The Premature Recognition of Bosnia-Herzegovina: Letters from Javier Pérez de Cuéllar

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This article refers to correspondence dated December 1991 in which the United Nations Secretary General Javier Pérez de Cuéllar expresses his concern about the premature recognition of Bosnia-Herzegovina, both to Mr. van den Broek, Minister for Foreign Affairs of the Kingdom of the Netherlands, and to Mr. Hans-Dietrich Genscher, Vice-Chancellor and Minister for Foreign Affairs of the Federal Republic of Germany. These letters, reprinted following the article, reveal serious errors in US and European foreign policy.

On Friday, 16 April 1992, Cyrus Vance, in his capacity as the United Nations special envoy, was quoted in the New York Times as saying that recognition of the breakaway republic of Bosnia-Herzegovina by the United States and the European Community had seriously damaged the peace process. In fact, the premature recognition of the Balkan state may be considered one of the most irresponsible Western decisions in postwar history. The New York Times also reported that fighting erupted in

The views expressed herein are the author's own and do not represent those of the Journal.
Sarajevo, the Bosnian capital, on Sunday, 5 April 1992, in anticipation of the recognition of the republic's independence by the EC on 6 April, and by the US on 7 April. Bosnia-Herzegovina had never existed as an independent country; it did not have the political nor the cultural history to build a nation. Bosnia-Herzegovina is 43.7 percent Muslim, 31.4 percent Serb, and 17.3 percent Croat. It is hard to imagine how a 56.3 percent non-Muslim population would be willing to identify themselves with an "artificial" state rather than with Croatia or Serbia.

A referendum was held early in 1992 on Bosnia-Herzegovina's independence. There was a 63.4 percent turnout, largely due to the boycott by ethnic Serbs. Of the respondents, 99.4 percent voted to separate Bosnia from Yugoslavia. These results were, unfortunately, misinterpreted by the West as a vote to establish Bosnia-Herzegovina as an independent state. In fact, it simply reflected a desire on the part of the Croats to secede from Yugoslavia and integrate with Croatia. The Serb boycott simply expressed their unwillingness to participate in an independent Bosnia.

The record is clear. As the letters printed at the end of this article demonstrate, Lord Carrington, the British diplomat, Cyrus Vance, the personal envoy of Javier Pérez de Cuéllar, as well as the Secretary General himself, gave clear warnings on separate occasions to the European Community in December of 1991 not to recognize Bosnia-Herzegovina prematurely. The Western powers, led by Germany, ignored their sound advice which, if heeded, may have forestalled a civil war and spared thousands of lives.

**HISTORICAL BACKGROUND**

In the ninth century, the territory referred to today as Bosnia-Herzegovina was first divided into two spheres of influence—the Western Roman Catholic Church on the one hand, and the Eastern Orthodox Church on the other. Ottoman Turks
invaded the Balkans at the end of the fourteenth century. Many Bosnian Slavs—particularly the nobility and the urban merchants—converted to Islam in order to benefit from the tax-exempt status granted to Muslims.

The Ottoman Empire controlled Bosnia-Herzegovina until the nineteenth century, when Christian peasants revolted against their Slavic Muslim landowners. Four wars—the Russo-Turkish, two Balkan wars and the First World War—resulted from a Russian-Austrian struggle to take over the Balkans following a considerable weakening of the Turks. From 1878 to 1908, Bosnia was Turkish but governed by the Hapsburg Empire from Vienna. In 1908 it was formally annexed by Austria.

In the late nineteenth century, Serb and Croat nationalist movements developed as both groups struggled for some kind of independence. The Muslims also wanted autonomy within the Ottoman Empire. It was Gavrilo Princip, a Bosnian Serb student, who assassinated Austro-Hungary’s Archduke Franz Ferdinand in Sarajevo in June 1914. This proved to be the incident which would set off the First World War.

The interwar period, during which a single Yugoslav state was created, is most often described as short and violent. Some experts argue that, even then, it was Western Europe’s attempt at nation building that turned already jealous neighbors into murderous enemies. The Serbs felt more strongly about their independence because, unlike the Croats, they had fought on the side of the Allies against Germany and Austria-Hungary.

In 1941, Yugoslavia declared de facto war on Hitler and, from the outset, fiercely condemned Third Reich policies. Germany invaded Yugoslavia and created a puppet Croatian state headed by the Nazi Ustashe movement. Orthodox Christian Serbs, Jews, and Gypsies were butchered by the thousands. Even Nazi officials were said to have been shocked. It was during this period that Bosnia-Herzegovina was also annexed into the Independent State of Croatia.

The Serb nationalists remained, as they had during the First World War, on the side of the Allies, and united under the leadership of Marshal Tito following the conflict. Communist Tito re-established a united independent Yugoslavia. The economy was centralized and the Yugoslav GNP grew faster than that of Spain or Turkey. Yugoslavia was also one of the
founding members of the United Nations.

In 1968, the Muslim Slavs of Bosnia-Herzegovina were officially recognized as a national, rather than a religious, group. In 1980 Tito died. A decade later, as communism fell, Yugoslavia was once again divided into independent states. Communist Slobodan Milosevic, who had been Serbia’s leader since 1987, played on nationalistic feelings to gain rapid popularity. In both Croatia and Slovenia, anti-Serbian feelings reemerged fueling their desire for independence.

Elections in Bosnia-Herzegovina in 1990 led to the formation of a coalition government representing the Croats, the Serbs and the Muslims. In June 1991, the declaration of independence of Croatia and Slovenia set off fighting in the two northern republics. In March 1992, the referendum, referred to earlier, took place. It was interpreted by the West as a clear indication that 99.4 percent of the population wanted to establish an independent Bosnian-Herzegovinian state. A plan to divide the state into ethnically based cantons was briefly discussed at EC sponsored talks, but no agreement was reached.

Today, a common belief still stands that Bosnian sovereignty remains a prerequisite for peace. This reflects a fundamental misunderstanding of the long history of ethnic and religious disputes. No proper negotiations were arranged prior to the recognition, although it seemed clear, even at the time, that the decision to create a new state would lead to even greater chaos. The question which now arises is, given the historical bases of the conflict in former Yugoslavia, were there other incentives for Western powers to hastily recognize Bosnia-Herzegovina?

**German Influence**
Germany has had a long-standing interest in Yugoslavia, but following the disaster of the Second World War, it prudently kept a low profile for many years. From 1945 until the end of the 1980's, Germany concentrated on developing its economy, leaving the foreign policy of Europe to France and world policy to the United States. While France embroiled itself in military commitments in Vietnam and Algeria, and the United States did the same in Korea and Vietnam, Germany made it its business to do business.

Germany took advantage of its neutral position in the Arab-Israel and various inter-Arab conflicts to become a major supplier of Libya, Iran and Iraq, selling everything from conventional weapons to the most sophisticated military technology. (By now it is public knowledge that the gas used by the Iraqis against the Kurds was supplied in its entirety by German companies. The press at the time did not hesitate to draw harsh parallels between the tragic events in Kurdistan and the use of gas during the Third Reich. The German government deplored the situation, but claimed with great embarrassment that they had no legislative power to control private industries in their country.)

With the collapse of the Soviet Union and German reunification, Chancellor Helmut Kohl and then Foreign Minister Hans-Dietrich Genscher, decided that Germany no longer needed to hide behind their French and American proxies and that it was time to develop and enforce their own foreign policy. It would appear that one of their major desires was to re-establish the old axis of Germany, Turkey, and Iraq. In order to do this, they needed to have a firm grip on the Balkans. As in the past, an important obstacle lay in the path of the German route from Berlin/Bonn to Baghdad: namely Serbia, a major component of the Federal Republic of Yugoslavia. Just as the Nazis divided in 1941 the Kingdom of Yugoslavia in order to better control it, the ambitious German politicians of the 1980's encouraged the break up of the Federal Republic.

They began by encouraging separatist movements in Slovenia and Croatia. Under the leadership of the late Franz-Josef Strauss, a strong anti-communist and a proponent of the unification of Catholic countries, Catholic Bavaria played a particularly active role among its Slovenian and Croatian "guest workers" and in Yugoslavia itself. Following the German reuni-
All the rules that legitimize the creation of a state under International Law were violated.

underlined since it sparked the beginning of the hostilities. Bosnia-Herzegovina was then pushed into demanding its independence, even though it was obvious that the ethnic composition of the republic made a viable state impossible, as neither Serbs nor Croats would be willing to live under a Muslim-dominated government without the checks and balances provided by membership in a larger Federal Republic.

CONCLUSION

It should also be recognised that one can claim that the destruction of Yugoslavia started in 1989 and 1990 when, under Serbian leadership, Kosovo’s constitutionally guaranteed autonomy was suppressed and its Albanian population was repressed. This gave a foretaste of what was to happen to other
Yugoslav nations under Serbian nationalist rule. Milosevic’s dream of a “Greater Serbia” had been hinted at and his ethnic cleansing policy was also clearly in the cards.

It is almost impossible to find a simple explanation of what happened in the Balkans, as centuries of historical differences created an inherently unstable environment. What cannot be denied is that recognition was used as a substitute for negotiations. The German ambassador to the U.S., Immo Stabreit, in a 29 June 1993 Washington Post article, stated that "as negotiations failed...recognition was pursued as the next best deterrent." The West should not have settled for the "next best," but should have pursued negotiations.

The recognition of Bosnia-Herzegovina was premature, partially contributing to tens of thousands of deaths. While the present situation is disturbing, there is no utility in laying blame on anyone: A constructive discussion is not one which attempts to find scapegoats for what went wrong, but rather one which tries to learn from past mistakes so that they will not be repeated.

If a people want independence, let us first understand that call for independence, and then decide how it will be granted. In this case, the decision was made hastily without proper discussion and negotiation. All the rules that legitimize the creation of a state under International Law were violated. In the November 1991 meeting, which de Cuéllar refers to in his letters, rules for the recognition of the Balkan states were put forth. As with the former Soviet Union republics, the criteria agreed upon had little to do with property rights or sovereignty but rather with a code of conduct a future independent state should follow. These criteria were completely disregarded during the recognition process in the Balkans. The US was warned not to engage in a policy of recognition prior to further negotiations with all parties involved. But, German pressure compelled the US to act precipitously.

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Many people around the world, including Americans, regard U.S. foreign policy makers as too often acting erratically. Foreign policy must reflect prudence, operating on a political level, avoiding half-hearted threats. The U.S. claimed they would bomb Serbian positions, but the threat lost immediate credibility as the U.S. reneged once they recognized Serbian ability and willingness to counter-attack UN positions.

We now face a significant threat of conflict between two NATO allies—Greece and Turkey, an unstable Russia, a dangerous North Korea, a rebellious Hamas movement and threatening Eastern European republics. The US and the UN will have to respond to these crises together. In theory, a United Nations less dependent on the United States would be preferable, but today no large scale intervention, such as the one needed in Bosnia, are possible without US approval and leadership. For this reason, it is now, more than ever, imperative that US foreign policy be made in a rational, thought-out fashion.

Pérez de Cuéllar letters are reproduced on the following pages.
10 December 1991

Dear Foreign Minister,

I wish to share with you concerns which I have in regard to the situation in Yugoslavia.

These concerns have been deepened by the report that I have just received from my Personal Envoy, Mr. Cyrus R. Vance who returned last evening from a fourth mission to Yugoslavia. They have also been deepened by the outcome of yesterday’s informal meeting of the Presidents of the six Yugoslav republics, which Lord Carrington convened in The Hague in his capacity as Chairman of the Conference on Yugoslavia.

I shall shortly be reporting to the Security Council on the outcome of Mr. Vance’s mission. As far as a United Nations peace-keeping operation in Yugoslavia is concerned, difficulties persist — owing to the fact that the Geneva agreement of 23 November is not being fully implemented. A paper comprising a concept and operational plan of a potential peace-keeping operation has, however, been left with the principal parties by Mr. Vance. It has met with a wide measure of agreement from them.

In his report to me today, Mr. Vance has described widely expressed apprehensions about the possibility of premature recognition of the independence of some of the Yugoslav republics and the effect that such a move might have on the

His Excellency
Mr. H. van den Broek
Minister for Foreign Affairs
of the Kingdom of the Netherlands
remaining republics. Leaders of Bosnia-Hercegovina and Macedonia were among the many political and military figures who last week underscored to Mr. Vance their own strong fears in this regard. More than one of his high-level interlocutors described the possibly explosive consequences of such a development as being a "potential time bomb".

Given these anxieties, I believe that the Twelve were correct when they reiterated, at their special EPC Ministerial Meeting held in Rome on 8 November, that the prospect of recognition of the independence of those republics wishing it, "can only be envisaged in the framework of an overall settlement ...". As we know, that overall settlement is being pursued by the Conference on Yugoslavia under the Chairmanship of Lord Carrington.

Let me be clear: I am not in any way calling into question the principle of self-determination which is enshrined in the Charter of the United Nations. However, I am deeply worried that any early, selective recognition could widen the present conflict and fuel an explosive situation especially in Bosnia-Hercegovina and also Macedonia; indeed, serious consequences could ensue for the entire Balkan region. I believe, therefore, that uncoordinated actions should be avoided.

I should be grateful if you could bring my concerns to the attention of your partners among the Twelve, given the particular responsibility of the United Nations for the maintenance of international peace and security.

Please accept, dear [Name], assurances of my high

Javier Pérez de Cuéllar

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Dear Mr. Minister,

I have received your letter of 13 December in which you refer to mine of the 10th to Minister van den Broek, current President of the EC Council of Ministers.

I agree with you that public statements can exacerbate the tensions in Yugoslavia. That is why mine have been few and carefully considered.

Let me recall that at no point did my letter state that recognition of the independence of particular Yugoslav Republics should be denied, or withheld indefinitely. Rather, I observe that the principle of self-determination is enshrined in the United Nations Charter itself. The concern that I continue to have relates to the prospect of early, selective and uncoordinated recognition. In this connection, I cannot but note the omission from your letter of any reference to the common position adopted by you and your colleagues of the Twelve at the Special Ministerial EPC Meeting held at Rome on 8 November 1991. You will recall that the Declaration issued by the Twelve on that occasion stated that "the prospect of recognition of the independence of those Republics wishing it, can only be envisaged in the framework of an overall settlement ...".

His Excellency
Mr. Hans-Dietrich Genscher
Vice-Chancellor and Minister for Foreign Affairs of the Federal Republic of Germany
Bonn
Furthermore, you will no doubt be aware of the contents of the letter sent by Lord Carrington, Chairman of the Conference on Yugoslavia, on 2 December to Minister van den Broek in which Lord Carrington stated that early and selective recognition "would undoubtedly lead to the break-up of the Conference".

I trust also that you will have learned of the deep concern that has been expressed by the Presidents of Bosnia-Hercegovina and Macedonia, as well as by many others, that early selective recognitions could result in a widening of the present conflict to those sensitive areas. Such a development could have grave consequences for the Balkan region as a whole, and it would seriously undermine my own efforts and those of my Personal Envoy to secure the conditions necessary for the deployment of a peace-keeping operation in Yugoslavia.

I am confident that you will understand that in view of my responsibilities under the Charter, I am duty bound to express such concerns when they are also my own.

Needless to say, I am entirely in agreement with you in supporting the principle set out in the Helsinki Final Act and the Charter of Paris that rules out changes of borders by force. That principle also flows from the provisions of the United Nations charter.

Please accept, Mr. Minister, the assurances of my highest consideration.

Javier Pérez de Cuéllar