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An Institutional Constructivist Approach to the Yugoslav Conflict and NATO-EC Involvement

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ABSTRACT/RÉSUMÉ

When the European Community and NATO intervened in Yugoslavia, the previous experience of the post-WWII environment was quickly forgotten and the local situation was not taken into account. The end of the Cold War saw both the European Community and NATO thrown into a situation where their respective identities and responsibilities were largely unclear. The Yugoslav conflict proved to be one of the first instances in which the European Community was faced with having to define its actions in foreign policy, which is still only in the early stages to this day. NATO filled the institutional gap but was much criticised for its actions. The institutional constructivist approach can provide an adequate answer to how the situation may have benefited from a different perspective on institutions, and how institutions can aid complicated situations evolve in a manner that will promote democracy and an appropriate settlement.

Introduction

A. Institutional and Political Background: The Yugoslav Conflict and Institutional Developments

The Yugoslav conflict marked a stage of the “lengthy reordering of south-east Europe in response to the withdrawal over centuries and the ultimate disintegration of the Ottoman Empire” (Calvocoressi, 2001, p. 358) and continues to be an important issue to this day with the issue of Kosovo. The end of communism meant that the ethnic problems that had lain dormant or been attenuated were able to come to the fore, illustrated by the declarations of independence of Slovenia and Croatia (Huyseune, 2004, p. 116) and their subsequent recognition. The role of NATO and the European Community in Yugoslavia can be directly measured against their perceived role in the conflict, constructed in an institutional constructivist manner. There was essentially a very different perception of the conflict and the threats it posed for geopolitical reasons and this determined the intervention, or lack thereof in the conflict. There were also strong legal issues involved, as the dissolution of the Yugoslav Federation actually meant its constitution was violated,

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though the “{...} international community did attempt to create an overall normative and legal framework for this transition, through the activities of the Badinter Commission {...} {which} concluded that the 1974 Yugoslav constitution contained a right of secession for the republics - a controversial interpretation {...} {as} this right did not exist for territorial entities at a lower level than the republics” (Huysseune, 2004, p. 117). The Badinter Commission did warn against granting unconditional recognition, citing criteria of democracy and respect for minority rights (Huysseune, 2004, p. 117-118) but as we will see, these recommendations were not followed by the international community. This meant that national self-determination could only be a possibility for the larger groups, and more significantly, the Serbs. This also meant the Serbs could continue to assimilate ethnicities that could not legally decide to secede and all of this with the tacit support of the international community. It is clear that there are nuances within this and that the position of the international community shifted many times and was very divided internally.

Through this paper I hope to illustrate the need for a belief in institutions for there to be coherent policies, thus emphasising the need for the European Union and NATO to develop in parallel to each other. I also hope to explain why intervention may occur or not, and why there is reluctance at certain stages. I believe that it is very important to see the correlation between the post-WWII frame of mind with that at the time of the Yugoslavian crisis because it shows that the European Community had ignored the problems faced with national self-determination and swept it under the carpet in the hope that economic cooperation alone would solve the problem of war. When the EC recognised Croatia and Slovenia, this was a move of uncalculated risks (Freedman, 1994, p. 16) and essentially a political act as: “In law a people or nation has no right to secede from a sovereign state by invoking the principle of self-determination {...}” (Calvocoressi, 2001, p. 341), which illustrates the lack of awareness of the responsibility of the Member States in determining the future of the region. It appears clear now that dormant problems must be taken care of early on, at the risk of the problems growing until they escalate into military conflict.

The Yugoslav conflict shows that the institutions which had been shaped according to Cold War realities were faced with the problem too early on after the end of the conflict to be capable of providing a solution. This is because the European Community had not developed its foreign policy and thus provided no alternate institutions and the only ones available were having to adapt their interests and mode of functioning to a situation for which they were not built. The EU is still in the process of developing its foreign policy and understanding the problems it faced at the time in terms of mindset and resources can help understand the direction it should take now. It is

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currently possible for individual member states to send armies to conflicts, but the EU attempts to present a coherent front have thus failed, as the conflict in Iraq illustrated.

The questions I will attempt to answer in this paper are: Has the European Union evolved since the Yugoslav conflict and its existence as the European Community? Does the EU free ride on NATO and the UN? Could NATO's much-criticised intervention have been different? Would the institutional constructivist model give the same results in a present-day conflict? I believe these are fundamental questions that will help understand the direction the EU can take in terms of developing its foreign policy and through this, its relations with NATO. I will concentrate primarily on the earlier part of the conflict because it is this period that illustrates the very tumultuous relationship between the institutions, which later diminished under the increased presence of the United States.

B. The Institutional Constructivist Approach

I am adopting a combined institutional constructivist approach. This is because I believe that the institutions constrained the actors' decisions but that their reality was built around their perceived reality of the world and its imminent threats. There was a division between the continents but also between countries in Europe. Russia was not comfortable with EC intervention in the region, whilst Great Britain was more supportive of military intervention using institutions such as NATO. The perception of Great Britain that it was not possible to rely on the European Community is illustrative of the fact that it did not perceive the EC as being capable of responding. This is based on the reality of the situation because there was no policy on which the EC could rely and the divisions amongst the member states meant that ordinarily rapidly needed actions could not be taken because the procedure required was too lengthy. There was no "European army" and thus all military and peacekeeping interventions had to be negotiated with NATO and the UN. The EC had not grown into its political role and thus there was an institutional discrepancy at this stage that prevented the member states from perceiving the EC as reliable. While the member states were bickering over which policy to adopt and how to intervene, NATO was assuming the role of saviour because of its already strong military role. There was no perceived danger for NATO members, especially as Russia preferred to maintain Yugoslavia as it was, as national self-determination was a sleeping bomb that would have an impact on Russia, were Russia to support it. The United States had no reason to intervene, as Yugoslavia was neither on their borders, nor politically or economically important enough to justify risking troops. It did not wish to assume

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European security, which it considered it had done during WWII, unless risking its armies would bring something in return.

NATO was aptly seen as being able to fill the gap that a lack of adequate institutions had left, not least for financial reasons (Ghecin, 2005, p. 218). What this means is that the nature of NATO influenced the response that was, and could be, given. They could not expect a response where the United States was not involved if NATO relied in greater part on United States contributions and involvement. Thus it was that the Member States, the UN and NATO all contributed to building “institutional arrangements that subsequently shape {d } their behaviour, facilitating cooperation” (Ghecin, 2005, p. 218). NATO was built upon a view of shared values of the Western world (Ghecin, 2005, p. 218), which itself created the type of projects it undertook and the manner in which it undertook them. NATO was not composed of members that all had the same essential interests; what it did manage to do was to create a system where “mistrust, competition and instability” (Ghecin, 2005, p. 217) were managed adequately. We can therefore see that the creation of NATO was based on a constructivist view of reality (the shared values of the “West” that would allow military intervention) within a framework of acceptance of the instability of relations. The institutionalist perspective is illustrated by the fact that NATO was created within this perception of reality and conflict, and NATO as an institution subsequently shaped the actions of its members and those of the EC. This “intersubjective ontology” (Ghecin, 2005, p. 217) is what created and influenced NATO.

Institutionalism promotes the reduction of transaction costs (Ghecin, 2005, p. 216) and institutions are entered into with the knowledge that negotiations will go down a different road than if it those participating were “going it alone” but with the idea that all will benefit in the end. The institutions are the “tools” (Ghecin, 2005, p. 216) of these actors who have a constructed view of reality. “Normative and ideational structures are seen as shaping actors’ identities and interests through three mechanisms: imagination, communication and constraint” (Burchill, 2001, p. 218). Imagination is the constructed view of reality, communication and constraint are both channelled in the institutions.

The constructivists argue that agents and structures are mutually constituted (Burchill, 2001, p. 218), which brings together the idea that the constructed view of reality leads to the creation of institutions through identity. The institutions are based on the perception of what one needs to guard against but at the same time these institutions lead the agents to believe there is actually something to be guarded against. The “social identities” (Burchill, 2001, p. 217) bring this abstract notion of reality into concrete existence by assigning roles to the agents. If one is perceived as being on the “wrong” side, the actions of this agent will take on a certain significance, which if it had been considered on the “good” side would have taken on a different meaning; “material

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resources only acquire meaning for human action through the structure of shared knowledge in which they are embedded” (Burchill, 2001, p. 217). These systems of shared ideas, beliefs and values exert a powerful influence on social and political action (Burchill, 2001, p. 217) because they shape these institutions and are in turn shaped by these institutions. This marks the shift away from a purely abstract application of theory to human/state relations to a more sociological consideration of the different elements that come into play (Burchill, 2001, p. 215).

The role of NATO in the context of an institutional constructivist perspective is thus clear and its role in the Yugoslav conflict can be more clearly understood in the post-Cold War situation where its military role was still relied on by the different actors. This shaped the perception of the conflict and the possibility for response by the Member States. These Member States were themselves acting within an institutional constructivist framework. Their reason for being was originally economic; they had not yet had to take on a military role. We will see later that this was significant in the conflict. It is possible to compare the framework in which they evolved with that of NATO because they were faced with the same reality but their capacity for action and reaction was different and as mentioned above, agents and structures mutually shape themselves. What this signifies is that the Member States were aware of their institutional incapacity and this in turn shaped their “social identity” which made them rely more on the United States and NATO to “save the situation”. Throughout this paper, the examples will illustrate the role of the institutional constructivist framework in the decisions, actions and lack of action that influenced the development of the Yugoslav conflict.

Moral and Political Conflict

A. The Origins of the Development of a Differing Perception

After WWII, national self-determination was granted to some, whilst other nations found themselves maintained to a higher or lesser degree against their will, in artificial and repressive states. Political changes led to the eventual disintegration and proclamations of independence within Yugoslavia. The European Community did not know how to respond to these changes as there was a reluctance to refuse what had previously been granted to some but there was also very little knowledge and understanding of the situation in Yugoslavia. More importantly, the EC still had not developed its foreign policy and divisions within it quickly became apparent. There were those member states supporting military intervention, wishing to rely on NATO for

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example (such as UK) and this showed that there was no comprehensive policy providing for a united front for action in Yugoslavia. The United States did not wish to find itself ingrained in a conflict considered to be primarily European, with no advantage for the USA if it did act in the region. This situation reminds one of the situation during WWII, and the similarities between the two conflicts in terms of involvement and cooperation leads one to believe that little was learnt in terms of foreign policy in the intervening time, after economic cooperation was achieved.

We will see that there was a major conflict between the willingness in the use of force. This left many institutions, temporary, new or old, with an inability to cope with the conflict. The ICFY only had “moral authority and weak economic sanctions, and {...} no credible threat of selective counterforce” (Holland, 1997, p. 154), while the EC’s position, having evolved out of economic cooperation to *avoid* conflict, had not created an institution to cope with military threats and with no experience, operational forces or adequate decision-making procedures (Calic, 1998, p. 63) meant they found themselves facing a conflict that was born out of the problem of national self-determination that had been swept under the carpet, then misunderstood when it reappeared and then faced with inadequate coping measures.

B. To Use Force or Not to Use Force?

The question of intervention was conditioned by the perception of the conflict; the belief that a “prohibitively large” force (Freedman, 1994, p. 26) would have to be used meant that the players were unwilling, unsure or uninterested in implicating themselves and their forces.

An important aspect to take into account is the definition of war and thus the legitimacy of implicating foreign forces; “{...} the fact that it was only in part a war of external aggression” meant that it was seen as a civil war and therefore a domestic matter which generally prohibited interference and confirmed those reluctant to intervene (Freedman, 1994, p. 30). The issue of human rights and humanitarian law did not serve to make those involved wish to intervene unconditionally and the question of international security was not clear either because it did not present a threat in the conventional manner of a “military aggression across a border by one member of the UN against another {...} {because in} the first six months of war, hostilities were conducted, from the legal point of view, within the boundaries of one state, although, *de facto*, Yugoslavia had evolved into a set of mini-states” (Freedman, 1994, p. 28-29). It was also unclear who exactly was involved and on which side; this meant it would be difficult to

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distinguish those involved and risk for heavy collateral damage that the Western electorate would not tolerate (Freedman, 1994, p. 26), discouraging those in power to make decisive moves.

The European Council and the UN shouldered most of the burden at the beginning of the conflict, despite their largely inadequate capacities. NATO involvement was initially limited, though it developed through “humanitarian aid delivery; naval patrolling, monitoring and, eventually, enforcement of UN sanctions {...} and a UN arms embargo {...} and finally the creation of a ground-breaking high-intensity peace-keeping, or military peace support, operation using well-armed ground forces to assist in the delivery of humanitarian aid to communities under siege in war zones” (Freedman, 1994, p. 15). All these factors contributed to the lack of firm decision-making and action on behalf of the countries involved, as they were afraid of making the wrong political move, firstly, and secondly, the wrong military move.

Intervention in the Yugoslav Conflict

We have seen that different perceptions of reality combine with institution building to create different reactions. The “main source of differences between the United States and EC members was their aims {...} {the} overriding, almost exclusive aim of the EC was the restoration of peace whereas the United States was seriously troubled about securing justice for non-Serbs, particularly Muslims” (Calvocoressi, 2001, p. 347). Though many measures were taken, they never consisted entirely of soft or hard power and more importantly, though major military measures were envisaged, a major military force never materialised. I will now detail exactly how the different entities reacted and their reasons for doing so. What is already clear is that the institutional constructivist perspective allows their ambiguity within the conflict to be understood but it is not yet clear how this was understood precisely for the individual cases and subsequently acted upon. The Yugoslav conflict and the relation it established between the United States and the European Community had more significance than initially appears; it served to define the transatlantic relation and long-term European crisis management (Calic, 1998, p. 5). It also illustrated the lack of concerted efforts and the spreading out of resources (Gambles, 1995, p. 13), which highlighted the institutional discrepancies.

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A. NATO and American Intervention

1. American Involvement

Differing aims between the United States and the European Community can be illustrated in the joint action plan that was drawn up in Washington, which in effect abandoned the Vance-Owen Peace Plan. The fact that the United States was more inclined to secure justice for non-Serbs, as mentioned above, was surprisingly disregarded as the plan essentially supported a Greater Serbia (Holland, 1997, p. 157). I believe that the constructivist argument can be upheld at this point to support the argument that there was a certain perception of reality in the conflict that meant the United States had the military capacity to enter the conflict but did not have the cognitive reality of the EC Member States. The USA had military power and was relied on for this power, but it was caught in having to decide whether to support Western European interests or Russian interests (Calvocoressi, 2001, p. 347), which essentially differed because of the problem of national self-determination and its implications for Russia. Importantly, the issue of ground forces versus air forces (Calvocoressi, 2001, p. 347) was strongly influenced by the fact that the USA did not know how much it wanted to involve itself and risk its troops. What this means is that they did not understand the harm they were doing by supporting such a plan.

Within the context of the VOPP, the support of the USA was considered vital within the context of the UN Security Council in obtaining the necessary concessions for an agreement between the Bosnian Serbs, Muslims and Croats (Holland, 1997, p. 155). International opinion was pleased by American support but the USA did see the plan as flawed, even if it was the only viable solution at the time (Holland, 1997, p. 155). As Russian Foreign Minister, Andrei Kozyrev, said, “{...}it{the VOPP} left everyone equally unhappy. To change it would be a zero sum game, for if you give more to the Bosnians you give less to the Serbs and then you will never get agreement” (Holland, 1997, p. 155). This remark perceived the situation the VOPP was to find itself in, eventually being destroyed from within by the disagreements amongst the powers involved in the negotiations. The United States were supportive of a lift on the arms embargo with Bosnia-Herzegovina (Holland, 1997, p. 161) in an attempt to support this non-Serb side and to muster a threat against the Serbs. This caused discussions between the European Community and the USA once more and undermined “international attempts to forge a united response to the crisis in Bosnia-Herzegovina” (Holland, 1997, p. 155-156). It was an example of the militaristic view of the conflict of the United States, which believed lifting the arms embargo and allowing air strikes would “reinforce

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sanctions and diplomatic pressure” (Holland, 1997, p. 155-156) and also allow a “{...} halt to Serb aggression and defend the safe areas” (Calvocoressi, 2001, p. 347). It is true that ethnic cleansing was becoming an increasingly important issue for the voters in Western Europe (Holland, 1997, p. 156), and this provided support for the opinion of the USA. The Bosnian Serb Assembly actually voted on rejecting the territorial arrangements of the VOPP (Holland, 1997, p. 156) but the western opinion was that a peaceful solution without a lifting of the arms embargo would prevent further bloodshed (Holland, 1997, p. 156). This is an example of the misunderstanding again exercised by the United States; as mentioned, they originally supported a plan that would allow for a Greater Serbia, but when this failed they turned around and pruned the exact opposite. Their perception of the conflict was a shifting one and so was there ability to present viable solutions.

2. NATO Involvement

The question of the use of force by NATO was central in the interventions. The institutional nature of NATO meant that its sole purpose was to respond militarily (though this in itself has a margin of interpretation). When the problem of Serb attacks on Sarajevo meant that a response was urgently being called for, the Member States of the EC within NATO gave their support, or agreed not to veto any initiatives (Holland, 1997, p. 159), meaning that the Member States were actually supporting a view that the reality in the Yugoslav conflict yet again required military, NATO-based, intervention. Russia on the other hand did not appreciate this form of intervention and in essence, the problem of national self-determination meant that there was much support for the Serbs amongst Russian nationalists (Holland, 1997, p. 159) because this meant supporting the continued incorporation of ethnicities within Russia without allowing for national self-determination. Russia began to act on its own “{...} out of concern that Russian interests were neglected by the West and it also reflected growing pro-Serb sentiment among Russian nationalists” (Holland, 1997, p. 159). This of course was not a problem for NATO intervention but it does illustrate the disparate interests at play and the problems this caused for convening on the use of, and methods to be used for, military force. When NATO air strikes against the Bosnian Serbs provoked Bosnian-Serb detainment of UNPROFOR personnel, the reaction again, though this time in accordance with the European Union, was military through the creation of a Rapid Reaction Force (Holland, 1997, p. 161).

In the end, the Dayton Agreement was signed on the 14 December after negotiations initiated out at the USA Wright-Paterson air force base; this provided for

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“the creation of a 60 000-strong NATO force to enforce the peace and to implement a division of Bosnia-Herzegovina into two entities joined by a loose political structure” (Holland, 1997, p. 163). This military answer to the original problem of national self-determination reflects back to the initial division of perception between the European Community and the United States, and generally NATO: the European Community did not have a military capacity as such so could not give a military answer, but because of its institutional incapacity it relied on NATO and the United States, that by their nature or intentions would give a military answer to the problem. This essentially foretold the development of the conflict, especially as the European Community’s efforts did not end in any foreseeable progress for EC foreign policy.

B. European Community Intervention

“ ‘Inadequate’ and ‘too little too late’ are the terms usually used to describe the European Community’s/European Union’s performance in the first security challenge that it ventured to handle alone {...}” where the “European Union {...} was made the scapegoat for the lack of political will of the EU member states to act in unison thereby inhibiting an effective solution to the crisis” (Holland, 1997, p. 148). This is what is often thought of the European Community’s actions during the conflict. The EC members were aware that this was an opportunity to present a common front and collective power but because the brewing Yugoslav conflict had virtually been ignored until the fuse blew, nothing had concretely been prepared to allow the EC to face the challenge, be it armed forces or the required institutional functioning for decision-making, and as Calvocoressi (2001) explains, they “{...} fell into the error of supposing that one way of doing so {facing the challenge} was to act as though it already had what it hoped to concoct” (p. 341).

1. A Lack of Vision and Means

There are several areas where the EC lacked the necessary capacities such as a lack of a clear political mission that military action could not hide and clear means that correspond to the needs on the ground (Calic, 1998, p. 67). The Yugoslav conflict proved to be a traumatising event where the divisions, ambiguities and errors highlighted the inability of the European Community to be an efficient and credible player (Calic, 1998, p. 29). The European Community did not adopt an independent and informed approach to the conflict; the Serbian camp’s influence was strongly felt in the EC’s adoption of the

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idea of “ethnic territories” (Freedman, 1994, p. 23). The EC believed this would actually avoid war but it in effect provided for ethnic cleansing because “ethnically designated cantons created the basis for ethnically pure territories” (Freedman, 1994, p. 23).

When Yugoslavia began to disintegrate, “the EC expressed its desire for the country to remain united” but this did not happen when Croatia and Slovenia declared their independence and were subsequently recognised (Holland, 1997, p. 148-149). When the EC negotiated with Yugoslavia and offered “continued economic cooperation {...}” (Holland, 1997, p. 149) in return for a formal and written agreement from the Yugoslav authorities, this was another failed attempt at taking on the role that was called for: “{the} deal collapsed {when} Milan Kucan, President of Slovenia {...} stressed that ‘there would be no reversal of moves already taken toward independence, only a postponement of further steps’” (Holland, 1997, p. 149-150). The European Community did attempt to quell these moves by deciding on an “embargo applicable to the whole of Yugoslavia” for example and a declaration of Slovene and Croatian independence as premature (Holland, 1997, p. 150). There were also suggestions of sending a peacekeeping force to Yugoslavia, though Great Britain opposed this as: “It would be madness to send unwelcome troops into a dreadful quagmire” (Holland, 1997, p. 150). The UK generally believed that the European Community could not provide the required military answer and was more in favour of strong power provided by NATO. This division within the European Community divided those who believe negotiations and soft power could provide the answer to the conflict, and those who believed in hard power and a strong military force that would put a clean and simple end to the conflict. In both cases there was little understanding of the conflict because these answers were at two extremes and the recent past was forgotten when trying to understand the problems associated with national self-determination.

2. European Community Attempts

The International Conference on Yugoslavia was the opportunity for the European Community to advance a soft power solution to the conflict with the backing of the USA and the USSR, who offered “their ‘full support’ for the efforts of the European Community and its Member States under mandate by the CSCE, to mediate a peaceful resolution to the Yugoslav conflict” (Holland, 1997, p. 151). Serbia, though, rejected the peace plan and the European Community threatened to impose “restrictive measures {...} and to proceed with the cooperative republics to obtain a political solution - in effect recognising their independence” (Holland, 1997, p. 151-152). This soft power was not

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coercive enough for the Serbs to consider it to their detriment. This reinforced the perception that strong power was the answer, again undermining the European Community and reinforcing NATO. By recognising Croat and Slovene independence, it was feared that the Serbs might answer by trying to gain more control over those territories still within Yugoslavia and possibly extending the conflict beyond the borders of Yugoslavia (Holland, 1997, p. 152). On the other hand, by allowing the Serbs to retain their assumed supreme authority in Yugoslavia by squashing the efforts of Croatia and Slovenia would undermine the principle of national self-determination. It is clear that all sides were in a “quagmire” with no clear solution.

Recognition was a strongly political matter. German pressure eventually led the European Community to agree to recognise “{...} any Yugoslav republics that so wished with the provision they met certain conditions” (Holland, 1997, p. 152-153). This was one possible outcome, which as highlighted above, illustrates the difficult situation where a winning situation was not perceptible. By accepting recognition, this put forward the European Community’s plans ahead of those of NATO for example. This was thus a political move to assert the European Community’s authority and the viability of its policies. Germany actually recognised Croatia and Slovenia ahead of the other Member States, even though there was a one-week period during which any of the Yugoslav republics could “express their wish to be recognised as independent states” (Holland, 1997, p. 152-153). This was in spite of the knowledge that only Slovenia and Macedonia met the conditions set down by the European Community but the other Member States followed this decision (Holland, 1997, p. 152-153). There was little unity within the European Community and independent moves were not condemned but rather acquiesced.

The example of the Vance-Owen Plan that the ICFY devised illustrates the inability of the European Community to react efficiently and credibly. The EC had hinted that it “might consider the possibility of a combined policy of arming Bosnian Muslims and selective air strikes against Serb forces” (Holland, 1997, p. 156-157) but the conference supported another view, which again illustrates the indecisiveness that prevailed. The conference was supported by the European Community and the United Nations but it failed to take into consideration the elements that had already been issues at the time of WWII, most importantly the problem of national self-determination. The Vance-Owen Peace Plan actually came at a time when the European Community believed that the “{...} Serbs had won the war in Bosnia and it was futile to encourage the Muslims or a Muslim-Croat alliance to continue” (Calvocoressi, 2001, p. 347). The EC and the USA differed on this point, as we have seen that the USA told the Bosnian Muslims that it would not support a plan that was to their detriment. While the EC did not

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care to defend them any longer, simply in the hope that the conflict would end, the USA went against this opinion, which contributed to the plan failing. The Vance-Owen Peace Plan supported regions with ethnic majorities that were constitutionally designed to be multicultural but this led to ethnic cleansing (Freedman, 1994, p. 23) because of the significance of “ethnic majorities” in Yugoslavia. Its three sections consisted of “{...} constitutional principles, a detailed cessation of hostilities agreement and a map” (Holland, 1997, p. 154-155) but the fact that the USA had told the Bosnian Muslims that it would not support a plan that made them make territorial concessions (Holland, 1997, p. 154-155), especially as this reinforced Serbian demands, meant that it was undermined from the outside from the start; “even if it were to be signed by all the factions, there were not sufficient guarantees that it would be properly implemented (Holland, 1997, p. 154-155). The Plan sought to accommodate all parties concerned (Freedman, 1994, p. 21) while keeping Yugoslavia united but was essentially surpassed by events. When the USA supported lifting the arms embargo on Bosnia-Herzegovina and allowing air strikes, the European Community preferred to place a greater role upon reinforcing UN sanctions to “{...} further isolate Serbia and Montenegro” (Holland, 1997, p. 155-156). On the 15 June “an agreement was reached between the Serbs and the Croats on a three-way division of Bosnia-Herzegovina into Muslim, Serb and Croat areas” (Holland, 1997, p. 158). This meant that the Peace Plan, which had received support from the European Community, did not work out.

3. European Community Incapacity

The European Community’s inexperience in handling such matters meant that it did not know how to “negotiate ceasefires” and was incapable of remaining a “neutral mediator” because of its increasingly bullying tactics with the Serb camp (Freedman, 1994, p. 17). It is UN involvement that helped re-establish adequate negotiations with the Serb camp (Freedman, 1994, p. 17), thus undermining the EC’s capacities once again. The fact that the European Community was initially created out of conflict does make the issue seem rather surprising; how is it possible for the European Community to have no idea how to resolve a conflict? If we look at the institutional constructivist approach in this case, what becomes apparent is that the institutional capacity of the European Community was limited by what it perceived to be its function. This function was based on an economically-based peace, not on ethnicities. The difference is that economics is essentially politically governed and can be followed and understood within relative stability, whereas ethnic problems are more prone to fluctuations and are domestic

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problems that may go back centuries and are little understood by those attempting to resolve them from the outside. It is thus possible at this point to highlight the inherent institutional *incapacity* of the European Community and that was therefore attempting to resolve a conflict for which it did not have the tools. It is therefore no surprise that the only perceived adequate solution was based on American and NATO military intervention, which seemed the only possible institutional recourse, though this in turn influenced the perception of the conflict as requiring military intervention. The European Community also organised a CSCE (Commission for Security and Cooperation in Europe) monitoring force that was to oversee the implementation of agreements (Freedman, 1994, p. 16) but this actually brought in the United States once again and when it did not work out, it yet again signified a European Community defeat.

The European Community, in response to a referendum on Bosnia-Herzegovina where 99.4% of voters expressed their desire for independence (Holland, 1997, p. 153), the European Community initially agreed on a “Statement of Principles” but this was abandoned and the EC decided to recognise Bosnia-Herzegovina, rather than relying on a “constitutional framework {...} which included commitments by the Serb, Croat and Muslim communities to maintain Bosnia-Herzegovina’s existing frontiers and to refrain from supporting any territorial claims by neighbouring states” (Holland, 1997, p. 153). Serbian forces could not be coerced into ending the fighting and the European Community could only continually make use of soft power, imposing sanctions upon them, despite constitutional arrangements for Bosnia-Herzegovina. What this meant is that the credibility of the EC, compounded by its ambivalence as to what direction it should take, showed the Serb forces that they could continue to act essentially as they pleased. As seen above, they also retaliated when NATO sent military attacks. This situation was a vicious circle where soft power did not work but when hard power was used, there would be retaliations that would lead soft power being used again, as more hard power was seen as a dead-end project where it would only increasingly sink those involved.

The role of the European Council in the conflict was significant in that it is essentially through this that the Member States were able to agree, or as was more generally the case, disagree on what to do.

C. *International Intervention*

Aside from NATO, the next international organisation to play a significant role in the conflict was the United Nations. Though it is possible to assimilate UN actions along

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the same lines as those of the European Community in the sense that institutionally they are not militarily constructed, as NATO is, the nature of the UN's capacities means that it was not equal on all levels to the European Community and this is visible in the different actions that were taken by the UN. The problem that occurred with the Member States of the European Community occurred with the members of the Security Council; "they ducked the issue by trying to use UNPROFOR for purposes for which it was neither intended nor equipped by them {...}" (Calvocoressi, 2001, p. 349). Indecisiveness was rampant, be it in Europe or amongst countries outside the European Community.

The dominance of the United States was felt in the United Nations, where the need for stronger sanctions against the ethnic cleansing carried out by the Serbs meant that they were relied on to provide the forces being demanded (Freedman, 1994, p. 19-20). The United States was alone in being so strongly relied on because others, who could also provide troops, were not ready to implicate themselves (Freedman, 1994, p. 18). Reaching such a situation finds its origins in the beginning of the conflict, where soft power was relied upon because of a lack of institutional capacity by the European Community but when the situation could not be handled, hard power was resorted to "save the day" and when this would fall through, the Member States would again try to obtain a solution but they would never implicate themselves beyond the petty risks they were prepared to take, out of fear they would enmesh themselves in an even more complicated situation and be discredited back home. It was easier then to push the problem towards the USA, as they were "outsiders" and their electorate was not next door to the conflict. This of course was forgetting the more recent problems that had faced American administration because of the Vietnam War but at least the European Community could continue to prone its principles of soft power and not have to face fundamental institutional reform.

The United Nations had the military capacity to enter into the conflict but their presence was initially to help the victims of the conflict within the Former Yugoslavia. They were to serve as "escorts" and could only fire in self-defence (Freedman, 1994, p. 18), even though the United States were given the mandate to use force in situations other than self-defence. The United Nations may have assumed the "middle ground" between NATO and the European Community but it was not given this mandate and there was scepticism about the effect of its presence, as this comment by a senior UN official illustrates: "Force is the ultimate arbiter and any diplomatic policy that does not rely on carrots and sticks will not really get you very far. Without a club in the closet, without a credible threat of force, policy becomes bluff, bluster" (Freedman, 1994, p. 24). "Carrots and sticks" do not need to mean "a club in the closet" but this comment shows that whilst diplomatic efforts were considered necessary (and not only to maintain form), hard power

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was seen as necessary to back it up. The role of the Security Council is not to absolutely support hard power but rather to decide on the legitimacy of a conflict, as well as the legitimacy of any suggested measures. What this requires is the ability to separate different issues within a conflict and rule on them reasonably but the urgency of the Yugoslav conflict and the different interests that were advanced and which divided, meant that it was not possible to provide what this official suggested, not another solution. There was no cooperation and this was compounded by the lack of a clear direction, with neither of those involved knowing exactly what outcome they actually wanted.

Conclusion: The Need to Reconcile Soft and Hard Power to Accommodate Differing Perceptions of Reality

A. How the Institutional Constructivist Approach Explains the Conflict

When I took on this project, I decided to adopt the institutional constructivist approach because I believed this to be the adequate framework within which to consider the Yugoslav conflict and the institutional response. I believe that I have illustrated how fitting this framework is for two main reasons. The first is that constructivism is based on a difference in perception of reality: this means that the players believe a situation can be dangerous or not, and will decide on their reaction accordingly. Their reaction is in constant interplay with their social identity. This social identity plays against those of the other players and thus the situation is unstable and can always be influenced positively or negatively. The second point is that these social identities build the institutions within which the actors evolve, just as much as the institutions shape the social identity the actors make of themselves. As an example, if you believe that your neighbour is plotting to cause you harm, you will begin to act in a certain way so as to pre-empt, intercept and react. If suddenly you find out that in fact you were wrong and that it is your other neighbour who was behaving as such, your tactic will shift to this individual and the neighbour you initially believed to be bad will become an ally, whilst the other will become the enemy. This can continue to change, such as if your initial neighbour says or does something that makes you suspicious. Your “institution” is your tactic of pre-emption, interception and reaction. If you believe that it is a physical threat, your “institution” will be based on the likelihood of you being attacked but if you believe he is trying to cheat you out of your money, your “institution” will be based on the safeguard of your financial assets. This is the difference between the European Community/Union and NATO, and largely the United States. While NATO believes its neighbours are

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plotting physical attacks, the European Union believes that its neighbours are trying to get the best deal on its goods, even if this means underhand price tactics. What is interesting to note is that while the EEC was born out of a military conflict, the solution it found was economic. This is largely because the basis of many of its conflicts was based on resources but it is doubtful whether there is essentially such a large difference with NATO.

NATO was born out of the Cold War, where military armaments prevented either side from initiating an attack without risking the entire planet. What is interesting though is that the actual basis of the Cold War is essentially ideological and not military. The arms race would not have been the same had the same road as the European Community been adopted. I believe that if NATO members had perceived the USSR as an economic threat, the institution would have constructed itself differently, as would the entire Cold War. This is what happened with the Yugoslav conflict: though the institutions were already created, rather than rising out of the aftermath of the conflict, they were inserted into it. Their institutional mechanisms were based on their origins: as we have seen, the European Community would reply with soft power, whilst NATO would reply with hard power. The problem is that these mechanisms became constraints; perhaps the optimism of the post-WWI, WWII and Cold War conflicts meant that there was little impetus to create a new institution or even to consider it but what is clear is that both institutions were not built for the Yugoslav conflict and I believe they influenced the outcome negatively. This is not a dark time in history though and as I will now explain, it is actually a problem of the late 19th and 20th centuries that was not adequately perceived and perhaps had an ingrained deficiency.

C. The After-Effects of the War and Suggested Directions to Take

The will of the European Community was to be able to manage such situations without the help of the United States, and institutions such as NATO and the UN; this implies that the role and responsibilities that accompany such a position must be taken on and assume European defence without the problems that arose during the Yugoslav conflict (Calic, 1998, p. 4).

Military intervention in the former Yugoslavia was never significant (Freedman, 1994, p. 14); there was always a problem with achieving a middle ground between the soft power of the European Community/Union and the hard power of NATO and the United States. International action was ineffective for several reasons: inconsistency, lack of coordination and agreement and the problem of ensuring compliance with the issue of the use of force tied into it (Freedman, 1994, p. 22).

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The institutions that were expected to resolve the conflict had all been created as solutions to specific conflicts: World War II and the Cold War, and were "{...} not adequate to the challenge (Freedman, 1994, p. 21-22). They were all intergovernmental institutions, requiring discussions and agreement, thus preventing a rapid response (Freedman, 1994, p. 23) to a quickly changing situation.

There was a lack of foresight in the events, with every response coming after the facts rather than foreseeing them and acting to prevent them (Freedman, 1994, p. 22-23). This combined with the incapacity to act quickly, doubling the effect of the institutional incapacities. In addition to this, the indecisiveness meant that reactions were too late, slow to come and ambivalent, with little means for implementation. The actors did not know what to do, as they were faced with an unknown and misunderstood situation, and the institutional incapacity prevented them from going forward and poised a soft power institution against a hard power institution.

What becomes apparent is that the outcome of the conflict was actually predetermined: there was no middle ground between NATO and the European Community; this meant that it was an "all or nothing" situation, constantly swinging back and forth between the two. I believe that a more viable solution would have existed if soft power and hard power had been reconciled. This is a future research question that delves into the construction of institutions beyond what has been exposed in this paper because it is necessary to look at the actual mechanisms of construction.

The current issue of Kosovo highlights the fact that the conflict has not helped shape an adequate institution and that the true nature of the problem is still misunderstood; the status of Kosovo is the last immediate remnant of the disintegration of the Ottoman Empire and the conflicts of the 20th century. Is it possible to provide a peaceful and acceptable solution when the issues at stake concern sovereignty, territory and recognition? The example of Kosovo can actually be taken further east, to the Israeli-Palestinian conflict. The study of history helps one understand where mistakes were made but it does not necessarily provide solutions. Both of these current issues have their origins in a period during which the Great Powers still had a strong colonialist hand in determining the outcome of peoples. It appears that the problem is more intractable than is initially visible; does this imply that the only reason different peoples could live together under one banner was because they were coerced? The Ottoman Empire, a recent example of an entity, and an institution, that combined many peoples shows that there was a degree of coercion throughout its history, even if it varied over time and according to outside influences. What appears clear though is that when the Christians, and also to a degree, the Jews, began to gain more rights to recognition, the Ottoman Empire began to unravel. This points in the direction of there being no way of satisfying

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all peoples within a territory without submitting them to a more authoritarian regime where they either have no recognition or very little. Belgium is a case in point: the intricate institutional mechanisms ensure that neither the Flemings nor the Walloons can completely gain the upper hand. This is a form of coercion into peace. Were Yugoslavia constrained in this manner during its existence, the Serbs would not have been able to legally assert themselves as they did. History cannot be changed but what is sure is that one must learn from history and look at successful examples, in this case, of coexistence. As the status of Kosovo continues to be discussed, we can only try to foresee to the best of our ability the possible outcomes of any decision according to our historically based knowledge. I hope to have brought the problem of institutional incapacity to the fore through this paper and to have shown that the case of Yugoslavia is not an isolated example of the problem of the cohabitation of different peoples but rather a very recent one that had a large-scale impact, no least because of the institutions that became implicated. I do not profess to offer an ideal institution but I believe that what is needed now is an institution that reconciles soft and hard power. In my eyes, only this will allow the necessary peaceful measures to be backed by adequate power and credible sanctions, aspects that unfortunately lacked when the European Community and NATO swung back and forth between the measures they tried to implement and finally failed to wholly achieve any goal.

BIOGRAPHICAL NOTE

Philippine Colson was born in Canada and spent fourteen years in Europe. She has studied in Belgium, Bulgaria, and England, and recently graduated with a BA in International Affairs, Cum Laude, from Vesalius College in Brussels. She is currently a graduate student in political science at Dalhousie University in Halifax, Nova Scotia, Canada. Philippine has worked for FEDARENE, UNODC, and EBF in Brussels. Her research interests include European integration and foreign policy. philippine.colson@gmail.com

REFERENCES

- Borawski, John, and Young, Thomas-Durell. "NATO after 2000: The Future of the Euro-Atlantic Alliance." Praeger: London, 2001.
- Bretherton, Charlotte, and John Vogler. "The European Union as a Global Actor." Routledge: London, 2006 (2nd Edition).

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- Burchill, Scott, et al. "Theories of International Relations." Palgrave: New York, 2001.
- Calic, Marie-Janine, et al. "Les Questions Soulevées par la Bosnie, et le Débat Transatlantique." Cahiers de Chaillot - Numéro 32. Institut d'Etudes de Sécurité Union de l'Europe Occidentale: Paris, May 1998.
- Calvoceossi, Peter. "World Politics: 1945-2000." Longman: London, 2001.
- Gambles, Ian. "Une Paix Durable en Europe Centrale?" Cahiers de Chaillot 20. Institut d'Etudes de Sécurité de l'Union de l'Europe Occidentale: Paris, 1995.
- Ghecin, Alexandra. "NATO in the 'New Europe:' The Politics of International Socialization After the Cold War". Stanford University Press: Stanford, 2005.
- Freedman, Lawrence (ed). "Military Intervention in European Conflicts." Blackwell Publishers: Oxford, 1994.
- Hills, Alice. "Border Security in the Balkans: Europe's Gatekeepers." Adelphi Paper 371. OUP for IISS: London, 2004.
- Holland, Martin (ed.). "Common Foreign and Security Policy: The Records and Reforms." Pinter: London, 1997.
- Hunter, Robert E. "The European Security and Defense Policy: NATO's Companion or Competitor?" RAND: Pittsburgh, 2002.
- Huyseune, Michel, Noutcheva, Gergana, et al. "Europeanisation and Conflict Resolution: Case Studies from the European Periphery". Academia Press: Gent, 2004.