. When Western leaders, such as German Minister of Defence Volker Rühle, spoke of expanding NATO eastward but mentioned only the Czech Republic, Hungary and Poland, Antall, together with Havel and Walesa, declared that Slovakia had to be included. See Reisch, *op. cit.* in note 24, p. 23.

56. The present Hungarian government is under pressure to sign bilateral treaties with its neighbours, lest more nationalist leaders and parties use the minorities issue in the forthcoming electoral campaign (a general election is to take place in May).

57. By early 1989, there were 475,000 ethnic Russians in Estonia (30.3% of the population). See Aksel Kirch, 'Russians as a Minority in Contemporary Baltic States', *Bulletin of Peace Proposals*, vol. 23 (2), 205-212 (1992), p. 205.

58. Of the three Baltic republics, Estonia had the worst inter-ethnic relations. Surveys conducted in 1991 showed that 37% of those interviewed thought that inter-ethnic relations were bad, 23% of non-Estonians replying that they preferred to migrate. See Raivo Vetik, 'Ethnic Conflict and Accommodation in Post-Communist Estonia', *Journal of Peace Research*, vol. 30, no. 3, 1993, p. 271.

59. According to the 1989 census, 50% of the inhabitants of Tallinn are non-Estonians but they represent 96% of the population in Narva, and 79% in Kohtla-Jarve. See Kirch, op. cit. in note 57, p. 205.

60. During the Soviet period, the Russian language displaced the Estonian language from many professions and areas. Thus, the language law of 1989 gave civil servants 4 years to acquire a basic knowledge of both Russian and Estonian. At the moment of passing the law, 74% of Estonians declared they had a good knowledge of Russian, whereas only 37% of non-Estonians had a good knowledge of Estonian. See Vetik, op. cit. in note 58, p. 274.

61. See Ann Sheehy, 'The Estonian Law on Aliens', *RFE/RL Research Report*, vol. 2, no. 38, 24 September 1993, p. 7.

62. Besides, the law on national elections of 6 April 1992 stated that only citizens could vote in national elections. *Ibid.*, p. 8.

63. In the March 1990 elections for the 105-seat Supreme Soviet, the pro-independence Popular Front and Congress of Estonia obtained 49 seats, the Progressive Communists of the Free Estonia Coalition 29 seats, and the pro-USSR Communists 27 seats. In September 1992, most seats (29) went to the Pro-Patria (Isamaa) coalition, the Secure Home (Kindel Kodu) coalition (17), and the Moderates (12), but none to Russian-speaking candidates. See Dzintra Bungis, 'Elections and Restoring Democracy in the Baltic States', *RFE/RL Research Report*, vol. 2, no. 38, 24 September 1993.

64. In a local radio station in Narva, the answer to the question 'Who are we?' was 'Probably we are still citizens of the former Soviet Union, maybe still persons without citizenship, but surely we are already second-class people.' See Vetik, op. cit. in note 8, p. 275.

65. Yeltsin's decree of 29 October 1992 suspending the withdrawal of troops was linked to alleged violations of the rights of Russian speakers. Moreover, Andrei Kozyrev talked of discriminatory practice in Estonia at the 47th Session of the UN General Assembly, and Russia filed an official protest against Estonian membership of the COE in May 1993.

66. Raino Pekkanen and Hans Danelius, 'Human Rights in the Republic of Estonia', in *Human Rights Law Journal*, vol. 3, 1992, p. 239. Paradoxically, the rapporteur assessing Estonia's application for membership of the COE, Mr Bratinka, considered that 'the expert advice given by the Council of Europe, *including during the visit of Mr Raimo Pekkanen . . . and Mr Hans Danelius . . .* has been taken into account [in drawing up the constitution] so that the result can be looked upon as a modern constitution.' Art. 50 grants 'ethnic minorities the right to establish institutions of self-government in the interest of the national culture', and Art. 51 stipulates that 'in localities where at least half of the permanent residents belong to an ethnic minority, everyone shall have the right to receive answers from state and local government authorities in the language of the ethnic minority.' Both articles, however, apply to citizens of Estonia, thus excluding one third of the country's inhabitants.

67. See 'Russians in Estonia', *RFE/RL Daily Report*, no. 22, 2 February 1994, p. 6. In all, 16,324 non-Estonians had obtained Estonian citizenship by the beginning of February 1994 (of these 12,329 were holders of Congress of Estonia cards, 3,390 had succeeded in the regular naturalization procedure, and 605 were due to outstanding merit in the service of the Republic of Estonia). See *BBC SWB*, 25 March 1994.

68. According to the first draft of the law, there was no guarantee that those who had come to Estonia before 1 July 1990 (when the law on emigration, now superseded by the new law, came to force) would be granted a residence permit, which in any case would have to be renewed every five years. See Anne Sheehy, *op. cit.* in note 61, p. 9.

69. Yuri Mishin, town councillor of Narva and chairman of the Union of Russian citizens of Narva, explained his concept of autonomy by declaring that 'the Russian language must enjoy equal rights with the Estonian language on the autonomous area's territory. All citizens will have the right to be elected to local bodies of self-management in Narva, and the town itself must be granted the status of special economic zone.' *BBC SWB*, 30 July 1993.

70. See Anne Sheehy, *op. cit.* in note 61, p. 9.

71. The text also stipulated that nobody could be expelled from Estonia until two years had passed following promulgation of the law.

72. Its statute was approved by the President on 22 September 1993. It provides for the participation of a presidential representative to the Table; only he/she may present recommendations and proposals made by the Table to the President.

73. Ans-Enno Lohmus, who presented the bill on cultural autonomy, declared that 'it is Estonian citizens who have the status of minorities here. The issue of the individuals who have not opted for Estonian citizenship . . . the present law does not apply to them and their problems are resolved by the law on foreigners.' *BBC SWB*, 26 October 1993.

74. The HCNM recommended, when implementing the Law on Estonian Language Requirements for Applicants for Citizenship, that these requirements be waived for disabled people and for those born before 1930.

75. From a maximum of 20,000 retired Soviet Army officers in Estonia in 1989, there remain 11,000, or a total of 35,000 if their close relatives are included. None of these 35,000 was entitled to apply for Estonian citizenship according to the Law on Aliens. The HCNM had recommended that the law be restricted to officers demobilized in Estonia after 1991. Finally, the decree on the status of former Soviet officers and their families of 1 December 1993 included the possibility of offering residence permits as exceptions to the Law on Aliens. These exceptions are to be granted case-by-case by a special governmental commission.

76. Russia cut off gas supplies to the Baltic states, arguing that payments were being delayed. Surprisingly enough this happened while the law on aliens was being discussed.

77. Post-electoral claims by Kozyrev pointing at a continuing military presence in the Baltic states, including Estonia, have not helped either. Even more worrying were Andranik Migranyan's remarks that Russia had made a fundamental mistake in granting these countries immediate independence when the Soviet Union collapsed, particularly since Mr Migranyan is an adviser to President Yeltsin. See 'Nearly abroad', *The Economist*, 5 February 1994, p. 37.

78. 'Yeltsin Approves New Bases', *International Herald Tribune*, 7 April 1994.

79. However, Estonia has reportedly started to hand out passports and social welfare payments to former citizens of Estonia and their descendants living under Russian rule in Pechory. Moreover, the Setu (a small Finnic people living on the border between Russia and Estonia) organization in Estonia claims that 3,000 Estonians and Setus remain in Pechory, while Russian officials cite half that number. See 'Estonian's Emerging Border Battle', *Wall Street Journal*, 4 January 1994.

80. The problem relates to Estonia's demand that Russia recognize the validity of the 1920 Estonia-Russia peace treaty before any discussion of new borders can start, whereas Russia wants to keep the border that existed between the Estonian SSR and the RSFSR.

81. His letter stressed the need to integrate the non-Estonian population 'by a deliberate policy of facilitating the chances of acquiring Estonian citizenship' and to 'reduce the number of stateless persons permanently residing on its [Estonian] territory.' In particular, he recommended granting children born in Estonia automatic citizenship, implementing laws regarding language in a flexible way, and setting up an office of National Commissioner for Ethnic and Language Questions. See 'Recommendations by the CSCE High Commissioner on National Minorities upon his visits to Estonia, Latvia and Lithuania', *CSCE Document* no. 206/93/L/Rew, 6 April 1993.

82. Regarding the law on Aliens, the COE panel of experts clearly stated that 'the status of persons already resident on the territory of Estonia cannot be compared to that of non-citizens not presently resident in Estonia.' See 'Opinion of the group of legal experts of the Council of Europe on the Law on Aliens, 2 July 1993.' On the Law on Cultural Autonomy of Minorities, they considered that 'the draft law will not adequately fulfil its purpose unless it is based on the principle of maximum integration of the communities of non-citizens resident within the state.' See Council of Europe experts' opinion on the draft Law on Cultural Autonomy for National Minorities, 6 October 1993.

83. 'Baltic Trade Pact Given EU Go-ahead', *Financial Times*, 9 February 1994.

84. Art. 8 of the Partnership for Peace framework document stipulates that 'NATO will consult with any active participant in the Partnership if that Partner perceives a direct threat to its territorial integrity, political independence, or security.' See *Partnership for Peace: Framework Document*, Annexe to Press Communique M-1 (94) 2, 10 January 1994.

85. Bulgaria, the Czech Republic, Hungary, Poland, Romania and Slovakia.

86. Estonia's President, Lennart Meri, is quite convinced of this, for he stated that 'I do not believe that Russia will again have recourse to the use of force to reawaken its imperial ambitions, since for Russia that would be equivalent to cutting itself off from the civilised world, and a veritable suicide.' See 'Estonia: Le spectre de l'ours russe', interview conducted by Janri Kachia, *Politique Internationale*, no. 62, hiver 1993/1994, pp. 353-4.

87. Declarations like Kozyrev's, hinting at a permanent Russian military presence in the Baltic states, should draw firm and determined protest from the international community. Another issue is whether some arrangement allowing for Russian early warning systems to stay could be brokered.

88. Given Estonia's reluctance to amend the law on citizenship, the status of 'denizen' proposed by Thomas Hammar merits closer consideration. It refers to permanently resident aliens entitled to almost the same rights as citizens but who have not yet been granted nationality. An example is provided by the Lithuanian Act on the Legal Status of Aliens, which includes a special clause granting secure resident status for stateless aliens living in the country. See Thomas Hammar, *Democracy and the Nation State*, Research and Ethnic Relations Series (Aldershot: Dartmouth, 1990).

89. In fact, Bulgaria has remained somewhat ambiguous on the recognition of a distinct Macedonian nationality.

90. In the aftermath of the Russian-Turkish war, the Treaty of San Stefano created the Great Bulgaria in 1878. The Congress of Berlin stripped it of most of its acquired territories, including Macedonia, which Bulgaria unsuccessfully tried to recuperate in the Balkan wars and in the period between the two World Wars. Hence the Bulgarian factor in the Macedonian puzzle.

91. Tito followed Stalin's nationality policy and granted the Slav Macedonians national titularity of the federal republic of Macedonia and the status of constitutive nation in the federation. Their language, so far considered by many a dialect of Bulgarian, thus became one of Yugoslavia's official languages. For further information regarding the concept of titular nation, see Ian Bremmer and Ray Taras (eds.), *Nations and Politics in the Soviet Successor States* (Cambridge: Cambridge University Press, 1993), p. 5.

92. Duncan M. Perry, *RFE/RL Research Report*, vol. 1, no. 25, 19 June 1992, p. 35.

93. Despite a positive opinion from the Badinter Commission in January 1991 on Macedonia's recognition, the country has not yet been recognized by the European Union, although it has been recognized by most member states.

94. Robert Austin is probably right when he notes that 'at this point, the political space does not exist to grant the Albanians this status, even if it would be worthwhile, without a breakup of the coalition [the ethnic Albanian/Slav Macedonian coalition in government] and the reascendance of nationalist forces.' In 'Albanian-Macedonian Relations: Confrontation or Cooperation', *RFE/RL Research Report*, vol. 2, no. 42, 2 October 1993, p. 23.

95. Muhamed Halili, head of the Albanian deputies in the FYROM's parliament declared that, with or without the government, Albanians planned to move ahead towards autonomy. *BBC SWB*, 22 June 1993.

96. Robert Austin provides an accurate description of the situation when he states that 'the ethnic Albanians' demands (which include autonomy, equal status with the Macedonian majority, an end to alleged discrimination in employment, a louder voice in the government, better access to education in their native tongue, and a stronger commitment from the Macedonian leadership to promoting the Albanian-language media) are viewed by many in Skopje merely as a step towards unification with Albania.' In 'Albanian-Macedonian Relations: Confrontation or Cooperation', *RFE/RL Research Report*, vol. 2, no. 42, 2 October 1993, p. 22.

97. The main party representing FYROM's ethnic Albanians is the Party of Democratic Prosperity, which holds 25 seats in parliament and 5 posts in the government.

98. Duncan Perry accurately portrays Berisha's clever manoeuvring when he notes that 'President Sali Berisha began pressing the Macedonian government to meet the ethnic Albanians' demands. At the same time, he cautioned Macedonian Albanians to be prudent in their quest for more rights and to seek them by legal and peaceful means.' In 'Macedonia: From Independence to Recognition', *RFE/RL Research Report*, vol. 3, no. 1, 7 January 1994, p. 120.

99. A cabinet of technocrats was replaced in September 1992 by a grand coalition of the Party of Democratic Prosperity-National Democratic Party (PDP-NDP), the Social Democrats (SDLM), and the small Reform Forces-Liberal Party (RF-LP). This new government, headed by Branko Crvenkovski, includes five ethnic Albanian ministers (although Albanians have still complained of the irrelevance of these ministerial posts). See Duncan Perry, 'The Republic of Macedonia and the Odds for Survival', *RFE/RL Research Report*, vol. 1 no. 46, 20 November 1992, p. 13.

100. Some current estimates consider that ethnic Albanians form 32% of the population.

101. Ethnic Albanian parties have adopted a strategy of boycotting votes on legislation they dislike, whether it is the anthem or the constitution. This sets a dangerous precedent, since it is as though ethnic Albanians do not recognize the legality of these decisions. See Duncan M. Perry, 'The Republic of Macedonia and the Odds for Survival', *RFE/RL Research Report*, vol. 1, no. 46, 20 November 1992.

102. Some claims have been tabled demanding the right to use the Albanian flag, which was reportedly legal for a time in socialist Yugoslavia (although it was displayed with a red star); Slav Macedonians automatically considered this request as a threat to Macedonia's territorial integrity. *Ibid*, p. 17.

103. 276,921 ethnic Albanians (92.6% of those eligible according to the 1991 census) voted, and 74% of those favoured a 'territorial autonomy for Albanians in Macedonia'. *BBC SWB*, 13 January 1992.

104. According to the Interior Minister, Mr Frckovski, in the next two years ethnic Albanians are expected to increase their presence in the army from 7% to 26% and in the police from 3% to 15%. One ethnic Albanian is about to be promoted general. 1993's conscription will raise the proportion of ethnic Albanians in the army to 27%; these recruits will also be allowed to take the oath in their mother tongue. Finally, new judges and diplomats of ethnic Albanian origin are being appointed. Talks are also reportedly under way on setting up a pedagogical faculty to train Albanian language teachers, and on ways to increase the hours of Albanian programming.

105. Macedonian authorities discovered that a secret paramilitary organization calling itself the All-Albanian Army was operating within the army of the Republic of Macedonia, and was probably in contact with certain government officials in Tirana. See Stefan Troebst, 'Macedonia: Powder Keg Defused?', *RFE/RL Research Report*, vol. 3, no. 4, 28 January 1994, p. 38.

106. It considered that 'the formation of paramilitary troops was normal when the Yugoslav National Army withdrew, not now when there is a Macedonian army.' See *BBC SWB*, 12 November 1993.

107. 'Historically, Macedonian Slavs tended to regard Macedonian Albanians . . . as former oppressors [from their association with the Turks at the time of the Ottoman empire] who propagated far more prolifically than the Slavs and who abused the state system for personal gain . . . there was little violence between the peoples, merely tension and suspicion . . .' Perry, op. cit. in note 99, p. 18.

108. The PDP has been divided internally over collaboration with Slav Macedonians in the government. In December 1993 the moderate leadership of the party was toppled and the more uncompromising Menduh Taci, head of the radical PDP's Tetovo branch, attempted to take over, apparently with the support of Berisha. Although the manoeuvre was aborted, the party conference which was to elect the future leadership split into moderate and militant factions, the former electing Xheladin Murati, hitherto deputy president of the Macedonian parliament, as new leader of the PDP. The consequences of this split remain to be seen, although the Taci-led faction is said to be gaining support.

109. Berisha is under great pressure from the nationalist camp. He has so far strived for compromises; for instance, Albania officially recognized the Republic of Macedonia in April 1993, but then blocked its membership of the CSCE in June.

110. Apart from the name Macedonia (for the country is constitutionally called 'Republic of Macedonia'), which Greece claims as part of its heritage, these symbols include the 'Vergina Sun' (depicted on a casket found in Philip's tomb) which is displayed on FYROM's flag, and a symbolic tower from Thessaloniki, the regional capital of Greek Macedonia, which appears on FYROM's coins.

111. Yet 'in an effort to assuage Greek concerns, and after consultations with the EC, on January 6 [1992] the Republic of Macedonia's legislative passed three amendments, one of which addressed Greece's reservations directly by pledging that

Macedonia will not interfere in the internal affairs of neighbouring sovereign states.' See Perry, op. cit. in note 92, p. 40.

112. After the Greek civil war the number of Slavs in Greece fell from 10-15,000 to the official 2,300, although Athens claims that there is no Macedonian national minority in Greece.

113. According to Duncan Perry, 'Slavs who fled from Greece took with them bitter memories of lost property and alleged injustices, and their anger has nourished the irredentist aspirations periodically and loudly voiced by former refugees and their descendants.' See Perry, op. cit. in note 92, p. 36.

114. The natural port for FYROM has traditionally been Thessaloniki. Besides, road and railway communications with Albania and Bulgaria, although at present being improved, are still clearly inadequate.

115. For during the Cold War 'thanks to its membership of NATO and the EC, Greece gave Yugoslavia a window on the West. In return, the former Yugoslav state supported Athens in its stand against Turkey.' See Perry, op. cit. in note 92, p. 41.

116. There is controversy over the fact of the 'Greekness' of Alexander and ancient Macedonia, since they were considered at the time as quasi-barbarians by the Greeks. Greek scholars argue otherwise.

117. In its report issued on 11 January 1992, the Commission considered that only the Yugoslav republics of Macedonia and Slovenia fulfilled, at that time, the conditions for recognition established by the EC. Yet the EC recognized Slovenia and Croatia on 16 January, but has not so far recognized FYROM.

118. France, the UK, Germany, the Netherlands, Denmark announced their diplomatic recognition in December 1993, while Belgium had already done so in October.

119. Whereas Washington recognized this country under the name FYROM on 9 February 1994, as the EU members had done before, Moscow decided to establish full diplomatic relations with the 'Republic of Macedonia' on 4 February 1994.

120. At the end of 1991 Milosevic declared, 'there is no reason why Macedonia should not decide to leave Yugoslavia. That is the right of the Macedonian people.' *BBC SWB*, 29 December 1991.

121. Such as, 'The Serbian Foreign Affairs Ministry . . . states once more that the Republic of Serbia has no territorial pretensions over the FYROM and that it regards the border of this former Yugoslav republic as inviolable.' *BBC SWB*, 10 November 1992.

122. In the fall of 1993, during a visit to the new Greek Foreign Minister, Karolos Papulyas, Milosevic declared that 'Albanian separation was formed and then developed thanks to the support of the Skopje government. If that continues, Greece will soon have nothing left to recognise.' Nano Ruzin, 'Les Albanais en Macedoine', University 'Coral et Metodij' of Skopje, November/December 1993, p. 5.

123. Besides, aggression by Serbia would not make much sense now, whereas Belgrade had JNA forces in the present FYROM until April 1992. See Troebst, op. cit. in note 105, p. 35.

124. The 'Agreed Minutes' committed the government to a mention of the Serbs in the Preamble and in Art. 78 of the constitution, whereas ethnic Serbs vowed to fulfil their aspirations only within the framework of the existing 'Republic of Macedonia'.

125. *BBC SWB*, 21 November 1993.

126. FYROM's ethnic Serbs do not, however, seem very supportive of stronger autonomy. A Seselj-sponsored referendum on independence was reportedly a failure.

127. There was a Bulgarian declaration on 2 August 1993, during the Ilinden celebration (commemorating the uprising of the Macedonians against the Ottomans in 1903), denying the existence of Macedonian nationality. Yet Gligorov regarded it as having been issued for internal political reasons, thus defusing any possible tension over the issue. *BBC SWB*, 3 August 1993.

128. UN Document S/24923, 9 December 1992.

129. Called UNPROFOR Macedonia Command (M), UN forces in FYROM originally consisted of 700 blue helmets, 35 military observers and 26 civil policemen. Most came from Scandinavian countries. See UN Document no. 218/92, 14 December 1993, pp. 25-6.

130. He warned that an 'aggression against the FYR Macedonia would have grave consequences', adding that the deployment of US forces had a 'strong deterrent purpose'. Asked about possible reinforcements in the event of a threat, Christopher replied, 'If you are threatened in some way, I would say the US . . . is not likely to leave its troops undefended there in Macedonia.' See 'Christopher Speaks to the Press', *International Herald Tribune*, 12 June 1993.

131. The chairman of FYROM's parliament, Mr Andov, declared that he would rather have US military support than Europe's, since the latter 'did not possess the necessary instruments nor the political will to prevent a possible attack on Macedonia.' *BBC SWB*, 10 July 1993.

132. *BBC SWB*, 17 January 1994.

133. The mission's task is 'monitoring developments along the borders of the host country [FYROM] with Serbia and in other areas of the Host Country which may suffer from spillover of the conflict in the former Yugoslavia in order to promote respect for territorial integrity and the maintenance of peace, stability and security; and to help prevent possible conflict in the region.' 16th CSO meeting, 18 September 1992, Journal no. 3, Annexe 1. Its mandate, originally of six months, has been extended three times, until 30 September 1994.

134. 'HCNM recommendations concerning inter-ethnic relations in FYR of Macedonia.' CSCE Communication no. 305, 24 November 1993.

135. This was one of the three working groups created by The Hague Conference on Yugoslavia, which later became the ICFY. Hence its work dates back to September 1991.

136. At the Edinburgh EC summit (December 1992) it was decided to allocate ECU100 million to FYROM; only 6 million have been disbursed so far, and no payment has been made on the 50 million which should come from governments and member states. See Sir Jack Stewart-Clark, Vice-President of the European parliament, 'Report on visits to Albania and to the FYROM', 6-8 October 1993.

137. 'While calling for Macedonia's ethnic Albanians to be given greater access to education . . . Berisha still emphasized the need for good relations . . . and said that he was convinced they could develop a model relationship.' See Austin, op. cit. in note 94, p. 24.

138. FYROM has been hard hit by its diplomatic and economic isolation. The GDP has fallen by 30% since 1991, per capita income has been halved (it now stands at \$700), and a severe drought has reduced agricultural output by 20%. See Kevin Hope, 'Diplomatic woes complicate Macedonia's reform efforts', *Financial Times*, 25 January 1994.

139. Preamble, Treaty of Rome.

140. According to Sir Jack Stewart-Clark, 'the Macedonians need recognition, they need admittance to the PHARE programme and they need to be considered as eligible for Associate status of the EU. It is entirely wrong that neighbouring Bulgaria and Rumania are members of PHARE, whereas Macedonia, which has fulfilled the conditions for membership at least as well as these two countries, should be prevented from entry, just because of the problem of name.' Op. cit. in note 136.

141. Perhaps in a similar way to usage of the terms UK and Britain.

142. The remarks of the HCNM regarding bilateral treaties are pertinent: they can raise tensions instead of alleviating them, if they are imposed upon reluctant parties. Thus it is suggested in this paper that bilateral treaties should be part of a comprehensive settlement which may be encouraged by the international community. See the address by Max van der Stoep, CSCE High Commissioner on National Minorities, to the Rome ministerial meeting on 30 November - 1 December 1993.

143. Sir Jack Stewart-Clark points to the need for 'maintaining a strong UN monitoring presence and having in readiness an integrated NATO military plan, which can be implemented quickly and without disagreement in the event of hostilities developing with Serbia and either Macedonia or Albania.' Op. cit. in note 136, p. 4.

144. Sir Jack Stewart-Clark rightly warns that 'unless President Gligorov and his coalition government are properly supported, the economy of Macedonia can

deteriorate and further unemployment [at present it numbers 180,000, but 30% of the workers are on forced vacation] and hardship will result. This will let the VMRO into power and to the pursuing of ethnic and nationalistic policies. This in turn could give Serbia the chance to intervene or alternatively lead to a largely unpredictable conflict with both Greece and Albania.' *Ibid.*, p. 14.

145. Skopje is in desperate search of funding to build a 65 km rail link with Bulgaria, which could be completed in 9 months at a price of \$120 million. Given the Greek attitude and the \$80 million monthly loss currently being suffered by FYROM due to the Greek blockade, EU members should help this country overcome its so far overwhelming dependence on its neighbour. See Kevin Hope, 'Embargo Strangles Macedonia', *Financial Times*, 6 April 1994.

146. Ambassador Wynaendts considers that 'it was he, through his demagoguery, who made the demons of nationalism re-emerge.' In *L'engrenage: Chroniques yougoslaves, juillet 1991-août 1992* (Paris: Editions Denoël, 1993), p. 56.

147. '... document signed by the high command in January 1991 ... it set aside any possibility that would permit Yugoslavia to follow the same path as its East European neighbours towards the market economy and political pluralism.' In Judy Dempsey, 'Le Conflit Serbo-Croate et la Bosnie-Herzégovine', *Politique Etrangère*, no. 2, 1992, pp. 269-79.

148. The Croatian constitution of December 1990 defined Croatia as 'the national state of the Croatian people', and no longer 'the multinational state of Croats and Serbs and other peoples and nationalities which live there.' Croatia's Serbs, who had always considered that the federal system was a guarantee against possible Croatian abuses, perceived this constitution as a deliberate effort to relegate them to the status of minorities. See Henry Wynaendts, *op. cit.* in note 146, p. 55.

149. See Maarten W. J. Lak, 'EC and CSCE involvement in the Yugoslav crisis in 1991', *Helsinki Monitor*, vol. 3, no. 1, 1992.

150. Milosevic accepted the secession of Croatia and Slovenia provided inter-republican borders were modified to reflect the Serbian nation's right to self-determination. He argued that the federal constitution of 1974 granted the Yugoslav *nations* the right to secede, not the Yugoslav *republics*.

151. The monitoring mission had representation from all member states, the Commission and, from September onwards, also Canada, Czechoslovakia, Poland, and Sweden as a token CSCE involvement. Observers were to be deployed once an effective cease-fire was in place. See Lak, *op. cit.* in note 149, p. 52.

152. According to Lak, 'parallel EPU [European Political Union, one of the themes of the intergovernmental conference which was at the time negotiating the Treaty on European Union] negotiations ... and reluctance to be sucked into a Vietnam-type situation made the EC abandon an attempt to reinforce its civilian monitor mission.' *Ibid.*, p. 53.

153. Three working groups were created within the Conference: Geert Ahrens would chair the one dealing with human rights and minorities, Brian Crowe the one dealing with institutional matters, and Jean Durieux the one on economic cooperation.

154. This statute would apply to the regions of Croatia with an ethnic Serb majority, Vojvodina, Kosovo and Sandjak. These statutes would provide for double nationality, the use of national emblems and anthems, and autonomous educational, legislative, administrative and judicial structures. The composition of police forces there would reflect the ethnic composition of the population. Finally, the implementation would be overseen by international institutions. See *Background Brief: International Community/Bosnia/Iraq*, September 1992, Foreign and Commonwealth Office, London.

155. On 8 November 1991, in Rome, the EC decided to denounce the trade and cooperation agreement with Yugoslavia. It also asked the UNSC to put in place an oil embargo, and adjourned the Conference in the light of continuing warfare and lack of progress at the negotiating table. See Wynaendts, op. cit. in note 146, p. 132.

156. In August 1991 'Hans-Dietrich Genscher . . . raised, for the first time, the possibility of recognition of Slovenia and Croatia if the Yugoslav Army did not cease its violent activities.' The German MFA hinted at a unilateral recognition repeatedly during the Autumn of 1991: at the EC ministerial meetings of 14-15 September, on 5-6 October in Haarmilen, and on 8 November in Rome. According to Ambassador Wynaendts, after the Rome meeting MFA Genscher 'is, on his return to Germany, subject to the implacable pro-Croat lobby that the *Frankfurter Allgemeine Zeitung* leads in masterly fashion.' Ibid., pp. 71, 133.

157. The UNSG Pérez de Cuéllar, in his report to the UNSC of 11 December, had stressed the risks that premature recognition would entail for the peace process. Lord Carrington considered that the decision to recognize Croatia undermined the basis of the peace conference, and deprived him of the means to exert pressure on the parties, which showed no inclination to compromise. Ibid., pp. 149-54.

158. UNSCR 743, 26 February 1992.

159. Whether, as Ambassador Wynaendts states, 'Izetbegovic is neither a man of violence nor a Muslim fanatic', or whether he realised the practical impossibility of imposing his ultimate goal of a Muslim-dominated state on the Serbs at that stage, the fact is that Bosnia-Herzegovina only strove for independence when it became clear that the alternative was a Serbian-controlled rump Yugoslavia.

160. 'After the secession of Slovenia and Croatia, Croats and Muslims were fearful of staying in a Serb-dominated rump Yugoslavia . . . Muslims Slavs and Croats member of the government voted in December to appeal to the EC to recognize Bosnia-Herzegovina as an independent state.' Chuck Sudetic, 'Deaths Cast Shadow on Vote in Yugoslav Republic', *The New York Times*, Sunday, 15 March 1992.

161. He was turned down twice, first by the EC and then by Vance. In July, Izetbegovic had already requested the sending of EC observers to Bosnia-Herzegovina; the EC ministers refused, since the European Community had to focus

on Croatia. Some EC observers were finally sent in October, but then a preventive deployment of UN troops was rejected by Vance, who was perhaps fearful of upsetting Milosevic, who opposed any deployment of troops in Bosnia-Herzegovina, and whose support he needed in Croatia. See Wynaendts, op. cit. in note 146.

162. 'The republic's Serbs enjoy a formidable backing from the Yugoslav National Army, whose higher echelons became virtually all Serb after a major ouster of non-Serb generals earlier this week. Most of the army's firepower and a huge portion of Yugoslavia's weapons factories are located in BH.' Chuck Sudetic, *The New York Times*, 15 March 1992.

163. There was a report in *Vreme* (a popular Belgrade periodical) in September 1991 according to which Karadzic had reportedly discussed with Milosevic the timing of an army assault on Bosnia-Herzegovina. Sabrina Petra Ramet, 'War in the Balkans', *Foreign Affairs*, Fall 1992, pp. 79-98.

164. In its note of 11 January, the Badinter Commission suggested a referendum 'in which all the citizens of the SRBH [Socialist Republic of Bosnia-Herzegovina] would be called upon to participate without any distinction, and under international control.' Conférence pour la Paix en Yougoslavie, Commission d'Arbitrage, Avis no. 4, 11 janvier 1992, p. 4.

165. See Wynaendts, op. cit. in note 146.

166. Ambassador Cutilheiro stated that 'this document is the basis for further negotiations . . . a final agreement embodied in a draft constitution will be submitted to an internationally supervised referendum.' Chuck Sudetic, 'Yugoslav Groups Reach an Accord', *The New York Times*, 18 March 1992.

167. Radovan Karadzic claimed that a working group was to be created with the objective of proposing 'reasonable map borders' by 15 May. The group would be formed by three experts from each community plus three experts from the European Community. He also claimed agreement on the inexistence of an army in the independent Bosnia-Herzegovina, but rather a national guard, and on the ethnic composition of the cabinet, with three ministers per community. *Foreign Broadcast Information Service (FBIS)*, Bosnia-Herzegovina, 1 April 1992.

168. 60% of the voters participated in a 99.9% landslide in favour of independence.

169. Joint statement by the EPC (European Political Cooperation) of March 10, according to which the European Community and the United States agreed to coordinate their approaches to completing the process of recognizing those ex-Yugoslav republics seeking independence.

170. Another possible reason for their 'backing out' might have been that 'Muslims still believed in Western [US] assurances' that territorial integrity would be respected. They might have thought that, as Serbian real intentions regarding ethnic cantonization became clear, the West (meaning the United States) would fulfil its promises and would relieve the EC pressure on them to sign the accord. Chuck Sudetic, op. cit. in note 166.

171. On March 25 President Izetbegovic of Bosnia-Herzegovina declared his dislike of the European Community's solution, but admitted having given in under the threat that the conference might collapse if he rejected the plan. However, Izetbegovic asserted he accepted on the conditions that nothing was definitive, and that the EC proposals would be decided by referendum, in which *'I would vote against!!!'* FBIS, Bosnia-Herzegovina, 25 March 1992.

172. In a meeting between Carrington, Wynaendts and Tudjman in Graz on 18 December 1991, the Croatian President had stated that 'as for Bosnia-Herzegovina, the only realistic solution lies in its division between Serbs and Croats, leaving a small Muslim state around Sarajevo.' Wynaendts, op. cit. in note 146, p. 152. As for Izetbegovic, many had read his 1970 essay (published in 1990), stating that there 'could neither be peace nor coexistence between the Islamic religion and non-Islamic social and political institutions.' See A. M. Rosenthal, 'Answers That Could Help Contain the War in Bosnia', *International Herald Tribune*, 23 February 1994.

173. As late as 6 April 1992, the EC Foreign Ministers 'agreed to end economic sanctions against Serbia so long as it continues to cooperate with European-sponsored peace-talks, restores air links with the other republics and recognizes the legal authority of peacekeeping forces.' Alan Riding, 'Europe Nods to Bosnia, not Macedonia', *The New York Times*, 6 April 1992.

174. The situation improved when Vance and Owen, with the support of the European Community and the UN, were appointed.

175. Cyrus Vance declared that 'when we had recognition of Bosnia-Herzegovina, that again threw another factor of instability into the stew, just as early recognition of the republics of Slovenia and Croatia.' In 'Vance Faults Recognition' (Reuters), *The New York Times*, 6 April 1992.

176. Besides, Maarten Lak rightly notes that, by 1991, 'Yugoslavia had already for more than a decade enjoyed a relatively privileged relationship with the European Community which in fact made a special effort on its behalf more difficult to consent to: one felt that much had been done over the years, but that Yugoslavs had not used the additional resources to reform their system.' See Lak, op. cit. in note 149, p. 52.

177. As Frederick Kempe notes, 'If the alliance [NATO] had struck Serbia during its bombing of Dubrovnik in 1991, some analysts believe the West could have pre-empted the atrocities that followed.' See F. Kempe, 'The War to Save NATO', *The Wall Street Journal Europe*, 15 February 1994.

178. 'With hindsight, an early show of force might have been the answer to Mr Milosevic. A well armed and fully paid-for international force, blessed by the UN, employed in Croatia or Bosnia before fighting started might have prevented the civil war . . . no such exists. It should.' In 'The Arts of War and the Guiles of Peace', *The Economist*, 15 August 1992.

179. Many consider territorial autonomy a bad solution, since it creates new minorities, and does not provide protection to members of the ethnic minority outside

the autonomous territory. Hence the preference for cultural autonomy, which is in principle linked to the individual; in fact, though, some aspects of it are also related to the territory, like the access to education in the mother tongue. Yet many minorities prefer some measure of self administration, including some degree of financial autonomy, as the best way of insuring the preservation of their identity.

180. Document of the Copenhagen meeting of the Conference on the human dimension of the CSCE, 5-29 June 1990.

181. Yet one needs to be cautious regarding majority rule (remember the referendum on independence in Bosnia-Herzegovina). As Walker notes, 'the favoured solution of most Westerners to civil quarrels is free and fair elections, whose results all contending parties agree to accept. However, that is inadequate when an ethnic minority's objection to rule by the majority, with which it shares the state, is itself the root of the problem.' See Jenonne Walker, 'International Mediation and Ethnic Conflicts', *Survival*, Spring 1993, p. 104.

182. Yet the international community could press for minor amendments in the constitutions which would make them more neutral (like 'X, the state of the Xian citizens, rather than of the Xian people').

183. Jenonne Walker provides some ideas, such as private western investors providing equal employment opportunities for ethnic groups, the linkage of small business loans in areas with substantial minorities to compliance with principles, or the earmarking of assistance for projects designed for two or more neighbours sharing the same ethnic groups. Op. cit. in note 181, p. 114.

184. The COE has done valuable work in this field. Its Congress of the Local and Regional Authorities of Europe, or the European Outline Convention on Transfrontier Co-operation Between Territorial Communities or Authorities, provide ample proof of this.

185. According to the UNSG's *Agenda for Peace*, both inter-state disputes and conditions of national crisis ('at the request of the government or all parties concerned, or with their consent') constitute circumstances warranting preventive deployment. Boutros Boutros-Ghali, *An Agenda for Peace, Preventive Diplomacy, Peacemaking and Peace-keeping* (New York: United Nations, 1992), p. 16.

186. Along the lines of what Gareth Evans calls 'an overtly trip wire deployment, i.e. where a small number of military personnel are ranged along a line - the crossing of which would mobilize a larger and more capable strike force held in reserve or out of theater, clearly armed with both chapter VII enforcement powers and the capabilities and will to exercise them.' See Gareth Evans, *Cooperating for Peace: The Global Agenda for the 1990s and Beyond* (St Leonards, NSW, Australia: Allen & Unwin Pty. Ltd., 1993), p. 82.

187. As stated in Art. 2.7 of the charter of the United Nations, but also as one of the Helsinki principles.

188. Report of the CSCE Meeting of Experts on National Minorities, Geneva, July 1991. See also Konrad Huber, 'The CSCE and Ethnic Conflict in the East', *RFE/RL Research Report*, no. 31, 30 July 1993, p. 31.

189. For a review of the HCNM's role in conflict prevention, see Konrad Huber, 'The CSCE and Ethnic Conflict in the East', *RFE/RL Research Report*, no. 31, 30 July 1993.

190. In particular proposals to ban the use of combat aircraft and missile launchers in zones of inter-ethnic conflict, or to ban out-of-garrison activity in crisis zones, for instance. See John Borawski and Bruce George, 'The CSCE Forum for Security Cooperation', in *Arms Control Today*, October 1993.

191. As rightly noted by Van Santen and Zaal, 'given the different perceptions of their security interests, it seems likely that, in the future, NATO members will often be unable to reach unanimous agreement on joint action out-of-area. What is needed is a flexible arrangement which provides for a role of the WEU, or for *ad hoc* alliances of NATO member states, together with member of the NACC, making use of common NATO facilities.' Perhaps the concept of Combined Joint Task Forces, plus the Partnership for Peace may provide for these flexible arrangements. See Hans van Santen and Hannie Zaal, 'Peacekeeping and the Role of Preventive Diplomacy', *Internationale Spectator*, vol. 47, no. 11, November 1993, p. 670.

192. Dimitri Trenin depicts this reality accurately: 'increasingly they [international organizations] are reluctant to engage themselves; when they do, there is not enough coordination.' See Dimitri Trenin, 'International Institutions and Conflict Resolution in the Ex-USSR', in *Security in Europe after the Cold War: What Role for International Institutions?* (Rome: IAI, unpublished).

193. Ibid.

194. It will include, apart from the participation in some of the meetings of the permanent Council of WEU, the establishment of links with the Planning Cell, and the possibility of participating in joint exercises and in actual peace support operations.

195. For further information regarding Ukraine, see Peter van Ham, 'Ukraine, Russia and European Security: Implications for Western Policy', *chaillot Paper* 13 (Paris: WEU Institute for Security Studies, February 1994).

196. For the role of international organizations in promoting stability in Central and Eastern Europe, see Jenonne Walker, 'International Mediation of Ethnic Conflicts', *Survival*, Spring 1993.

197. chancellor Helmut Kohl of Germany has recently made several proposals aimed at drawing Central Europeans closer, including the possibility of extending EU summit meetings to include the Visegrad leaders, and inviting these countries to send deputies to the European Parliament. See Quentin Peel, 'Kohl says door must be open to central Europe', *Financial Times*, 24 March 1994.