

MANAGING YUGOSLAV CRISES
CONFERENCE ON YUGOSLAVIA IN THE HAGUE (1991)
AND THE CHALLENGES OF MULTILATERAL DIPLOMACY

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ABSTRACT

The paper concentrates on the Peace conference on Yugoslavia held in The Hague in September and October 1991, where Slovenia – encouraged by the lesson of the earlier meeting at Brioni, that a crowd of participants and managers of a crisis deteriorates the possibility of success – managed to position herself as a concerned bystander. Slovenia took advantage of the »window of opportunity« opened by the ground-breaking world developments (fall of the Berlin Wall, demise of Soviet Union).

The conference and its President Lord Peter Carrington were quite magnanimous towards Slobodan Milošević who could – behind the stage – continue rather successfully to implement his plans. But from the standpoint of the players who wanted to preserve Yugoslavia, or change it into some kind of economic community (this was vaguely the idea advocated by the European Community) the conference at The Hague was not successful. After the conference, the situation grew even more complicated. While managing the Yugoslav crises the European Community has – parallel to separate efforts by Germany and France that have contributed decisively to Slovenian success – picked up a number of fellow travellers (UN, CSCE) that have not contributed to the effectiveness of crisis-management. Preservation of Yugoslavia was not a solution, but a problem, therefore the crises continued, until Yugoslavia divided into seven smaller states.

Key words: mediation, multilateralism, self-determination, Slovenia, the Hague Conference, Yugoslavia, Slobodan Milošević

LA GESTIONE DELLE CRISI JUGOSLAVE.
LA CONFERENZA SULLA JUGOSLAVIA ALL'AJA (1991)
E LE SFIDE DELLA DIPLOMAZIA MULTILATERALE

SINTESI

L'articolo tratta il tema della Conferenza di pace sulla Jugoslavia, che si svolse all'Aja tra settembre e ottobre 1991 e alla quale la Slovenia – tenendo conto dell'insegnamento avuto dalle precedenti trattative di Brioni che più sono i partecipanti ai processi

di soluzione di una crisi, minori sono le possibilità di successo – ottenne lo status di osservatrice interessata. La Slovenia sfruttò lo spiraglio offerto dagli sviluppi a livello internazionale (la caduta del muro di Berlino, la dissoluzione dell'Unione Sovietica).

Siccome la Conferenza, ovvero il suo presidente Lord Peter Carrington, fu alquanto clemente nei confronti di Slobodan Milošević, questi fu in grado nei retroscena di proseguire relativamente incontrastato con l'attuazione dei suoi piani. Dal punto di vista degli attori che volevano prevenire la disintegrazione della Jugoslavia o trasformarla in una sorta di comunità economica (questa era più o meno l'idea dell'Unione europea), la Conferenza all'Aja fu comunque un fallimento. In seguito la situazione si complicò ulteriormente. Accanto agli impegni separati della Germania e della Francia, a cui vanno riconosciuti grandi meriti per il successo della Slovenia, l'Unione europea, nel tentativo di risolvere le crisi jugoslave, riunì intorno a sé diversi altri “compagni di viaggio” (l'ONU, la CSCE) che però non contribuirono a un'efficace soluzione della questione. Siccome lo sforzo di tenere in vita la Jugoslavia non era una soluzione, ma un problema, le crisi continuarono fino a che la Jugoslavia non si disintegrò in sette piccoli stati.

Parole chiave: mediazione, multilateralismo, autodeterminazione, Slovenia, Conferenza di pace all'Aja, Jugoslavia, Slobodan Milošević

THE BIGGER PICTURE

During the afternoon break of the Brioni meeting of July 7, 1991, the chief EU negotiator – Dutch Foreign Minister Hans Van den Broek – rushing from the room where the negotiations were taking place, exclaimed, of course, referring to Yugoslavia: »What a country!«¹ His task was indeed difficult. To achieve a cease-fire, he needed to *mediate between three parties*: Slovenia, Serbia and the Yugoslav Prime Minister Ante Marković who – to make things more complicated – was a Croat from Herzegovina. At that moment, it seemed that there were too many players in the field and that Slovenia was the weakest of them.

Twenty two years ago, it was not easy for an outsider – no matter that he was Foreign Minister² – to recognize the true positions of the actors on the stage. Slovenia advocated two sets of modern values: the principle of *self-determination* and the idea of *liberal democracy* implying respect for human rights, open society, market economy, multiparty system etc. The great asset (and after a while, an inhibition) of Slovenia was her moderation demonstrated by cohabitation of Democrats and former Communists.

1 The excitement was witnessed by a group of Slovenian participants, President Milan Kučan and the author of these lines among them.

2 Broek was certainly an outsider, not so much the author of this paper who served as Foreign Minister of Slovenia between 1991 and 1993. He has reported on the Yugoslav crises in three books: Rupel, 1992; Rupel, 2001; Rupel, 2013.

To innocent observers, Marković's position was not so far from the position of Slovenia, since he proclaimed financial efficiency and rational economic principles. The problem was his credibility, since he was advocate of Yugoslav unity that had, by 1991, lost all legitimacy, also because it had been so vigorously enforced by the Communists. On top of that, the idea of Yugoslav unity was compromised by Serbian sponsorship and had to be defended by the predominantly Serbian Yugoslav People's Army (YPA).³ At the beginning, the Serbian-Yugoslav platform and the Marković-Milošević tandem seemed to be the winning combination. Marković and Milošević both camouflaged their Communist heritage with the formulae developed by desperate/reformed European Communists: Marković became a Red Capitalist, and Milošević became a Red Nationalist. The international community – as far as it could pay attention and remember historical lessons – respected the Serbs and sympathized with the modernist outlook offered by Marković.

As we have seen some weeks later, Mr. Broek's mission was not impossible. The Dutch diplomat may have looked desperate, but at the time, he was not the most desperate person in the conference room. Actually, the position of Mr. Marković was much worse. Initially, the idea of preservation of the Federation looked attractive to the international community, including Mr. Broek. But already at Brioni, and especially in the weeks that followed, the Prime Minister's position was undermined by its factual proximity to the Serbian position and by the fact that the military intervention went too far, and really could not be justified. Marković's position worsened after the YPA, transformed into an exclusively Serbian army, moved to Croatia and Bosnia. In the end, Marković was left in minority and empty-handed. In the end, the majority of decision makers concluded that the value of democracy should be given priority over the value of unity. After some clarification, Slovenia joined the European side or rather, the European Community (EC/EU) embraced the Slovenian position. The Brioni meeting temporarily satisfied both sides and, above all, calmed the waters. Compared to later meetings and conferences dealing with Yugoslav crises, Brioni was a success.

Without under-estimating the international situation or over-estimating the Slovenian strategy one could argue that Slovenia acted in a straight natural manner: she openly relied on Europeans, and on top of that, she attempted to turn into allies as many republics as possible. As demonstrated later by the opinions of the Badinter Arbitration Commission, European leaders appreciated Slovenian official statements on classical European principles, human rights, free enterprise and other liberal democratic values; while the Yugoslavs – Croats, Macedonians, Kosovars and even the Serbs – could not oppose the references to self-determination. After the transformation of the Yugoslav People's Army into Serbian armed forces, the Yugoslav integrationists and centralists had to leave the stage. This was a relief for Slovenia, but not for Croatia.

3 Before the Yugoslav-Slovenian war of 1991, Milošević considered two options: transformation of Yugoslavia into a Serbian-dominated state, or into a Greater Serbia (cf. Repe, 2004, 101, fn 127). Analyzing Serbian political ambitions, Slovenian philosopher Tine Hribar coined the term »Srboslavija/Serboslavija« (Cf. <http://www.slovenija2001.gov.si/10let/pot/spomini/hribart/>).

It is relatively well known that the early political and diplomatic reactions to the disintegration of Yugoslavia were predominantly negative.⁴ Contrary to these reactions and after more careful consideration, the Yugoslav and Soviet events should be regarded as processes of self-determination and *nation building* or, rather, *rehabilitation and/or formation of nation-states* in Europe.⁵ Actually, the developments between 1991 and 2010 represented addition to and correction of the »idealistic« projects of the peace conferences after the two world wars (Versailles 1919, Paris 1946). The disintegration of undemocratic multinational systems after the fall of the Berlin wall has – as implicitly argued by Bobbitt (2003) – recovered relative European cohesion and stability that had been destroyed by totalitarian interventions of the 20th century. Of course, the recovery was not painless, and it involved substantial diplomatic and (in the case of Yugoslavia) military effort. This paper will concentrate on some prominent diplomatic aspects of the Yugoslav crises.

The plural (»Yugoslav crises«) is appropriate, since the breakdown of Yugoslavia was not a momentary, »one piece« event, but a long lasting and diffuse process consisting of a number of connected, yet distinct conflicts implying different approaches and solutions, not to speak about the narratives accompanying them. Even if this paper deals primarily with the beginning of the process concerning the confrontation between Yugoslavia and Slovenia starting on June 26, ending on July 7, 1991 with the *Brioni declaration*, and leading to the *Hague Peace Conference on Yugoslavia* (meeting between September 7 and October 18, 1991), it is necessary to say that the crises in question have lasted almost 20 years, and have been brought to conclusion only as late as the decision of *International Court of Justice* (ICJ) on Kosovo in 2010. Most solutions involved *physical separation* and *division of assets*, still the management of individual conflicts implied diverse approaches and outcomes, diverse actors and diverse numbers of actors.⁶ A short list of Yugoslav crises management concepts should include the following items:

1. *The Brioni concept* (of the summer 1991) involved – essentially – four players: the EU, Slovenia, Serbia and the Yugoslav Federation. Its original intention was to delay, possibly restore the situation before the Slovenian declaration of independence, but eventually led to cease-fire and peaceful life of the northernmost Yugoslav republic. After the Brioni meeting, Serbia more or less abandoned identification with the Socialist Federal Republic of Yugoslavia (SFRY) and the rhetoric of Yugoslav unity.⁷

4 A characteristic view of this kind is provided in the book by Warren Zimmermann (1996). The American Secretary of State James A. Baker, III has somewhat corrected his initial negative views (1995). A number of reservations concerning Slovenian independence – as reported occasionally to the author of these lines by conservative leaders (e.g. Alois Mock) – was coming from Socialist politicians, e.g. Franz Vranitzky and Gianni De Michelis. The concern in the headquarters of the Socialist International was not so much disintegration of Yugoslavia, but of Soviet Union.

5 A well informed and far-sighted (not to mention Slovenian-friendly) assessment of the events can be found in the memoirs by Hans-Dietrich Genscher (1995).

6 A detailed chronology of developments until 2001 and international reactions to them has been provided by Jože Pirjevec (2003).

7 The final success of this concept was partly due to background talks between Slovenian and Serbian leaders. During the summer of 1991, Janez Drnovšek (Slovenian member of the Yugoslav Presidency) discussed

2. *The Hague (Carrington Peace Conference) concept* (of the autumn 1991) concerned eight players: the EU, the Federation and six Yugoslav republics. It has failed in its intention to reform the Federation, but rather demonstrated irreconcilable differences between the republics. In the end, the number of parties involved was reduced: due to the departure of the Yugoslav army and favorable attitudes of the key players, Slovenia practically disappeared from the screen of Yugoslav crises.
3. *The unilateral EU concept* (connected with the Maastricht meeting of December 1991) emerged due to two important developments: the “deepening” of the EU and the expected breakdown of the Soviet Union. Adopting the German and French position, it recognized independence of Slovenia and Croatia, established the Badinter arbitration commission and approved the idea of the disintegration of Yugoslavia. This concept somewhat determined subsequent Yugoslav crises and their solutions.
4. *The concept of the London Conference* (of August 27, 1992) enlarged the context of the debate on Yugoslavia, and brought some innovations. The full/original title of the event was »International Conference on the Former Yugoslavia«. It included 24 »non-Yugoslav« countries plus the EU, UN, Conference on Security and Co-operation in Europe (CSCE) and the Red Cross. The London conference nominated a 17 members-strong steering committee led by the representatives of the UN Secretary General and of the EU Presidency (Cyrus Vance, David Owen). The conference produced »Conclusions on Implementation of Existing Sanctions« (against Serbia and Montenegro), a »Statement on Bosnia and Herzegovina« and a paper by the Co-Chairman on Serbia and Montenegro. The conference will be remembered by a flamboyant appearance of the new Prime Minister of the Federal Republic of Yugoslavia who claimed that Milošević was subordinated to him, and by an orthodox speech by the new Yugoslav President Dobrica Ćosić attacking separatism and advocating Yugoslav unity. Some commentators speculated that the conference intended to support the Serbian/Montenegrin idea of succession to SFRY. The widened approach of the conference did not produce any improvement on the ground. The letter by the Slovenian Foreign Minister of August 25, 1992, addressed to the British Foreign Minister, indicated that Slovenia no longer considered herself as a part of the crisis, but rather as a concerned bystander.⁸
5. *The Contact group (France, Germany, Great Britain, Russia, US) concept*. The group was established in London on April 26, 1994, to demonstrate unity of the international community, to promote multilateral diplomacy and to produce political settlement in Bosnia. The group that generally included also the EU, NATO

the situation with his Serbian counter-part Borisav Jović, while France Bučar (Speaker of Slovenian Parliament) and the author of these lines proposed to Dobrica Ćosić (*éminence grise* of Serbian politics) common opposition to central Government and mutual consideration of national interests. Ćosić revised his position in 1992, after becoming President of the new Yugoslav federation.

8 See Annex 1 at the end of this paper.

and the UN, was later enlarged with Italy. The Contact group minus Russia was called The Quint.

6. *The Dayton conference concept* (1995) – returning to a restricted format of four players (Bosnia, Croatia, Serbia and the U.S. as the arbitrator) dealt with Bosnia and Herzegovina. The Dayton approach depended on American clout and negotiating skills, and marginalized the multilateral approach of the Contact group. Siding with Bosnia and Herzegovina, Americans actually supervised the negotiations between Serbs and Croats, and imposed the solution by dividing Bosnia into three ethnic parts, thereby producing an awkward and rather impractical constitutional arrangement. The chief US negotiator Richard Holbrooke admitted multiplicity of Yugoslav crises by giving his report the title *To End a (not the) War* (Holbrooke 1998).
7. *The Rambouillet concept* (1999) involving the Contact group under American leadership failed to persuade Milošević about Kosovo, therefore credible threat and military action followed. In the end, the international community, primarily US and NATO, assumed responsibility for Kosovo, thereby in fact separating it from Serbia.
8. *The Ohrid concept* (2001) involving local negotiators headed by President Boris Trajkovski was a success, since it has preserved the integrity of Macedonia by introducing mandatory division of power in the Government without territorial concessions to Albanians.
9. *The Solana – EU – concept* (2002-2006) temporarily preserved the Federation of Serbia and Montenegro (called “Solania” after the engineering efforts by the EU High Representative) by postponing the decision on separation and binding it with a referendum.⁹ In the end, the republics became independent.
10. *The ICJ concept* (2010) confirmed legality of the Kosovo declaration of independence and gave blessing to another state on the former Yugoslav territory.

In the end, Yugoslavia was divided into seven states. Further disintegration of Bosnia-Herzegovina and of Macedonia was avoided by two different methods. One was territorial division, the other sharing of authority. Some of the concepts – of course, depending on the point of view – can be qualified as success. No concept, not even the minimalist Solana concept was able to restore Yugoslavia.¹⁰ As far as Slovenia is concerned, Brioni and The Hague were successes. With the exception of Brioni, the Yugoslav crises revealed weaknesses of multilateral (EU, UN) and strengths of American (bilateral) diplomacy, not to speak about the *diplomacy with the stick of a “credible threat”*.

9 Montenegro would be permitted to go independent after a waiting period of four years and under the condition of a referendum that would only be valid with 55 % of the votes in favor. The EU engineers calculated that – due to the hard core Serbian elements in Montenegro – its Government would not be able to reach the threshold.

10 Cf. Pirjevec, 2003, 79–80.

THE PEACE CONFERENCE ON YUGOSLAVIA IN THE HAGUE

The official line of the Slovenian Government before the plebiscite in December 1990 and even later – in the talks with more cautious and sensitive interlocutors – was compromise and agreement with other Yugoslav republics, allowing a transformation from the federation to a confederation.¹¹ In internal discussions, after the plebiscite the confederation solution was off the shelf and all efforts were directed towards organizing Slovenia as an independent state. In April 1991, a special task force consisting of Interior, Defense and Economy ministers aimed at practical steps towards self-sufficiency and defense of the system has been established (Janša 2013, 159-177).

The arguments used in international contacts were – as explained – less nationalistic and more democratic. In international encounters, Slovenian representatives kept, on one hand, emphasizing their European and Western orientation; while on the other hand, they rejected most resolutely incompetent economic, pre-modern and undemocratic policies of the Communist Central Yugoslav and Serbian (Milošević) Government. But all in all, Slovenians were confident that, in the end, Slovenia would turn into an independent state. They kept repeating that without radical change, Yugoslavia could remain the last and only fortress of Communism in Europe.

Slovenian confidence was not unfounded. On February 14, the Defense and Foreign ministers secretly visited in Brussels John Kriendler, a high official of NATO, and presented to him the case of Slovenian independence.¹² Even more important was the May visit by the Prime and Foreign ministers in Moscow. The delegation met with Boris Jeltsin who, in a very relaxed way, anticipated an imminent breakdown of the Soviet Union, information that removed from Slovenian screen the often used argument that a demise of Yugoslavia could provoke a chaotic disintegration of the Soviet Union. After June 25, the newly established Slovenian army successfully defended Slovenia against the attack of the Yugoslav army. In July, the Slovenian representatives attracted positive attention and sympathetic ear of the German Foreign minister Genscher. At the Brioni conference, the combined forces of the Yugoslav federation and the EU failed to reverse – but managed to suspend, while Slovenia managed to secure – essential Slovenian political and military achievements. On July 19, the Yugoslav Presidency (with the exception of the Croatian member) decided to withdraw the Yugoslav army from Slovenia. On August 4, the EU Troika visited Ljubljana, and on August 14, the Speaker of the Parliament and the Foreign minister established in the talks with the Serbian utmost personality Dobrica Ćosić in Belgrade an atmosphere of appreciation and understanding of national interests of both republics (Glenny 1995, 59). On September 4, the German Chancellor Helmut Kohl in the Bundestag praised the positive developments in the Soviet Union, and anticipated international recognition of the Yugoslav republics that no longer wanted to be part of Yugoslavia.¹³

11 Cf. Repe, 2002, 52–87.

12 Both visitors have referred to the meeting in their books: Janša 2013, 151; Rupel 2013, 146, 150, 153.

13 See Annex 2 at the end of this paper.

The hot Yugoslav summer was approaching its end or, perhaps, its boiling point. The twelve European foreign ministers held frequent meetings in Brussels (August 27) and in The Hague (September 3, September 7), producing several interesting statements and documents. So, the French Foreign Minister Roland Dumas alluded on September 7 to the possibility of recognition of Slovenian independence, admitting that the free play of self-determination and the freedom of choice of peoples could lead up to *dissociation*.¹⁴

The Foreign ministers of Germany, France and the Netherlands, not so much to accommodate Slovenia, but to start a more comprehensive peace process and to arrange cease-fire in Croatia, proposed *The Conference on Yugoslavia* – sponsored by the Dutch Presidency of the EU and managed by the former British Foreign minister Lord Peter Carrington – to start in The Hague on September 7.

The conference was characterized by luxurious protocol and by great expectations of the ruling class of the European community (with the exception of Germany and, maybe, France) concerning a reconstruction of Yugoslavia. The imminent task of the opening session of September 7 was – as indicated – to stop the war in Croatia.

In the beginning, Slovenia (in a low key speech read by President Milan Kučan) admitted that the idea of “a confederation of sovereign states” she had been advocating “for a number of years” was now obsolete. Slovenia demanded international recognition of her statehood which would “not exclude the possibility of making agreements on cooperation, association and systematization of relations with other republics”. The highlight of the speech was strong criticism of the federation that has “substituted the military aggression with economic pressures in the monetary and economic fields and restrictions of credit”. Kučan anticipated “immediate action toward monetary sovereignty”.¹⁵ Quite different was the speech by the Croatian leader. It was long and mean. Franjo Tuđman mentioned the 2000 dead and 140.000 refugees. He characterized his adversaries as *dogmatic, militarist, Bolshevik-Communist, Great-Serbian* and *expansionist*. He asked for immediate international recognition of Croatia. The author of these lines, present at the meeting of September 7, identified four different positions of the participants, and scribbled in his notebook:

1. Yugoslav Presidency (represented by the Croatian representative Stipe Mesić) expressed a vague *pacifist position*;
2. Yugoslav Prime Minister Ante Marković, President of Bosnia and Herzegovina Alija Izetbegović, President of Montenegro Momir Bulatović and President of Serbia Slobodan Milošević advocated the idea of *united Yugoslavia*;
3. Macedonian President Kiro Gligorov spoke in favor of a *union of sovereign states*;
4. Croatian President Franjo Tuđman and Slovenian President Milan Kučan saw no alternative to *independence* of their countries.

At the beginning, it seemed – to the representatives of the Federation, to Bosnia and Herzegovina, Montenegro and Serbia; to diplomatic observers and to Carrington

14 »...possibilité d'une reconnaissance de l'indépendance de la Slovénie«, AFP report of September 7, 1991, from La Haye/The Hague.

15 Cf. Repe, 2002, 369–370, 378.

himself – that the idea of continuity of Yugoslavia enjoyed strongest support. If we ignore the embarrassing position of Mesić; if we discard the self-serving position of the representative of the Federal Government; if we take note of Izetbegović's – almost immediate – conversion to the Macedonian reformist position; and if we understand the Montenegrin addiction to the Serbian position, we get a more accurate picture of the situation at The Hague. There were only two alternatives to the (fading) legitimacy of Milošević's *conservative* position: *reform* and *break-up*. Slovenia considered the middle (reformist) position as the most dangerous one, since it was supported by the EU. In the case the Serbian conservative pressure was less brutal; if the German position was less resolute, and if the conference lasted longer, maybe the reformist position would have better chances of success.

On September 11 the Foreign Minister of Slovenia – author of these lines – wrote (a letter) to the President of the Conference. Among other things, he stressed the following: “The conference cannot change the decision of Slovenia to be an independent, sovereign state. Slovenia cannot negotiate on this matter. However, Slovenia is interested that the process of dissolution proceeds peacefully and gradually. It is prepared to cooperate responsibly and actively in the search for the solution of the Yugoslav crisis /.../”¹⁶

The Peace Conference on Yugoslavia held the next session on September 12 and 13. This time the Federation and the republics were represented by Foreign ministers. On top of the Minister's letter to Carrington, Slovenia presented to the conference also a paper on the economic problems connected with the crisis, primarily on the embargo against Slovenia of the National Bank of Yugoslavia (NBY). The paper accused the Federal Government of the SFRY of conducting “an economic war, in the sense of draining the economy of Slovenia” and of not respecting the Brioni Declaration. The paper describes the financial aspect of the crisis as follows:

The consequences of expelling Slovene banks from the Yugoslav hard currency market are mainly expressed in Slovenia in the fact that the NBY assures the relatively cheap (unrealistic exchange rate) sale of hard currency for the payment of foreign credits to the hard currency market and is thus constantly reducing its hard currency reserves, which were created also by the Slovene economy. So the hard currency reserves of the National Bank of Yugoslavia, which are the property of the whole state – thus also of Slovenia – are being spent only for the needs of the federal agencies and the republics, excluding Slovenia and Croatia. At the same time, the National Bank of Yugoslavia has debts to the Slovene banks to a level of approx. 1.6 billion USD, on the basis of transferred hard currency deposits of citizens in Slovene banks...

The paper anticipated “appropriate action for the protection of Slovene banks and the Slovene economy” if the NBY “does not immediately remove the embargo”. At the same time it solicited understanding and sanctions against Yugoslavia by foreign countries and international organizations. The paper also reported on the “organized theft” in Serbia, Montenegro and in parts of Bosnia and Herzegovina of the property of the Republic of

16 See Annex 3 at the end of this paper.

Slovenia, its companies, shops and agencies. The value of expropriated property amounted to at least 200 million German marks.¹⁷

Preparing for an improvised speech at the session, the Foreign Minister – author of these lines – made a list of “unchangeable facts”, “irresolvable problems”, “changeable facts” and “problems that can be resolved”. He scribbled them on the sheets of the conference stationary.¹⁸

During the session of September 12, the Slovenian minister met Lord Carrington who admitted that the Slovenian position regarding independence was generally accepted in Europe, and inquired about the attitude of Slovenia concerning eventual customs or monetary union. The minister expressed reservation regarding common organs. Carrington also said that Slovenia was not perceived as the main problem, but reacted nervously when the Minister questioned the participation of the Federation representing a lost cause, and – considering the expiration on October 7 of the Brioni-imposed moratorium – proposed immediate recognition of Slovenia by the conference. Carrington explained that in the case Slovenia left the conference; Croatia would do the same, and asked for a delay of three weeks. Slovenian independence, so Carrington, should not be problematic. Then Carrington, maybe to alleviate the conversation, asked his interlocutory “who would he rather have dinner with, Milošević or Tuđman?” After some hesitation on the side of the Slovenian Minister, Lord Carrington gave his answer: “Admit it that Milošević is much more fun!”

Before the meeting of September 12, Slovenia was informed about an Italian approach to the conference. Italy prepared a non-paper (“Yugoslavia, elements for a possible institutional compromise”) based on “balancing the principle of the integrity of States against that of self-determination”. The non-paper refers to “the Slovene ‘asymmetrical project’” and to the “development model that would broadly match the one around which there has been such broad agreement recently in the USSR”. It suggests that Yugoslavia should keep “its specific personality as an international subject” and develop a “three-tier institutional structure” with Common (economic, legal, defense), Republican (international relations) and Regional (minority policies) institutions.¹⁹

On September 17, Carrington forced Tuđman, Milošević and General Veljko Kadijević to declare a cease-fire that was broken almost immediately. On September 19, the participants received from The Hague a summary of the achievements of the conference.²⁰ The interesting feature of the summary was that Slovenia was hardly mentioned in it.

On September 25, a coup d'état deposing President Mesić took place in Belgrade, and the Security Council of the UN adopted the Resolution 713 introducing arms embargo

17 The 7 pages-long “Information No.: 922-01/91” was prepared by the Ministry of Foreign affairs on September 10, 1991.

18 See Annex 4 at the end of this paper.

19 The title of the »Unofficial translation« of the »Italian non-paper« is »Yugoslavia (Elements for a possible institutional compromise)«. The non-paper sent to Ljubljana from Belgrade on September 11 has 4 pages and 6 parts (ADR).

20 See Annex 5 at the end of this paper.

for all Yugoslavia, punishing everybody except Milošević.²¹ The conference continued on September 26.

In Ljubljana, Danilo Türk, a professor of international law, expecting extended duration of the conference and intensified involvement of Slovenia in its machinery; not to speculate about personal ambitions, proposed to Slovenian Government to establish a working group and choose a full-time “chief negotiator” to represent Slovenia at the Yugoslav conference.²² Slovenian Government, working towards swift separation from Yugoslavia and international recognition of independent Slovenia, was not enthusiastic about formalization and extension of its role at the conference.

In October 1991, total war developed in Croatia. Its leaders and some European countries believed that international recognition of its independence – with the help of the conference in The Hague – would stop the war, while Slovenia acted on the presupposition that her staying away from the crisis and distancing herself from the conference would enhance her chances of recognition. On October 3, Carrington’s office produced a document that summed up all earlier declarations, memoranda and cease-fires of the parties at war, and extended the mandate of the monitoring mission beyond October 13. The leaders of the conference (Carrington and Henri Wijnaendts) tried to persuade Slovenian representatives to sign the document, but the offer was rejected, and Slovenia – to great dissatisfaction in the Croatian camp – was left out. On October 4, Milošević, Tuđman and General Kadijević tried in the presence of Carrington and Van den Broek to agree on another cease-fire and on a framework for a political solution of the crisis on the basis of a perspective of extending international recognition of independence to the republics that so wished. The agreement has not succeeded, so the EC Foreign ministers adopted the Haarzuilens Declaration on Yugoslavia.²³

One of the “difficult” partners on the side of the EC was Italy that opposed the idea of recognition, and proposed a widened context of managing the crisis with participation of UN and CSCE. This – in the eyes of the Slovenian delegation – could *increase the possibilities of obstruction*. In the meantime, the conference discussed a number of military, human rights, economic and succession related issues on the level of experts. In the background, on October 12, Slovenia and the Yugoslav People’s Army agreed on practical aspects of withdrawal. The fifth session of the Peace Conference that Carrington later described as a disaster took place on October 14.²⁴

21 The view is also shared by Pirjevec (2003, 83–84).

22 From 1992 to 2000, Danilo Türk was Slovenian Permanent Representative to the UN in New York. After having completed the mandate, he stayed at the UN until 2005 serving as Assistant for Political Affairs to Secretary General Kofi Annan. Between 2007 and 2012 he served as President of Slovenia. The letter by Danilo Türk dealing with the organisation of the Slovene delegation at the conference in The Hague and proposing establishment of the position of the »chief negotiator« was addressed to The Ministry of Foreign Affairs on September 27, 1991. Türk’s initiative of 1991 betrayed political orientation which was closer to Yugoslav conservatives than to the Slovenian drive for independence. The proposal was repeated and supported by Ambassador Marko Kosin in a 6 pages report of October 13, 1991 (Dosedanji potek Haaške konference in izhodišča za prihodnja pogajanja [Review of the Conference in The Hague and directions for future negotiations]). Documents are in the personal archive of Dimitrij Rupel (ADR).

23 See Annex 6 at the end of this paper.

24 Carrington complained about »absence of results« and the »disappointing Fifth Plenary session« in the letter addressed to President Kučan on October 14, 1991.

Some positions of the republics concerning their future evolved in the sense that they became less clear and more contradictory. Croatia, for example, rejected cooperation with Serbia and Montenegro, but accepted the idea of confederation and customs union. Slovenia objected to a prolongation of the conference, since according to her, it would mean a prolongation of the Yugoslav crisis; but expressed willingness to participate as an independent country in negotiations concerning succession, division of assets and international agreements. On October 16, Lord Carrington and Ambassador Wijnaendts sent to all participants their “proposals for a political solution to the present crisis in Yugoslavia”.²⁵

Slovenia was reserved to the proposals. She accepted them as *a menu*. The article “1.1” (“*sovereign and independent Republics*”) was acceptable, but she would prefer “states” instead of “republics”. Slovenia found most proposals as unnecessary and unacceptable. On October 18, President Kučan defined Yugoslavia as an ideological construction that has not survived the confrontation with European democracy. On the same day, another conference declaration (*Declaration on Yugoslavia*) was issued. The dramatic elements of the text were a couple of references to the US, the USSR, UN and CSCE; the substantial message, however, was that an *arbitration commission* would be set up within the framework of the conference.

After October 18, Slovenia and YPA agreed that the withdrawal of the Yugoslav forces would be concluded by October 25. In autumn of 1991 when Serbia was exploiting the diplomatic negotiations for military conquest of new territories, the Arbitration commission headed by Robert Badinter prepared the legal foundation for international recognition of Slovenia. Germany and her friends worked hard to alleviate recognition of Slovenia and Croatia which was made public by Chancellor Kohl and Foreign Minister Genscher in December 1991. But then, also the Soviet Union was at its end.

CONCLUDING REMARKS

As already remarked, increasing the number of players and extension of format, so typical of multilateral diplomacy, usually weaken the dynamics and efficiency of mediation/negotiation. As demonstrated by the chronology of the Yugoslav crises, the multitude of their actors made mediation extremely difficult, while some outside interventions in the Yugoslav peace process²⁶ also proved that a growing numbers of mediators can produce additional barriers to positive solutions.

In the case of Yugoslavia, its original cultural and economic diversity was managed by its original dictatorship. As anticipated by Edvard Kardelj in 1965, Yugoslavia was divided into three blocs: the first bloc consisted of Bosnia and Herzegovina, Montenegro and Macedonia supporting *centralism* for economic reasons and because of their underdevelopment; the second – *autonomist* – bloc contained Slovenia and Croatia, while the third

25 See Annex 7 at the end of this paper.

26 Such was the case of the Italian non-paper of September 7, 1991. Later, Italy insisted to be included into the Contact group. The chronological case of *watering-down by enlargement* was the London Conference of August 1992.

bloc represented by Serbia was *hegemonistic* (Vodopivec, 2006, 391–392). After Tito's death, coalitions of republics failed to produce positive results, therefore new solutions were sought and found in Belgrade. For a while, Serbian politicians, especially Milošević, hoping to control all Yugoslavia by reviving traditional authoritarian models, associated themselves with the "supranational" Yugoslav People's Army. For a while, the Yugoslav-Serbian coalition gave the impression that the task was difficult but not impossible. In Slovenia and later in Croatia – always the main obstacle for the Serbs – the coalition was confronted with the European Community. Due to its, primarily German, mediation, the coalition withdrew from Slovenia. This was the critical moment: the coalition between Milošević and the YPA broke down, and – in fact – only two players remained in the field: Croatia and Serbia. We should not forget that the fall of the Berlin wall encouraging the captive nations was a German event. The fall worried the Serbs who expected help from Soviet Communist "brothers". But these were in trouble themselves.

Despite its slight pro-Serbian bias, the conference in The Hague would not side neither with Serbia nor with Croatia, so the war continued. The multilateralization that followed helped Serbia until 1995 when Americans (and NATO) intervened. The main players on the side of the international community were Germany, France (due to the refreshing action by Robert Badinter) and the USA. Russia had a particular problem: its own disintegration. But its role was also positive, since Boris Jeltsin was (at least at the beginning) an advocate of self-determination. His failing health and fading strength may have contributed to multiplication of mediators and crises.

REŠEVANJE JUGOSLOVANSKIH KRIZ.
HAAŠKA KONFERENCA O JUGOSLAVIJI (1991) IN IZZIVI
MULTILATERALNE DIPLOMACIJE

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POVZETEK

Jugoslovanske krize v zgodnjih devetdesetih letih so se odvijale v kontekstu prelomnih zgodovinskih dogodkov: padca Berlinskega zidu, preobrazbe Evropske unije in konca Sovjetske zveze. Razpad Jugoslavije in Sovjetske zveze leta 1991 je treba razumeti kot procese samoodločbe in postavljanja nacionalnih držav, pravzaprav kot dopolnila mirovniških konferenc iz leta 1919 in iz leta 1946. Avtor članka – ki je sodeloval pri diplomatskem reševanju kriz – se strinja s Philipom Bobbittom, da je razpad nedemokratskih sistemov pomenil vrnitev relativne evropske povezanosti in stabilnosti, ki so ju bili porušili totalitarni posegi 20. stoletja.

Čeprav se članek ukvarja predvsem s Haaško mirovno konferenco o Jugoslaviji, ki je delovala med 7. septembrom in 18. oktobrom leta 1991, je jasno, da so krize, o kate-

rih je govor, trajale skoraj 20 let in so se končale šele leta 2010 z odločitvijo haaškega Meddržavnega sodišča ICJ o Kosovu. Večina rešitev je pripeljala do fizične ločitve in do razdelitve posesti, vendar je reševanje posameznih sporov vsebovalo različne pristope in izide, različne igralce in različno številne igralce. Množica igralcev in širitev formata, ki sta značilni za multilateralno diplomacijo, običajno slabita dinamiko in učinkovitost mediacije/pogajanj. Kot kaže zaporedje jugoslovanskih kriz, je gneča pogajalcev in igralcev zelo oteževala posredovanje in pogosto povzročala ovire za pozitivne rešitve.

Kljub svoji rahli pristranosti v korist Srbije se Haaška konferenca ni v celoti postavila niti na srbsko niti na hrvaško stran, torej se je vojna nadaljevala. Glavni igralci na strani mednarodne skupnosti so bili Nemčija, ki jo je predstavljal Hans Dietrich Genscher, Francija (po zaslugi arbitražne komisije, ki jo je vodil Robert Badinter) in Združene države Amerike. Multilateralizacija, ki je sledila, je pomagala Srbiji vse do leta 1995, ko so v vojno posegli Američani in NATO. Sovjetska zveza je imela posebno težavo: svoj lastni razpad. V nasprotju s srbskimi pričakovanji, sta njena naslednica Rusija in Boris Jelcin, ki je začel svojo kariero kot zagovornik samoodločbe, kar dobro sodelovala z drugimi člani mednarodne skupnosti, vsaj v prvih letih kriz.

Ključne besede: mediacija, multilateralizem, samoodločba, Slovenija, Haaška konferenca, Jugoslavija, Slobodan Milošević

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ANNEXES
PRILOGE

REPUBLIC OF SLOVENIA
Ministry for Foreign Affairs
Minister

Excellency:

the President, the Prime Minister and other leaders of the Republic of Slovenia have, at a meeting held last night, expressed their dissatisfaction with the way how the participants of the London Conference are supposed to be represented at the meeting of the Conference later this week.

According to the opinion of the Slovenian leadership, certain conditions should be fulfilled for the attendance of Slovenia on the level of its President.

If the London Conference is a continuation of the EC (Lord Carrington's) Conference on Yugoslavia, its participants should be present in London with a clear indication what country (republic) they represent.

We understand that we are in no position to impose our rules of procedure: but it is absolutely imperative to us that our participation be declared as a participation of an independent and sovereign state, i.e. the Republic of Slovenia.

It is our belief that the London Conference should be no occasion for a tacit or preliminary recognition of the so called Federal Republic of Yugoslavia, and their delegation should not participate at the conference on equal footing as the other participants of Lord Carrington's conference.

According to our opinion, the presence of the so called FRY, if it is necessary, should be characterized by some special status about which the organizers could decide for themselves.

We have the feeling that the identity of our and some other states is expected to be obscured, because the "FRY" delegation cannot be identified for obvious reasons (recognition etc.)

We have already indicated that Slovenia would in no way object to a recognition of "FRY" if it was prepared to undergo the same procedures as other successor states of the former SFRY had to undergo.

The President of the Presidency of Slovenia, Mr. Milan Kučan, will not attend the London conference, unless a clear identification of Slovenia as a sovereign state is provided by the organizer of the conference. As a state participating in the CSCE and as a U.N. member, Slovenia is, indeed, interested in the success of the London conference. Let me also say, that we shall, in the case that no name-plate will be provided for the Republic of Slovenia, find a different, perhaps a lower-level way of participation at the London conference.

Yours sincerely
Dimitrij Rupel

Ljubljana, August 25, 1992

Sl. 1: Pismo, ki ga je slovenski zunanji minister pisal britanskemu kolegu (Douglasu Hurdu) 25. avgusta 1992 (ADR).

Fig. 1: The letter by the Foreign Minister of Slovenia addressed to his British colleague (Douglas Hurd) on August 25, 1992 (ADR).



Der Bundeskanzler
der Bundesrepublik Deutschland

Presse- und Informationsamt der Bundesregierung

REPUBLIKA SLOVENIJA			
MINISTRSTVO ZA ZDAVE			
Projeto:	4.9.91		
Org. an.	Številka:	Priloge:	Vredn.
	14/144		

*Dr. Rupeš
Juglic
Vogel M*

4. September 1991
Nr. 326/91

Sendesperfrist: 4.9.1991, Redebeginn

Es gilt das gesprochene Wort!

R e g i e r u n g s e r k l ä r u n g

von

Bundeskanzler Dr. Helmut Kohl

vor dem Deutschen Bundestag

in Bonn am 4. September 1991

zur Lage und Entwicklung

in der Sowjetunion und in Jugoslawien

12

Angesichts der massiven militärischen Einsätze der letzten Wochen geht es zunächst darum, daß sofort und uneingeschränkt auf jede Gewaltanwendung verzichtet wird. Dies gilt für die Jugoslawische Volksarmee wie für alle anderen bewaffneten Verbände.

Die Europäische Gemeinschaft hat auf der außerordentlichen Sitzung der Außenminister am 27. August erklärt - ich zitiere

"Die Gemeinschaft und ihre Mitgliedstaaten werden niemals eine Politik der vollendeten Tatsachen akzeptieren. Sie sind entschlossen, durch Gewalt herbeigeführte Grenzänderungen nicht anzuerkennen".

Gestern haben sich die Außenminister der Gemeinschaft darauf geeinigt, bereits für den kommenden Samstag eine Friedenskonferenz nach Den Haag einzuberufen. Alle Konfliktparteien in Jugoslawien sollen, zusammen mit den Gemeinschaftsländern, daran teilnehmen.

Ich begrüße besonders, daß Lord Carrington, dessen große internationale Erfahrung wir alle schätzen, als Koordinator vorgeschlagen ist.

Nunmehr sind auch die Voraussetzungen geschaffen, daß die europäische Beobachtermision die Einhaltung des Waffenstillstands auch in Kroatien überwachen kann. Ich rufe alle Verantwortlichen in Jugoslawien auf, der Mission ihre Tätigkeit zu erleichtern.

Hinter den europäischen Friedensbemühungen stehen alle KSZE-Staaten.

Wer glaubt, jetzt immer noch auf den Weg der Gewalt setzen zu können, muß mit einer entschiedenen Antwort aller Europäer rechnen. Dies gilt auch - und nicht zuletzt - für die Bundesrepublik Deutschland.

Wenn Dialog und friedliches Miteinander nicht mehr möglich sind, dann stellt sich für uns - aus unserem Verständnis von Selbstbestimmungsrecht - die Frage, diejenigen Republiken, die nicht mehr zu Jugoslawien gehören wollen, völkerrechtlich anzuerkennen.

Die Völkergemeinschaft - und insbesondere die Europäer - werden weiterhin für eine friedliche Lösung auf der Grundlage der KSZE-Dokumente, insbesondere der Charta von Paris für ein neues Europa, arbeiten.

Sl. 2: Naslovna stran in odlomek izjave nemškega kanclerja Helmuta Kohla v Bundestagu 4. septembra 1991 (ADR).

Fig. 2: The front page and a fragment from the declaration by German Chancellor Helmut Kohl in the Bundestag on September 4, 1991 (ADR).



REPUBLIC OF SLOVENIA
MINISTRY FOR FOREIGN AFFAIRS
LJUBLJANA, GREGORČIČEVA 25
TEL.: 38 61 224-141 – FAX.: 38 61 213-357

Ljubljana, 11th September, 1991

Your Lordship,

Allow me, as agreed, to inform You about the expectations which we in the Republic of Slovenia have in respect to the Peace Conference on Yugoslavia.

1. The Conference must guarantee stable and durable peace throughout Yugoslavia.
2. It has to assure protection of the rights of all in Yugoslavia, taking into account all legitimate interests and aspirations.
3. In the view of Slovenia, the Conference must above all facilitate:
 - agreement on the peaceful dissociation of Slovenia from Yugoslavia;
 - formal and full recognition of independent Slovenia;
 - agreement on the distribution of state property, obligations and debts;
 - settlement of other issues of state succession in accordance with the principles of international law.
4. The Peace Conference should identify the questions which could be resolved before an Arbitration Commission.

Concrete legal issues could include, for example:

- questions related to the succession of Yugoslavia
 - disputes about the distribution of state property and succession with respect to rights and obligations, in accordance with the principles of international law;

The Right Honourable
Lord Carrington
Chairman of the Conference on Yugoslavia
The Hague

- disputes connected with the validity of international treaties and agreements adopted by the SFRY;
- possible disputes regarding adjustments of borders on the basis of the strict respect for the principle of the inviolability of borders which permits their change only by peaceful means and by agreement (Slovenia firmly defends the principle of inviolability of the existing borders);
- measures for the protection of minorities;
- disputes related to reparations for war damages, etc.

Allow me, in this connection, to point out the following:

a) The conference cannot change the decision of Slovenia to be an independent, sovereign state. Slovenia cannot negotiate on this matter. However, Slovenia is interested that the process of dissolution proceeds peacefully and gradually. It is prepared to cooperate responsibly and actively in the search for the solution of the Yugoslav crisis - especially in the peace process which began with the Peace Conference on Yugoslavia. Moreover, it is ready to assume its share of the responsibilities and obligations of the present Yugoslavia.

b) Slovenia opted for independence in order to associate or cooperate with other states in the Yugoslav area and in Europe, as a sovereign state, on the basis of Slovenia's interest, in accordance with the principles of equality and mutual benefit.

Full recognition would free Slovenia of pressures and allow it to take an even more active part in the search for the solution of the Yugoslav crisis and to integrate more effectively into the international community.

c) Slovenia maintains the view that the principle of the Helsinki Final Act on the inviolability of borders should be directly applied in relations between Yugoslav republics. Borders between Yugoslav republics, as we know them today, are not administrative but historical and political.

d) The question of the protection of minorities must be settled in accordance with appropriate international standards and include international monitoring of ethnically mixed regions.

In conclusion, I wish to emphasize again that Slovenia is prepared to develop good political, economic and other

- 3 -

relations with the successor states of Yugoslavia or with their unions.

Since Slovenia is not willing to be a part of a federation or confederation or association of sovereign republics/states (Gligorov, Soviet model), we thought that a suitable framework for cooperation would be a kind of Yugoslav Conference on Security and Cooperation, similar to CSCE.

All these matters have been explained in the statement of the President of the Presidency of the Republic of Slovenia, Mr. Milan Kučan, at the opening session of the Peace Conference on Yugoslavia, held on September 7 in The Hague.

If any additional clarifications are needed, we are at Your disposal.

Please, accept, Your Lordship, the assurances of my highest consideration.

Dr. Dimitrij Rupel
M I N I S T E R


Sl. 3: Pismo, ki ga je slovenski zunanji minister pisal predsedniku Haaške konference lordu Carringtonu 11. septembra 1991 (ADR).

Fig. 3: The letter by the Foreign Minister of Slovenia addressed to Chairman of the Conference on Yugoslavia at The Hague Lord Carrington on September 11, 1991 (ADR).



FACTS
PROBLEMS

unchangeable facts unresolvable problems	changeable facts problems that "can be resolved"
1.) - <u>HISTORY</u> , <u>DIGNITY</u> national identity of the component parts of Yu	1.) - state of war and of hostilities
2.) - cultural, linguistic various differences between republics - volatile, explosive area of Balkans	2.) political relations 3.) protection of national and minority interests
3.) - Yugoslavian crisis - end of federation (X)	
4.) - victims of war - dead people, wounds	4.) recognition of statehood to those who are interested
federation <u>can not</u> function	5.) distribution of assets and debts
5.) - preservation of YA as a common defence system	

(NON)NEGOTIABLE	
<p>NOT resolvable changeable</p>	<p>problems that can be resolved - CSCE, EC</p> 
<p>1.) <u>Dignity of nations</u> <u>Identity of nations</u> <u>Pluriscite, popular will</u> <u>COVENANTS - SOVEREIGN STATE</u></p>	<p>1.) state of war, end of hostilities</p>
<p>2.) <u>History - cultural civilization, linguistic differences</u> - explosive, volatile region</p>	<p>2.) <u>political relations</u> 3 positions: - bul, hr, RW, BiH - Macedonia - slo., Croat. - Reconciliation of these different positions - design a system - coexistence - federation - cooperation - independence</p>
<p>3.) <u>Yugoslav crisis - end of federation</u> → ministers' conference → no support by the federation → however, federation asks the European authorities to support a dual cause as establishment of which was not capable of resolving the problem</p>	<p>METHOD</p> <p>3.) <u>protection of human rights</u> - national rights - rights of minorities</p>
<p>4.) <u>preservation of Y.A. as a common defense</u></p>	<p>4.) <u>recognition</u></p>
<p>5.) <u>victims of war wounds</u></p>	<p>5.) <u>distribution of assets and debts</u></p>

Sl. 4: Improvizirani rokopisni zapiski, ki jih je slovenski zunanji minister uporabil za nastop na Haaški konferenci 12. septembra 1991 (ADR).

Fig. 4: Improvised hand-written notes used by the Slovenian Foreign Minister for his speech at Conference on Yugoslavia at The Hague on September 12, 1991 (ADR).

19. sept.

NON PAPER

CONFERENCE ON YUGOSLAVIA

Working group on Relations between the Republics

From the discussions, we can conclude that there is a broad consensus on the following matters:

Economics

All republics do agree that they have a common interest in establishing:

1. A common market which includes:
 - I. Free movement of goods (with a definition of common legal norms and standards).
 - II. Free movement of services (with a definition of common legal norms and standards).
 - III. Free movement of persons and of labour (accompanied by measures taking into account social aspects and social security aspects).
 - IV. Free movement of capital.
2. A common regime in specific sector as:
 - I. Transports
 - II. Energy
 - III. Telecommunication
 - IV. Agriculture
3. A customs union (a common customs system) and external trade system (except Slovenia).
4. A monetary union: (except Slovenia)
 - I. through a joint currency, with a central issuing bank; or
 - II. through a joint accounting currency.
5. A competition policy:
6. All republics pledge their support for the principle of a market economy and of free trade implying inter alia private ownership and a privatisation of the economy.

Environment

All republics recognize the need for a common environment policy.

Foreign policy / external affairs (except Slovenia)

All republics agree that:

- a. in the domain of the common competences, activities and common interests they have agreed upon, they shall be represented by a common entity which will have the necessary international legal personality.
- b. they shall cooperate in the area of foreign affairs in all matters of common interest and shall coordinate their international activities.

There is no consensus on the following matters:

Internal security

Slovenia and **Croatia** do not want to share competences with other republics in this field, but they seem ready to cooperate with the other republics, especially in the field of terrorism, narcotics, crime.

Serbia and **Montenegro** for their part want federal police since they will be in their mind a federal judicial.

However, it has to be noted that the acceptance to share competences in a common market would ipso facto have consequences on cooperation between law enforcing bodies of the republics.

External security

All parties do agree that cooperation between republics are important in this matter. However, while **Slovenia** is proposing a mini-CSCE for Yugoslavia, **Serbia** and **Montenegro** want security and defence to be a competence of the central government in a renewed Federation. **Serbia** wants the maintenance of a de-politized JNA. **Serbia** and **Montenegro** do not accept republican armies. **Bosnia-Hercegovina** and **Macedonia** accept the idea of a small common federal army, while having republican armies as well. For obvious reasons **Croatia** and **Slovenia** do not even want to hear about a common army.

Institutions

The Chair stated that the future institutions of a Yugoslav community or union should reflect both the question about who has the original sovereignty and about the volume of the transferred competences. The Federation, **Bosnia-Hercegovina** and **Macedonia** stated the same thing. **Slovenia** seems very reluctant to participate in whatever common institutions. **Croatia** could accept to participate in common institutions in the field of economy, foreign policy, human rights and minority rights and in a conference on security.

Serbia and **Montenegro** want a classical federation, with a bi-cameral Parliament, a central government in charge of all common interests, a supreme court, a constitutional court etc.

Since **Bosnia-Hercegovina**, **Macedonia** and **Croatia** want all sovereignty to proceed from the republics, it is obvious that for them there can be only special mandates to common organs put into place to deal with specific matters. Thus, the consensus can be the only rule of decision making.

Human rights and minorities

There seems to be a common interest in this matter. Delegations did not elaborate since the working group chaired by Ambassador Barkman was dealing with this point.

The Hague, 19 September 1991

Sl. 5 Povzetek »dosežkov« Haaške konference, ki so ga udeleženci prejeli 19. septembra 1991 (ADR).

Fig. 5: Summary of »the achievements« of the Carrington conference received by its participants on September 19, 1991 (ADR).

DECLARATION ON YUGOSLAVIA

(Informal Meeting of Ministers of Foreign Affairs,
Haarzuilens, 6 October 1991)

The Ministers of Foreign Affairs of the Community and its member States, meeting at Castle De Haar at Haarzuilens on 6 October 1991, are dismayed that heavy fighting is continuing in Yugoslavia in spite of the agreements reached in The Hague on 4 October 1991 between Presidents Tadjman and Milošević and General Kadijević, in the presence of the President of the Council and the Chairman of the Conference on Yugoslavia.

The violence and breaches of cease-fire agreements are committed by all parties in the conflict. Grave doubts exist as to the will of parties to settle their disputes by peaceful means. Ministers are alarmed in particular at reports that the JNA, having resorted to a disproportionate and indiscriminate use of force, has shown itself to be no longer a neutral and disciplined institution.

beurcijma

Ministers are determined that those responsible for the unprecedented violence in Yugoslavia, with its ever increasing loss of life should be held accountable under International Law for their actions.

At the meeting of 4 October, it was agreed that a political solution should be sought in the perspective of recognition of the independence of those republics wishing it, at the end of a negotiating process conducted in good faith and involving all parties.

The right to self-determination of all the peoples of Yugoslavia cannot be exercised in isolation from the interests and rights of ethnic minorities within the individual republics. These can only be assured through peaceful negotiations for which the Conference on Yugoslavia including its Arbitration Commission has been convened. Ministers reiterate their determination never to recognise any changes of borders brought about by force.

In that context Ministers recall their Statement of 5 October, condemning the seizure of the Federal Presidency by a few members of that body. Ministers deplore that yet again the commitments undertaken by the major players in the Yugoslav crisis are not being honoured.

They demand from all parties to implement last Friday's agreement in all its aspects no later than by 7 October 24.00 hrs. Failing that, Ministers will take restrictive measures to be applied against those parties continuing to flout the desire of the other Yugoslav parties as well as the international community for a successful outcome of the Conference on Yugoslavia. They will then terminate the Cooperation and Trade Agreement with Yugoslavia and only to renew it with those parties which are contributing to the peace process. Ministers have asked the Political Committee and the Commission to identify immediately further measures, including in the economic field. They call on all other countries to support EC positions in this respect.

Ministers are deeply concerned over the threat to the security of EC monitors in the face of violence at an unprecedented scale. They wish to leave no doubt that the EC monitors will continue to perform their duties in accordance with their mandates only as long as their security can be assured.

They invite the Secretary-General of the United Nations to speed up his report in accordance with Security Council Resolution 713, and to that effect consider sending a special envoy to Yugoslavia without delay.

Sl. 6: Izjava o Jugoslaviji, ki so jo sprejeli zunanji ministri evropske dvanajsterice v Haarzuilensu 6. oktobra 1991 (ADR).

Fig. 6: Declaration on Yugoslavia adopted by the twelve Ministers of the European Community at Haarzuilens on October 6, 1991.

To je heba zeta
best menu

konfederacija
svojedne zvezge
republika

ARRANGEMENTS FOR A GENERAL SETTLEMENT

I - GENERAL

Associate member?
[ustav, de dizi
to imajung

1.1 The arrangements for a general settlement of the Yugoslav crisis will comprise the following components:

- a) sovereign and independent Republics with international personality for those which wish it; ✓
- b) a free association of the Republics with an international personality as envisaged in these arrangements; (je republike, ho to zeta?) ?
- c) comprehensive arrangements, including supervisory mechanisms for the protection of human rights and special status for certain groups and areas;
- d) European involvement, where appropriate;
- e) in the framework of a general settlement, recognition of the independence, within the existing borders, unless otherwise agreed, of those Republics wishing it.

Glencoeher ?

1.2 The Republics recognize that cooperation between them and the creation of this association is part of the process of building a new Europe envisaged in the Paris Charter of November 1990, and will improve the prospects for cooperation and closer relations with the European Community. → COMPLETE WITHDRAWAL of J & F from CROATIA

They will cooperate in the fields for which these arrangements provide and other agreed fields, without thereby precluding closer forms of cooperation in such areas between Republics that so wish.

f - prava nezavisnosti (Tudjina)

II HUMAN RIGHTS AND RIGHTS OF ETHNIC AND NATIONAL GROUPS

a) Human rights

2.1 The Republics will remain committed to the fundamental principles of human rights. These are embodied, in particular, in the following:

- the Universal Declaration of Human Rights, the Covenant on Civil and Political Rights, the Covenant on Economic, Social and Cultural

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free trade area

The Republics will form a customs union preserving a common internal market, where goods move without either tariff barriers or quantitative restrictions. The common internal market will involve a common external tariff, common foreign trade policy and an agreed formula for sharing customs receipts.

3.4 Freedom of movement will also apply to some services, such as those offered by the professions for which a right of establishment is recognised.

3.5 In addition, the Republics will cooperate to limit the adverse effects of other obstacles impeding the free movement of goods, such as technical standards, subsidies and regulations affecting trade, by taking flanking measures, such as sharing information, concerting policy objectives and, if necessary, harmonising rules and regulations which distort competition.

3.6 As a start to this process, the Republics will take flanking measures in certain designated policy areas, such as:

- transport and infrastructure;
- competition.

3.7 They will also cooperate in taking measures for the protection of the environment.

3.8 Furthermore the Republics will cooperate in monetary matters. As a minimum, in the absence of a common currency and currency convertibility, they will consider the establishment of a common payments system, based upon a clearing mechanism for their transactions and a reserve fund.

b) Foreign Affairs and Security

1.1 The Republics will consult on all matters of common interest in the areas of foreign affairs and security, and will cooperate where than they can agree common positions, with the possibility of common representation in specific areas agreed between them.

4.2 Relations between the Republics, individually or jointly, will be based on CSCE commitments. They may decide to apply between themselves the practices and procedures agreed in the CSCE, among others, notification of unusual military activities.

3 The Republics will decide for themselves what armed forces to have or allow on their territory and what cooperative defence arrangements to have among themselves.

c) **Legal Cooperation**

5 The Republics will consult and cooperate in the field of legal cooperation, such as control of international crime, terrorism and drug trafficking, in accordance with European and international standards, such as those developed in the Council of Europe and the United Nations, and, will seek, individually or jointly, to become parties to international conventions in these matters.

IV INSTITUTIONS

6 The Republics will establish the following institutional arrangements to effect the above-mentioned cooperation. They may add other arrangements to the extent that they agree to further cooperation in these or other fields.

a) **Human Rights**

7.1 The Republics will establish a Court for Human Rights having jurisdiction within the Republics to consider appeals from courts in the Republics involving questions dealt with in paragraphs 2.1 to 2.5 above. This Court will include members from all the Republics.

7.2 The Republics will consider the establishment of mixed commissions, where these might assist in avoiding or dealing with disputes concerning human rights and the rights of ethnic or national groups and questions related to special status.

7.3 The institutions mentioned in paragraphs 7.1 and 7.2 above will include the participation of persons drawn from European states other than the Republics.

b) **Economic Relations**

8.1 The Republics will establish a Council of Ministers for Economic Cooperation, composed of Ministers, one from each Republic. The Council will take decisions by consensus except where otherwise

- agreed. The Presidency of the Council will be taken by Ministers rotating every six months.
The Council will meet every month or otherwise as agreed.
- 8.2 Meetings of the Council will be prepared by a Committee of Senior Officials from each Republic, meeting weekly. Specialised standing committees, to prepare proposals to the Council will be established.
- 8.3 An Executive Committee, headed by a Secretary General appointed for four years and assisted by a permanent Secretariat, will make recommendations, monitor decisions and service meetings.
- 8.4 In external relations on matters covered by agreed arrangements or policies in the internal market, customs union or economic and monetary cooperation, the Council will, where necessary, agree on common positions for the conduct of negotiations with third countries including the making of international agreements. In such negotiations it will decide whether to be represented by the Presidency or the Secretary General of the Executive Committee.
- c) Political and Security kidan
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- 9.1 The Republics will establish a Council for Political and Security Cooperation composed of Foreign Ministers for the purpose of cooperation as envisaged in paragraphs 4.1 to 4.3. It will meet monthly unless otherwise agreed. It will have a six monthly rotating Presidency.
- 9.2 When agreement on a common approach can be reached by all or some republics, those republics will be guided by it.
- 9.3 When common positions can be reached by consensus, a decision can be taken whether to invite the President of one of the Republics to speak or act for the association.
- 9.4 The Council may discuss any security matters raised by any Republic. The Council may decide by consensus on defense cooperation.
- 9.5 Meetings of the Council will be prepared by senior officials from Foreign Ministries.

Sl. 7: Nekateri pomembni odlomki iz predloga Ukrepov za splošno rešitev jugoslovanske krize, ki ga je lord Carrington poslal udeležencem konference 16. oktobra 1991 (ADR).
Fig. 7: Some important passages from the proposal of Arrangements for a general settlement of the Yugoslav crisis, sent to the participants of the conference on October 16, 1991 (ADR).