

Sultan

International Law

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It is often stated that the former Yugoslavia was a child of the Treaty of Versailles that ended World War I. In point of fact, the territory had experienced considerable unrest--if not constant strife and turmoil--for centuries, and political movements within the territory for a new union had begun before Versailles.

Whatever its political origins, the then new nation was a political scientist's classic formula for anarchy rather than successful federalism. Of the nearly 12 million inhabitants recorded in the census of 1921, more than 12 percent were not speakers of any Slavonic languages, including more than half a million German Speakers and more than 400,000 each of Hungarian and Albanian speakers. The Christian population was mainly divided between adherents of the Eastern Orthodox and Roman Catholic churches, but more than a tenth of the total population were Muslims. Indeed, one could discern no less than ten distinct ethnic groups. They did not even have a common script or method of writing! Moreover, the centuries of hostility left deep-seated hatreds, with the consequential difficulty of developing that multi-ethnic consensus of national identity that is at the root of our historical success as a political society here in the United States. In addition, the new Yugoslav union did not possess our additional important advantage of common political institutions. Thus, the task of welding such disparate raw material into a nation was difficult, indeed.

Nor did the new nation enjoy our blessings of geography. Of its seven international borders, only one (with Greece) was not contested, often with "nationalist" movements within the new country possessing the ultimate aim of merging with

their ethnic brothers and sisters across the frontier.

Thus, the people lived in uneasy proximity, with some intermarriage--particularly in the Republic of Bosnia and Hercegovnia (Bosnia). The non-Serbians were always specifically concerned about the historical threat of a "greater Serbia," the ethnic group that linguistically and administratively came to dominate the Federation--including its military officer corps.

Invaded and occupied by Germany and Italy during World War II, the only effective resistance came from the communist gorilla movement under the of command of Marshal Tito. A Croatian metal worker, he had received political training in Moscow where he was designated as Yugoslavian Party leader by Stalin. His success in fighting the Nazis (the Italians proved to be largely ineffective) compelled both Churchill and Franklin Roosevelt to eventually embrace his group in 1944.

After the War, Tito unified the country by swiftly stifling ethnic-based hostility and strife. Internationally, he became a third-world leader of sorts: breaking with Moscow and assuming a leadership role in the "unaligned movement" that chose, at times, to avoid taking sides in the cold war.

With the death of Tito in May, 1980, the new collective leadership he put in place in anticipation of his passing could not survive based mostly upon his Partisan mystique. In the decade that followed ethnic disturbances and economic difficulties led to the gradual unraveling of the Yugoslavia Federation. And when the Soviet Union imploded in 1989, the former communist (and now "Nationalist") leader of Serbia began an underground propaganda campaign directed mainly at ethnic Serbs living in the nearby Republics of Croatia, Bosnia, Kosovo, and Macedonia. Preaching the centuries-old

doctrine of a "greater Serbia," it strongly hinted at "ethnic cleansing" as the inevitable means to success. In addition, the Republics of Serbia and Montenegro entered into a secret agreement in late 1989 to jointly implement ethnic cleansing in nearby Kosovo as soon as circumstance permitted them to do so. (Kosovo's population is ninety percent Muslim Albanian.) After distant Slovenia (ethnically related to nearby Austria) had little difficulty in achieving its independence, civil war first broke out in 1991 in Croatia, and then in 1992 in Bosnia. In both instances, ethnic Serbs were given extensive military aid and support by the Serbian government in Belgrade.

Although gross atrocities were committed by members of all three ethnicities, the greatest quantity and most despicable types of abominations were, by far, perpetrated by ethnic Serbs as they took control (to date) of approximately thirty percent of the territory of Croatia and eighty percent of the territory of Bosnia.

Diplomatic events swiftly paralleled those on the ground. Almost immediately, beginning in the summer of 1992, most western nations as well as those of eastern Europe and about half of the "third world" nations recognized Slovenia, Croatia, and Bosnia, and all three were swiftly admitted to membership in the United Nations. That organization soon expelled the Yugoslavian delegation, condemning its actions and also claiming that, in any event, that they now only represent Serbia and Montenegro; the suggestion was advanced that the credentials of a new delegation might be evaluated in the future.

At the same time, U.N. peacekeeping forces were soon dispatched to Zegreb and Sarajevo, the capitals of Croatia and Bosnia. Resistance to U.N. efforts led its commander, Secretary General Boutros Ghali, to request and receive armored vehicles to help deliver humanitarian aid to some

outlying besieged areas. These efforts continue apace. The International Committee of the Red Cross, after on-ground inspection, has documented gross violations of the Geneva Convention dealing with civilians in time of hostilities. And on November 30, 1992, U.N. officials began excavation of a mass grave near Vukovar of Croatian hospital patients, who were taken last year by the Serbs.

The scene of numerous violated cease fire agreements (usually by the Serbs), efforts at mediation by the European Economic Community were eventually completely frustrated. The U.N. Secretary-General then appointed two U.N. mediators, including Carter Secretary of State Cyrus Vance. Their efforts continue with very little permanent success to date.

After a security council embargo on strategic items-- like oil and metals--was increasingly violated in the Adriatic (a sea arm of the Mediterranean between Italy and the Balkan peninsula) and on the Danube River, the Security Council requested U.N. member states to implement a complete embargo of Serbia and Montenegro. Naval forces of the NATO alliance and of the Western European Union (England, France, etc.) are now in place inspecting all shipping traffic in the Adriatic; also Hungary, Romania, Bulgaria, and other Danube nations are more closely inspecting cargo on that river.

To date ten U.N. peacekeepers have been killed and fifteen others wounded during service in what was Yugoslavia.

1. List all international legal issues presented by the above facts, in order of priority, with the most important first and the least important last.

2. Discuss as fully as possible, as many legal issue as

you can in the order of your priority.

GOOD LUCK!