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EUROPEAN PERSPECTIVE ON BOSNIAN CONFLICT

MONDAY, FEBRUARY 22, 1993

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
Washington, DC.

The Commission met in room 2226 of the Rayburn House Office Building, First Street and Independence Avenue, SW., Washington, DC, at 2:30 p.m., Senator Dennis DeConcini, Chairman, and Representative Steny Hoyer, Co-Chairman, presiding.

Present: Senator Dennis DeConcini, Chairman, Representatives Steny Hoyer, Co-Chairman, and Frank McCloskey.

Staff present: Samuel Wise, Staff Director; Jane S. Fisher, Deputy Staff Director; Mary Sue Hafner, Deputy Staff Director and General Counsel; and David M. Evans, Senior Advisor.

Also present: Ambassador Peter Dyvig, Denmark (EC), Ambassador Nuzhet Kandemir, Turkey, Ambassador Helmut Türk, Austria, and Ambassador Andreas van Agt, Delegation of the Commission of the European Communities.

Chairman DECONCINI. The Commission will come to order. I want to thank my Co-Chairman for being here today, and we do expect some other members of Congress to join us.

I want to thank our distinguished panel, and I'll make a short opening statement and then, due to scheduling, we're going to ask Ambassador Kandemir to present his position first. I appreciate the willingness in the seniority system among diplomats to permit that exception.

The international response to the ongoing war in Bosnia-Herzegovina can be summed up in a single word, and that's failure. The Serbs have flagrantly violated each and every one of the basic principles contained in the Helsinki Final Act and yet, once again, the West has been unable to act credibly in the face of another European genocide and territorial land grab.

Efforts to mediate the conflict have failed at a horrible cost to the people of Bosnia and Croatia. I agree with former National Security Advisor Brzezinski that "Peace in Bosnia will not be possible until the aggressors know that the costs of aggression will be higher than the benefits of aggression."

The only message the international community, including the United States, has sent to the Serbian aggressors in this conflict is keep on grabbing territory, because we won't stop you. We are demonstrating that the principles contained in the Charter of Paris, which we all agreed to, in reality are not going to be the basis for a new Europe.

Instead of reaching for a new threshold of international behavior in the post Cold War, we are slipping back to the disastrous mentality of pre-World War II. Why is it so hard for us to learn that real stability can never be achieved by giving in to violent aggression?

We have not even kept our most basic commitment to the people of Bosnia—delivery of humanitarian assistance. It takes days of diplomatic hand wringing at the United Nations to respond to the now predictable Serbian challenge to UN troop efforts to deliver aid to Sarajevo and to villages which have been cut off for months.

How does the UN finally respond? It scolds the Bosnian government for having the audacity to suggest that it will not allow the Serbs to play anymore games at the expense of Bosnian people who are starving throughout the country. Don't misunderstand me. I always favor negotiations, but negotiations should not be used as a substitute for taking strong action. Action must be taken. If the aggressors have no reason to believe they will be stopped, negotiations themselves become nothing more than an exercise in busy work which soothes consciences and strengthens the aggressors' position. This is becoming daily more apparent with respect to President Milosevic as well as the Bosnian Serbs. I'm going to include the balance of my statement in the record due to the time restraints here. I feel so strong about it, I hate not to read it, because it fires me up; but I'm fired up enough. I'll yield to the distinguished Co-Chairman, Congressman Hoyer, who has been a leader in the House side, bringing about at least conscience from the Congress of the United States. Congressman Hoyer.

[Whereupon, the statement of Senator DeConcini was submitted for the record. See appendix at p. 31.]

Co-Chairman HOYER. Mr. Chairman, I know that Ambassador Kandemir must leave at 3:05. So I will include my statement in the record. Of course, the senior diplomat in the diplomatic corps, as far as I'm concerned, Ambassador Dyvig, is my ambassador.

My father was born in Copenhagen. So we have to pay special attention to the Danish Ambassador, but I will forego a statement at this point in time.

[Whereupon, the statement of Mr. Hoyer was submitted for the record. See appendix p. 33.]

Mr. MCCLOSKEY. I have no statement, Mr. Chairman. I thank both Chairmen for their leadership. I identify with everything you say, Senator. Thank you so much.

Co-Chairman HOYER. I do want to say how much we appreciate the willingness of these very distinguished international representatives to bring their perspective to what is a very thorny problem for Europe, for the United States, and for the international community.

We are all trying to come to grips with exactly what policy the United States ought to adopt and what policy the United States, in conjunction with its allies in Europe, can best follow to solve and bring to a close the tragedy that is occurring there in personal terms, but also the political conflagration that is occurring there.

Chairman DECONCINI. Ambassador Kandemir, thank you. Please proceed.

HIS EXCELLENCY NUZHET KANDEMIR, AMBASSADOR OF THE REPUBLIC OF TURKEY

Ambassador KANDEMIR. Thank you, Mr. Chairman. I thank you and the members of the Commission for the opportunity to present Turkey's perspective on the war in Bosnia, and I also want to thank my good friend, the Danish Ambassador, for yielding me the floor to make this presentation before him.

We have been following the course of the war very closely, from the early days of Serbian aggression and ethnic cleansing through the failing peace process, to the most recent reports of escalation.

In short, Mr. Chairman, we are stunned that this has been allowed to continue, that so little has been done to halt the decimation of Bosnia and the Bosnian people.

We appreciate President Clinton's decision to lend U.S. weight to the negotiations. We fully support U.S. involvement in resolving the Bosnian conflict and its contributions to a just and equitable solution. However, we believe further determined steps will be required to reach a viable solution in Bosnia.

It is clear that a solution must not be imposed on the parties. For example, I think all of us here today have reservations regarding the map put forth by Mr. Vance and Lord Owen. This is certainly one area where the Bosnians welcome U.S. participation. It is critical to the future of the region and the world that the Serbians not be rewarded for their aggression and ethnic cleansing.

Stopping Serbian aggression is a prerequisite for any peace initiative. Since the outbreak of the war in Bosnia, Turkey has worked towards that end. Thus, we would have liked to have seen the U.S. administration take more immediate steps to stop the fighting and atrocities.

In this regard, the initiative falls short of what we had hoped. There is no guarantee that the atrocities will stop while the negotiations are underway. Indeed, we all continue to receive reports from Bosnia of mass killings and rapes and shelling of civilian settlements.

Human suffering is further aggravated by the Serbian blockade on humanitarian aid to Bosnia. Here I should like to cite a recent letter addressed to Mr. Cyrus Vance from Ms. Sadako Ogata, the U.N. High Commissioner for Refugees who, in writing about the recent self-imposed blockage by the Bosnians, states, and I quote:

"The reaction of local authorities is partly justified by the fact that, in spite of recent reiteration of previous commitments by the Bosnian Serb leaders, no access has been granted to UNHCR to visit and assist the besieged Muslim enclaves of Eastern Bosnia."

"This situation has provoked a sizeable displacement of people from Kamenica to Tuzla, with the help of the Serbs. The impossibility of bringing assistance to these places is, in fact, provoking ethnic cleansing. There is fear that such a movement could spread to the other Muslim enclaves of Eastern Bosnia."

What was so very disturbing was that the Bosnians were actually protesting through the hunger strike. It is Serbian aggression, as well as the overall unwillingness and inability of the international community to take effective action to help them.

Mr. Chairman, we must question the credibility of any peace negotiations that take place while one party remains at the other's throat. The situation in Bosnia must be brought to a stalemate before we can honestly expect anything of the peace process.

Indicative of this is the general rejoicing in Belgrade after Secretary Christopher's statement. It was obvious to the Serbs that little was to be done immediately to contain their ambitions of a Greater Serbia.

Indeed, one can even envision a situation in which the Serbians would make the negotiations drag on to avoid the injection of U.S. peacekeeping forces into the situation. I hope the U.S. will use its influence to finalize the negotiations quickly, because until such conclusion, the Bosnians will remain defenseless.

We know that most of the members of the U.N. Security Council refuse the idea of military measures in Bosnia for fear of the security of their own soldiers. I would say that anything worthwhile, any truly moral victory, comes at a price. There is a risk involved, and this should be understood before troops are deployed.

As it is, the U.N. troops on the ground in Bosnia are ineffective, as witnessed by their inability to deliver assistance to Eastern Bosnia. The Bosnians would tell you that they would rather guard the aid themselves than allow the presence of the U.N. troops to be used by anyone as an excuse for inaction.

This is one of the reasons Turkey has been advocating lifting the arms embargo against the Bosnians. I cannot emphasize enough the necessity of reaching a stalemate on the battlefield.

Another reason is the Bosnians themselves, who clearly state that they do not want outside ground forces in Bosnia. They would rather fight their own battles. If the Bosnians were armed, there would be no need to debate the ground forces issue.

As for the U.N. economic sanctions, we have seen that they, too, are ineffective. The smuggling along the Danube into Serbia has reached huge proportions. The Serbians easily get around the sanctions. If we are going to rely on sanctions to discourage the Serbians, they should be enforced stringently by all parties and along all points of entry, which brings me to my next point.

We believe that there will be no lasting peace in Bosnia as long as one of the parties is significantly stronger than the other. History shows that peace can best be kept between adversaries through a policy of deterrence and parity. In the Balkans, it is clear that there will be nothing to deter Serbian aggression against Bosnia in the future except the Bosnians' ability to stage a strong defense.

As the inequity between all parties diminishes, the likelihood of an equitable compromise becomes more attainable. There will always be the question of who will defend the Bosnians when the peacekeepers leave.

This should be the primary concern of U.S. policy makers, as it affects when the U.S. would be able to bring home its peacekeepers. I need not point out that the political solution to be reached must be self-sustaining.

There are several measures that could be taken to end the hostilities and allow the negotiations to take place in an atmosphere more conducive to their success.

First, the U.N. should force the Serbs to turn over their heavy weapons immediately. This would be the first step towards establishing the military balance at the lowest common denominator. As long as the Serbs can turn to the arsenals of the former Yugoslav army with impunity, the Bosnians will remain at a disadvantage.

Simultaneously, we must force the Serbs to lift their sieges on civilian settlements; and, in all honesty, I cannot comprehend why the United Nations has yet to enforce the no-fly zone, especially since the Security Council has already passed resolutions to do so. A clear, strong, determined signal must be given to the Serbians that their aggression will not stand.

The U.N. Security Council is working on a resolution to set up the much discussed war crimes tribunal, which would place tremendous pressure on the Serbs to restrain their conduct of the war. The U.S. should not only work towards establishing this tribunal but also towards giving effect to Article 8 of the Genocide Convention. Only then could it gain the necessary power to enforce justice in Bosnia.

In short, unless the U.S. makes thoroughly clear its readiness to put teeth behind its initiative, what we may have is largely a continuation of the carnage in Bosnia. The danger that the conflict will spill over into Kosovo, Sandjak and Macedonia is very real.

This would create the possibility of a wider Balkan war that could draw in Albania, certainly, and possibly Bulgaria, Greece or even, eventually, Turkey. This scenario is not exaggerated.

Mr. Chairman, ladies and gentlemen, Turkey fully supports increased U.S. participation in the Bosnian peace process, and hopes that the administration's initiative will prove to be an important step in a concrete effort to do what it will take to find peace in Bosnia.

As a regional country, Turkey is vitally concerned that the Balkan crisis be dealt with effectively. President Ozal recently visited Bulgaria, Macedonia, Albania and Croatia as part of Turkey's ongoing efforts to contribute to regional peace.

Once the international community decides to make a sincere effort to restore peace in the Balkans, Turkey is more than ready to do whatever it can to help.

Thank you very much, Mr. Chairman.

Chairman DECONCINI. Ambassador Kandemir, thank you very much. I just will ask one question.

Your country having called for the use of air force to enforce the no-fly zone and to stop the heavy guns, as you mention in your statement here, would certainly take a vote of the Security Council. What is your assessment of what Russia would do?

They appear to have indicated some real resistance to the use of force. Do you think this can change, and can Turkey play any role in that area?

Ambassador KANDEMIR. Mr. Chairman, we have been in touch with the Russian administration as well. We do know that, at present, there are some nationalists, some pro-Serbs, who are playing a role, a major role, in the Russian parliament and also within the administration; but we believe, if the international community decides to use force or any other means to enforce the no-fly zone, the Russians will abide by this international decision, and that this

will not create undue disturbances, as some circles do try to suggest, time to time.

Chairman DECONCINI. You're suggesting, Ambassador, that they would at least abstain from a veto vote on the Security Council?

Ambassador KANDEMIR. Well, this is our expectation, Mr. Chairman.

Chairman DECONCINI. Thank you. Congressman Hoyer?

Co-Chairman HOYER. Mr. Ambassador, I know you have to go. The resolution introduced by Senator DeConcini and I both calls for enforcement of the no-fly zone as well as lifting the arms embargo as it pertains to Bosnia.

Our European allies, particularly France and England who have troops on the ground there, have expressed opposition to that—to arming the Bosnians, because they believe it will place their people at much greater risk. Could you comment on that?

Ambassador KANDEMIR. Well, as I have briefly stated in my previous introductory remarks, there is risk when one deploys troops in a war-torn country. Certainly, the troops which are there will have some dangers—will be faced with some dangers, but I do not believe, and we do not believe in Turkey, that this danger will be to the extent that they are— that some countries in Europe are claiming.

So I don't think this risk is something which should not be taken.

Co-Chairman HOYER. Mr. Ambassador, you indicated that Turkey would take such steps as it was necessary to assist. Would that include the deployment of Turkish troops in a U.N. peacekeeping force or peace making force?

Ambassador KANDEMIR. Well, sir, yes; and if Turkey is to act, this will be within the framework of an international force, within—under the umbrella of the United Nations or NATO or any other international effort, and within the framework of these efforts, Turkey will do whatever she can, including deployment of forces which might be required.

Co-Chairman HOYER. Last question, Mr. Ambassador. In your statement you suggest forcing, compelling, Serbia to give up its weapons. Presumably, the only way you can do that, short of their agreement, is by force. Is that what you are recommending?

In the event that they cannot reach a negotiated settlement to which all parties agree, your recommendation would be that the only alternative would be the use of force to take the weapons and to, in effect, disarm Serbians by force?

Ambassador KANDEMIR. This is exactly what we recommend, sir. In fact, the first step should be, certainly, to ask them to put those heavy armaments under the control of the United Nations. Should they fail to do so, some surgical air operations will be a necessity, and these operations, even if they are not a hundred percent successful, will give the message, the forceful message, to the Serbians that the international community does mean business.

So far, this forceful message has not been given to them, and this is the reason why they feel free to do whatever they have in mind with a view to creating the Greater Serbia.

So this will constitute one of the messages that Turkey is asking for.

Co-Chairman HOYER. Thank you very much, Mr. Ambassador. We appreciate your being here.

Chairman DECONCINI. Congressman McCloskey?

Mr. MCCLOSKEY. Thank you, Senator. Thank you, Mr. Ambassador. Two brief questions. I might say you have made a very admirable statement. I have a hard time disagreeing with any sentence in there.

I think it is partially covered by implication already, but specifically with the excellent principles stated in the London declaration, particularly as to the lifting of the siege, the need for humanitarian access to all areas of Bosnia, and also U.N. resolutions to the effect demanding the cessation of all military activity, why do you think the U.N. and the EC have not backed up resolutions that they have agreed to, and indeed the Bosnians Serbs and the Serbs have agreed to?

Ambassador KANDEMIR. Well, sir, it is certainly somewhat a difficult question to answer, but I may give you my personal feelings. Personally, I feel that in Europe there are a number of countries who do not want to get involved with some military operations in the field, and they want to finish with this crisis in former Yugoslavia without them being involved militarily, economically, and otherwise. This might be one of the reasons.

The second reason might be that the group who is involved in Bosnia-Herzegovina is of a different culture, and this might also be somewhat—give them the reluctance of acting and putting their hands into fire.

At any rate, sir, in the world, and particularly in the Islamic community, Islamic world, there is—there is a certain feeling that the international community is using a double standard. This is something which will have to be taken into consideration.

I do know it, because we have been attending the Islamic Conference organization at the summit meetings and so on, and there people do think that why have we been trying to form a coalition in the case of the Gulf crisis where the aggressor has been stopped whilst, despite the fact—despite the fact that there is a U.N. resolution on the no-fly zone, this no-fly zone is not being implemented.

So this obvious double standard cannot be understood well, and it also gives in the mind of the people the feeling that this war is a war of religion; and if I may suggest, sir, this war of religion is the most dangerous thing for humanity in history.

If this war becomes a war of religion, we may be dealing with it for the coming hundred years. So we have to be careful not to present this war as a war between the two religions, and also in the press and in the media there is a tendency of presenting the clashes as between Serbian forces and the Muslims.

Why Muslims? They are Bosnians. So we have to be careful wherever we are, however we talk, that we are dealing here with two groups who are just fighting against each other, irrespective of their religion and their culture.

Mr. MCCLOSKEY. Thank you, Mr. Ambassador. Thank you, Mr. Chairman.

Chairman DECONCINI. Thank you. Mr. Ambassador, thank you very much for giving us your time. It's very helpful to have your

government's presentation here as part of our record. We are grateful.

Ambassador KANDEMIR. Thank you very much, sir.

Chairman DECONCINI. Ambassador Dyvig, thank you again for your usual hospitality and generosity and kindness, and also your leadership in this area, and we welcome your statement at this time.

HIS EXCELLENCY PETER DYVIG AMBASSADOR OF THE KINGDOM OF DENMARK (EC)

Ambassador DYVIG. Thank you very much, Chairman DeConcini and Chairman Hoyer. Chairman Hoyer, if I may come back, as I regard him as my Congressman in this.

I should like to begin by thanking you for having invited me to speak at this hearing today. I am glad to do so primarily for two reasons, first because it offers me an opportunity to point out the great personal contributions of the two of you to involve the United States Congress and the American people in the work of the Conference on Security and Cooperation in Europe, the CSCE, to which both my country, Denmark, and the European Community of which we are a member and hold the Presidency right now attaches the greatest importance as a means to help create a peaceful environment on all of the European continent.

The role of the United States in this effort is highly appreciated by the Europeans and is seen in more or less the same light as we see the continued need for a strong American participation in the future of NATO, including the maintenance of a substantial American military presence in Europe in the years ahead.

Secondly, because of the possibility you have hereby given me to explain how the European Community, of which we hold the Presidency right now, has seriously—and I would like to underline seriously—tried to deal with the tragic crisis in the former Yugoslavia.

As has been all too clearly demonstrated, this has not been, to say the least, an easy task, and we do not, therefore, mind when the limits to our efforts are being pointed out. What we may sometimes find a bit hard is when it seems to be ignored that the European Community has, since the beginning of this conflict, with all its convictions involved itself in a most serious and painstaking way in trying to find a peaceful solution to this terrible crisis, however hopeless it may have presented itself.

We know that what we have achieved so far is not perfect, but we have tried very hard, and we will continue to do so. Let me explain how.

Ever since the outbreak of hostilities in the former Yugoslavia in the summer of 1991, the European Community and its member states have been deeply engaged in attempts to manage and resolve the crisis.

Until the gradual involvement of the U.N., first in a peacekeeping role in connection with the cessation of hostilities in Croatia in early 1992, and then, through the establishment of the International Conference in August last year, as joint sponsor of the peace effort, the EC alone and for the first time in its history took upon

itself the responsibility of mediating an armed conflict on the European continent.

In approaching this task, the EC put at the disposal of the parties in the conflict the means with which to resolve it peacefully: a negotiating process led by an eminent statesman, Lord Carrington, and a monitoring mission to supervise the implementation of agreements and assist the parties on the ground.

When the U.N. Protection Force (UNPROFOR) was deployed in the occupied regions of Croatia and later in Bosnia-Herzegovina, the EC member states provided a very significant amount of forces. I can point out that my own country, Denmark, has deployed about 1,200 people. That's not a lot, but if you'll take the size of our country into consideration, it would mean that the United States would be there with 60,000 people. So it's still quite an effort on behalf of a small country.

All this was before the scope and character of the conflict was known it with its appalling level of aggression and brutality towards primarily civilian populations became totally apparent. At the outset of this tragedy, very few foresaw that it would compel the international community to fully reassess the situation in the aftermath of the Cold War: namely, a new world order of reduced global confrontation with a dramatically enhanced possibility for U.N. and CSCE principles and provisions to be brought into play; the prospect of a larger role and responsibility for Europe and other regions to manage regional security risks.

The premise of UN-EC peace efforts continues to be the assertion of basic principles of non-use of force, peaceful settlement of disputes, territorial integrity of states, and the respect of human rights and dignity, including that of national minorities.

Accordingly, in tackling the present conflict, the negotiators in the International Conference have rejected options which would, in fact, run counter to these principles. Thus, the possibilities of allowing the parties to resolve the conflict themselves by military means or compelling them by the use of massive force to accept a solution in accordance with common norms of behavior were excluded. Both these options are unacceptable, and the second would most probably prove untenable.

Within these constraints, the European Community and the international community have marked out a course of impeding, as far as possible, the further access of weapons to the parties and of defining the parameters of a negotiated settlement.

In addition, we have brought our influence to bear on behalf of the weakest party, the Bosnian Muslims, through political pressure against their opponents and by applying strong economic sanctions against Serbia-Montenegro.

The EC, its member states and various European NGOs have contributed very substantially to the international humanitarian assistance effort and to the reception of and aid to refugees, both for the sake of alleviating the widespread suffering and in order to counteract the barbaric practices of ethnic cleansing which have become a principle aim of the war.

The UN-EC effort has been costly. We have already paid with the lives of a number of monitors, aid workers, and peacekeeping soldiers.

In conjunction with other states participating in the CSCE, notably the United States, we have endeavored to keep the conflict from spilling over to adjoining areas. This has, i.e., been done by increasing the presence on the ground of missions to Kosovo, Sandjak, Vojvodina, as well as the former Yugoslav Republic of Macedonia. The EC monitoring mission also has teams operating along the borders in the neighboring states of Hungary, Bulgaria, and Albania.

Many of our efforts have obviously been in vain. Countless ceasefires arranged by the UN-EC mediators have been broken, and the obligations freely entered into by the parties at the London Conference last August have not been respected.

Since it has been acknowledged throughout that it would not be possible to impose a solution, the mediators have had to proceed on the difficult path of negotiations. It has, therefore, been inescapable to deal with the three parties to the Bosnian conflict on the same level, despite the fact that one is a legal and recognized government and the others secessionist movements.

The preliminary result of the negotiations, the Vance-Owen plan, is not, as I said earlier, the perfect solution one could have hoped for. It does represent a step back from the principles agreed to at the London Conference, to the extent that the international community has lacked the means and the will to decisively counter-balance the preponderance of the Serbian side.

In unanimously backing the plan, the EC member states, as well as the great majority of other European countries, among them Russia and the immediate neighbors of the former Yugoslavia, recognize the fact that this plan, nonetheless, does represent the best and fairest available solution.

It provides for the withdrawal of Serbian forces from substantial territories now under their occupation, and it is based on the premise of the continued existence of the state of Bosnia-Herzegovina. The EC and its member states strongly urge that the deal be struck as quickly as possible while the state still withstands the rigors of siege, shelling, cold, and hunger. The loss of lives is already staggeringly high and must be halted.

The U.S. policy initiative announced on February 10 by Warren Christopher was warmly welcomed by the EC and its member states. With its commitment to participate in the implementation of a peace settlement and its emphasis on the process of negotiation, the new policy will facilitate the kind of close US-EC cooperation which we seek to bring about a settlement in Bosnia-Herzegovina and other unresolved issues in the former Yugoslavia.

With America on board, we can keep up the momentum in the negotiations on Bosnia, make the delivery of humanitarian aid more effective as we hear about it nowadays, and proceed with the preparations for bringing perpetrators of war crimes to justice. Momentum at this point in time is very, very important.

Neither the United States nor the European countries have found it realistic to engage themselves in a ground war in order to force a solution upon the parties in the former Yugoslavia. Political pressure and tight economic sanctions seem to us to be the only instruments to use in situations like the one with which we are confronted after the end of the Cold War.

The Serbian leaders will be left in no doubt that territorial expansion through violent means will not be tolerated and would lead to the permanent and complete isolation of their state, thereby rendering it unviable.

Mention is often made to the fact that troubles in the Balkans triggered the First World War, and the dangers of the present conflict for the area at large should certainly not be underestimated. At the same time, it is worth taking into account that the major Western European powers, contrary to the situation in 1914, today are united within the EC in a common effort to solve the conflict in the former Yugoslavia. The United States and Russia are now equally involved in the same effort.

The principle European perspective on the present crisis regarding Yugoslavia then can be drawn up as follows: European integration was from its outset a concerted attempt to make a repetition of major wars in Europe impossible through ever deepening economic cooperation between the leading industrial powers on the continent. Despite setbacks, the effort will continue and be expanded in scope and membership.

The parties in conflicts such as the one in the former Yugoslavia can no longer count upon individual EC member states to become actively involved on their behalf or become the exclusive advocate of one or the other side in the conflict. By virtue of an admittedly cumbersome decision-making process based on consensus, we stand together—with we, I mean the EC—in such cases.

Despite these basic changes, we may not be able to keep the parties from fighting each other and violating basic norms of behavior. We may, however, be able to show them how we have overcome our problems in the past and, thereby, show them how to come to their senses, begin to exist together, coexistence or no existence, and prevent the conflict from spreading beyond control.

Thank you, Mr. Chairman.

Chairman DeConcini. Ambassador, thank you very much. Ambassador, how does the EC and, and maybe you can voice an opinion for the EC but, certainly, for your country—how do they rationalize the Community's statements at the conclusion of the Edinborough meeting in December, which decried the systematic campaign of seizing territories and cities. Doesn't the Vance-Owen plan largely rubber stamp this campaign? Aren't we really going to see this territory, for all intents and purposes, seized by an aggressor?

Ambassador Dyvig. That is not the way we see it, Mr. Chairman. As I said, we do not think that the Vance-Owen plan is a perfect plan in all respects, but it is based on what the situation is, and it's based on making it possible for the Bosnians to survive securely within the borders that are being established.

It is also—as you well know, it is also pushing back the Serbs from a number of the areas that they would otherwise control; and if we did not have the plan, would they then not have pushed on to the end?

So I think that, even if it's not perfect, it's at least establishing the principle, and it's establishing a secure area for the Bosnian people.

Chairman DeConcini. Just speculating, Ambassador, if the plan is not agreed to, what then does the EC do, as far as their continu-

ing involvement? Do they take it piece by piece and go for tougher sanctions or do you think that there are any circumstances at all that they might accede to enforcement of the no-fly zone?

Ambassador DYVIG. We have not so far, Mr. Chairman, been thinking of alternatives, because we think that there is momentum towards the establishment of an order based on the Cyrus Vance-Lord Owen plan; and as I said, we have warmly welcomed the fact that the United States have become involved in it, and in a way put the muscle behind the plan to the extent that the plan—or that the American initiative is also talking about the implementation of the plan.

We think that this is a strong signal to the parties that here is your chance to agree now, based along the lines that have been put forward by the plan, and then try to come to your senses, as I said, and to live in peace.

We are quite prepared to consider new sanctions on Serbia. We are constantly working on making the implementation of the sanctions more effective. We have established various groups and technical assistance to help make sure that the sanctions are not broken.

We are also in constant dialogue with all the parties that are at work in the U.N. on what can further be done. Again, the Europeans are taking this crisis very seriously. We have not felt that a ground war was the way to solve the problem, and if I may say so, I have not seen very many being prepared to offer that as an alternative.

Chairman DECONCINI. Do you consider enforcing the fly zone as a ground war or——

Ambassador DYVIG. I do not consider that as a ground war, and the matter is still under consideration. There have been certain warnings from some of the countries that have peacekeeping troops on the ground that we have to consider carefully how that would—how that would work out, but nobody within the European Community has come out against the plan.

As far as I know, it has not been seen as the most effective means, because the plane's traveling have not, it seems, been carrying weapons. They have primarily been flights of a non-offensive nature, so to speak.

Chairman DECONCINI. Thank you, Ambassador. Co-Chairman Hoyer?

Co-Chairman HOYER. Mr. Ambassador, let me ask you one specific question regarding Macedonia. Have any of the European countries recognized Macedonia, has Denmark?

Ambassador DYVIG. None of the European Community countries have recognized. A great number of the EC countries would like to recognize Macedonia, thereby to be able to establish that here is another limit that the Serbs should not take easy; because when you look at it, international practices, as we have known them in the past, are easier to uphold when it's a question of breaking a borderline, so to speak, and therefore, with the Macedonian state we think that we could add to the security of it, but we have been signaling, and so has the United States government, very clearly to the Serbs that if things were to happen, then the situation would change.

We have supported these statements by the United States government.

Co-Chairman HOYER. Now when you say the situation would change, in what way?

Ambassador DYVIG. Because then you would have a flagrant violation of a borderline that does exist between an entity which wants to become a country of their own, and which we think they should.

As you know, the problem is the name of that state, which has very—has drawn one of the EC partners into a lot of considerations that they have brought forward that the name would not be a good idea.

We have been supporting whatever proposals have been made to find another name or to find a solution, because we think it's a pity that the name might, in the last resort, endanger the existence of Macedonia as a people.

Co-Chairman HOYER. In your discussion on the Vance-Owen plan, obviously the Bosnians believe that the plan in effect destroys Bosnia as a sovereign state turning it into ten autonomous perhaps regions with a facsimile only of a central state, which needs to reach agreement by consensus, as you pointed out.

Furthermore, an additional problem is that Milosevic has not demonstrated any desire to contain his greater Serbian state aspirations. If you created a Vance-Owen-like state in Bosnia-Herzegovina wouldn't you simply delay what would be inevitably a continued march towards the consolidation of a Serbian state, particularly as it relates to fragmenting and compartmentalizing any opposition; and once you created these autonomous regions, in effect, from those bases, if you will, geographic bases, the Serbs would simply consolidate and then move on?

To that extent, isn't there somewhat of an analogy to Hitler's strategy of autonomy over those areas that he moved into gradually and just went from base to base?

Ambassador DYVIG. Mr. Chairman, as I said earlier, we do not believe that the plan is, in all respects, perfect, but we think it is an important plan, because—and you indicated that yourself—we will have a state that remains Bosnia-Herzegovina.

If we can—by having the plan accepted, if we can introduce a peaceful situation in the area again, then I think we may be able to hope that the state will gradually take over, becoming the state, notwithstanding the different ethnic groups in the country.

If we were not to advance the plan, then I am afraid that exactly what you were hinting at would happen much more easily. Therefore, we think that—and we are pleased to see that the United States has not in any way tried to contradict the plan.

We fully realize that there may be elements that one can still talk about, but we think that the plan is there to safeguard also the state of Bosnia-Herzegovina; and if we're not there, I am afraid that Bosnia-Herzegovina would be in greater danger than when it is there.

Co-Chairman HOYER. Mr. Ambassador, from the EC's standpoint, when would the use of force be justified? I ask this question in this context: Milosevic has not believed that the outside world would take any direct action or at least has given no indications that he

really believes that we will take action— this is evidenced by the coninuous violations of cease fires, the unwillingness to restore people to places of previous residence, and other acts.

It seems to me that at some point in time the West, NATO, the EC, the United States, in effect have to say this is the line, and beyond it we are going to take military action, because negotiations have failed.

Has the European Community reached any conclusion as to when active application of force would be justified to save lives and restore political integrity to regions?

Ambassador DYVIG. We have not defined it, Mr. Chairman, directly, but what we have said is that we also welcome the implementation part of the Warren Christopher plan where it is pointed out that enforcement may become necessary to guarantee with use of military force what is decided upon by diplomatic means. So the possibility is being kept open.

Co-Chairman HOYER. What troubles me, again—I thought Secretary Christopher's statement on behalf of the President was a good one. What troubles me is that, once having recognized the state of Bosnia-Herzegovina and recognizing its borders and then having those borders transgressed militarily, if we now make an agreement that in effect ratifies that military aggression, we are, it seems to me, in a very difficult situation as to future conflicts. That is the case, whether it's—and, of course, Secretary Christopher mentioned this—in Russia itself, or in the other former republics of the former Soviet Union.

What sort of intellectual ground are we drawing for future application if we allow the military aggression exercised by Milosevic at this point in time to stand, which in some respects, it seems to me, it's very hard to argue that it doesn't do.

In effect, the Vance-Owen plan destroys a democratically elected government. Mr. Ambassador, I think it very difficult to see that not being the case, and I don't want this to turn into an argument.

Ambassador DYVIG. If we were to see a state, Bosnia-Herzegovina, destroyed, then I think the situation would present itself as a very dangerous situation that would call for considerations of the kinds that we have been talking about here.

At this moment, we think it's the—really, the primary goal is to have an acceptance of the state called Bosnia-Herzegovina with the provinces or whatever you called them before and have the situation stabilized there, which at least is creating a new situation for the civilian people living in those areas.

If we were to see a plan being violated by the Serbian forces after they had agreed to it, then I think we would all find ourselves in a situation that would change it. Let me also say that the use of force is certainly not an element that has been ruled out by the European Community.

On the other side, we have also known in the past what the use of force could lead to in devastations of people and so on. We have, therefore, had to consider the situation very, very carefully.

You know the situation in Germany where, based upon the experiences from the Second World War, they have not even been able to accept that they can be part of a peacekeeping force. So we are fighting with our past also, to some extent.

At the same time, I think it is important to point out, as I've been trying to say, that use of military force has not been ruled out, and I would go the step further to say, though, that I would not like to see if the view was presented—and I'm not saying that you are presenting it—that the Europeans should be ready to move in here and use military force and the rest of the United Nations should stay outside.

That would be putting—even if the problem is on our doorstep this would probably be too much, because putting military forces into a situation, as we know it in Yugoslavia, is certainly not the same as putting a force, defending a well established border between two countries.

We are in a situation here which is very unique, and that's why I'm saying that—or that I've said that we have taken this very seriously. We have been considering all ways and means that can be applied and used. So far, we have felt that the Vance-Owen plan is a way out of it, and we think that it's important to move on it and have that established as the basis.

If that were to be violated, then the situation would change.

Co-Chairman HOYER. Thank you, Mr. Ambassador. I agree with you that whatever action we ultimately take, or in the short-term take, ought to be through the U.N. and/or NATO, because I think those are broader structures——

Ambassador DYVIG. Under the U.N.

Co-Chairman HOYER. Let me ask you one last question that troubles me. You referenced and others have referenced the creation of war crimes tribunal, of which I am very much in favor of. In reaching a negotiated agreement, which I think would be in everybody's best interest, one of the parties negotiating clearly will be Milosevic, who has himself been branded as a war criminal by our former Secretary of State along with, of course, a Serbian leader in Bosnia-Herzegovina. It's hard to contemplate how one then in effect puts into custody the war criminal who is a party to the negotiated agreement.

It is difficult to believe that Mr. Milosevic is going to negotiate an agreement which will subject himself to a tribunal establishing whether he's a war criminal. I just—I don't know how we do that, and I think that, frankly, if there is going to be a new world order, it will be one under U.N. auspices which holds accountable those in the international community who would transgress international norms as egregiously as is the case here.

We're going to have to come to grips with that. Secretary Christopher said the United States is not the policeman of the world. We all agree with that, but I suppose a new world order would contemplate, as our societies co-depend upon, ultimately a force that can impose civil order.

Ambassador DYVIG. I very much agree. I think that I can understand why the United States would not like to become the policeman of the world, but I would hope that the United States, and I am sure that they will, together with the Europeans and the world community, will help to create an international institution under the U.N. that can use force when it's necessary.

I would like to reflect the support of the European Community also for the proposal made by Boutros Ghali that lots of thought

should now go into establishing at the hand of the United Nations Security Council and Secretary General some kind of force that could be used in situations like that.

Then let me finally say on the tribunal, I can see all the problems that are involved of the nature that you've pointed out, Congressman. I think at the same time that the fact that we are creating a tribunal is sending a very, very strong signal that this is a situation that the world community is not ready to accept and that the world community has now begun to cope with.

I would also like to point out that we are in a new situation in this country and on the European continent. We are, all of a sudden, coping with a world situation that we have not learned to cope with. It was much easier in the past when you had two parties in the world, and you knew, more or less, after having dealt with it for forty years, how to do it.

Now we are confronted with an immense number of problems. Yugoslavia is a very serious one. I'm afraid that we may see more of these problems pop up in the future, and one of the things we can do is to support the United Nations and its Secretary General and the Security Council to establish procedures that we can all help to support and thereby try to contain the problems that will be.

Co-Chairman HOYER. Thank you, Mr. Ambassador.

Chairman DECONCINI. I'm going to recognize, with the concurrence of my friend from Indiana, the Ambassador from Austria, Mr. Türk, and then I will yield to Representative McCloskey for his questions right after his statement, and then I want to hear from Ambassador van Agt. If he has a statement, we'll be glad to hear him also.

HIS EXCELLENCY HELMUT TÜRK, AMBASSADOR OF THE REPUBLIC OF AUSTRIA

Ambassador TÜRK. Thank you, Mr. Chairman.

Mr. Chairman, distinguished members of the Commission, ladies and gentlemen. I am extremely honored and leased to have been invited to testify before the U.S. Commission on Security and Cooperation in Europe on the human rights situation in Croatia and Bosnia-Herzegovina and the question of the establishment of an international war crimes tribunal for the former Yugoslavia.

I now have the privilege to serve as the Ambassador of Austria to the United States of America in addressing this distinguished Commission. However, I do so primarily in my capacity as a CSCE Rapporteur.

In view of time constraints, I may somewhat shorten my presentation.

Chairman DECONCINI. Thank you, Ambassador. We'll put your full statement in the record.

[Whereupon, the statement of Ambassador Türk was received for the record. See appendix at p. 36.]

Ambassador TÜRK. Thank you. I should just like to recall that in September 1992 Ambassador Corell of Sweden, Mrs. Thune of Norway, and myself were given the mandate by the CSCE to investigate reports of atrocities against unarmed civilians in Croatia and Bosnia, and to make recommendations as to the feasibility of attributing responsibility for such acts.

We visited Croatia from 30 September to 5 October 1992, where we also had the opportunity to go to the Serb controlled areas of the Republic of Croatia.

In the report of that mission we observed, in particular, that there are numerous reports regarding atrocities perpetrated against unarmed civilians as well as the practice of ethnic cleansing in the territory of Croatia. We pointed out that, although responsibility for these grave violations of human rights and the norms of international humanitarian law is to be attributed to both parties to the conflict, it appears that the scale and gravity of the crimes committed by the Yugoslav National Army, Serbian paramilitary groups and the police forces of the Knin authorities are, by far, the most serious.

On the Serbian side, such violations of generally accepted international norms seem to form part of an officially tolerated or even supported systematic policy.

We also emphasized the need for a speedy political solution with respect to the Serb controlled areas in the Republic of Croatia, and emphasized that a withdrawal of UNPROFOR at the expiration of its mandate would probably lead to new and massive bloodshed, including atrocities against the unarmed civilian population.

As we all know, such a political solution still remains to be found. The Security Council, on 19 February, unanimously expressed in a resolution its deep concern regarding the lack of cooperation of the parties and others concerned in implementing the United Nations peacekeeping plan in Croatia and extended UNPROFOR's mandate for an interim period terminating March 31, 1993. We can only hope that this time span will be used to intensify negotiations on a political solution.

Due to the constantly worsening situation in Bosnia-Herzegovina, the Rapporteurs were unable to visit that country in order to conduct an on the spot investigation of the human rights situation. However, numerous reports on the human rights situation in that country have already been submitted by governmental and non-governmental institutions.

These reports bear witness to gross violations of human rights and norms of international humanitarian law, including war crimes and crimes against humanity. They ascribe responsibility for the human rights violations to all ethnic groups involved in the armed conflict.

At the same time, it is, however, emphasized by these reports that human rights violations by Croats and Bosnian Muslims are not comparable to those committed by Serbian and Bosnian Serb forces. The most serious human rights violations by Serbian and Bosnian Serbian forces are attributed by these reports to the policy of ethnic cleansing which is generally seen as the basis of all human rights violations by these forces.

The victims are mainly Muslim civilians of which hundreds of thousands have been affected. We all know about the great number of rapes which have been committed in Bosnia-Herzegovina, and the great majority of rapes is said to be committed by Bosnian Serbian forces on Muslim women.

These rapes are viewed to be too systematic to be mere by-products of the conflict, but rather considered to form part of the Serbian policy in Bosnia and to serve as a strategic purpose in itself.

Mr. Chairman, it is not my intention to go into further details regarding these most serious violations of human rights and norms of international humanitarian law committed in connection with the armed conflict in the former Yugoslavia. What is even worse is the fact that these crimes continue to be committed every day before our very own eyes, despite forceful condemnation by the international community. We cannot allow this horrifying situation to persist. What we need is decisive action to put an end to this tragedy.

Let me stress in this context that Austria and, in particular, Foreign Minister Alois Mock, has since the very beginning of the crisis in the former Yugoslavia warned of the consequences if the international community did not take appropriate action to resolve it.

In the meantime, our worst fears have certainly come true. It is the view of Austria that the present situation in the former Yugoslavia, if allowed to continue unchecked, is fraught with the most serious dangers, such as continuing fighting in Bosnia-Herzegovina for a long time to come, a human catastrophe and a refugee problem unparalleled in Europe since World War II, possibility of Islamic fundamentalism taking roots in Southern Europe, danger of mass expulsions of Muslims from Sandjak and Hungarians as well as other minorities from Vojvodina, an explosion of the situation in Kosovo leading to armed conflict, extension of this conflict to Macedonia with possible implications for Bulgaria, Greece and Albania.

In view of these dangers to which have to be added the irreplaceable loss of credibility of international organizations and the common values of democratic societies as well as possible negative consequences for other parts of Europe, firm action by the international community is more than ever needed.

Such action must, alas, include a minimum use of force to protect humanitarian convoys and safety zones or to enforce the embargo and the ban on military flights in the airspace of Bosnia-Herzegovina, and the preventive deployment of U.N. forces in adjoining regions in order to avoid a further widening of the armed conflict.

It has become quite obvious that any such effective action requires also active U.S. involvement.

If I may now continue my presentation as a CSCE-Rapporteur, let me emphasize that one way for the international community to act is the speedy prosecution of those responsible for atrocities, which would also serve as a deterrent regarding the further commission of such heinous crimes.

The U.N. Security Council has today adopted a resolution by which it decided that an international tribunal shall be established for the prosecution of persons accused of serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991.

The Secretary General is requested to submit for consideration by the Council, if possible not later than sixty days, a report on all aspects of this matter. This resolution certainly constitutes a most welcome step in the right direction.

As the distinguished members of the Commission are aware, the three CSCE Rapporteurs also had the mandate to draw up a draft convention regarding the establishment of an international war crimes tribunal for the former Yugoslavia. I now have the pleasure to submit that report containing a draft convention for this distinguished Commission.

Let me highlight the main features of the proposal:

An international tribunal with the purpose of trying individuals accused of war crimes and crimes against humanity as defined in international law and the domestic criminal law provisions of the former Yugoslavia is to be established through an international convention. The convention would be open for signature by the CSCE participating states and be subject to ratification. Its entry into force is foreseen after twelve ratifications or accessions.

The Rapporteurs have thus preferred the creation of an ad hoc tribunal specifically designed to punish the perpetrators of horrendous crimes committed in an ongoing conflict instead of a permanent international criminal court. The establishment of such an ad hoc tribunal might, nevertheless, presage a permanent body, the creation of which would certainly take a number of years.

In view of the continuing atrocities in certain areas of the former Yugoslavia, it is obvious that we could not wait that long. The conclusion of an international treaty regarding the establishment of an ad hoc tribunal would not seem to present major difficulties.

It may be assumed that the ratification process would be speedily carried out in the particularly interested countries. It should be stressed that two of the states on the territory of the former Yugoslavia—that is, Croatia and Bosnia-Herzegovina—have already expressed their acceptance of such an international tribunal.

The Rapporteurs have, in principle, adopted a CSCE approach and not a universal one. However, in view of today's Security Council resolution to which I have referred, the present proposal to which express reference is made inter alia in that resolution should also be considered as a basis for further U.N. action.

Once the report requested by the Security Council from the Secretary General has been submitted, the Council might, on the basis of its decision to establish an ad hoc international criminal tribunal for the former Yugoslavia, entrust some states or a group of states, such as the CSCE participating states, with the task of seeing to it that this is done by means of a treaty to be concluded by them.

Let me raise two major points in connection with the establishment of such a tribunal. First, the law to be applied by the proposed tribunal consists of a number of provisions from the Penal Code of the Former Socialist Federative Republic of Yugoslavia.

This law, which is based on international commitments, is still in force in the territory of that former state, although partly with certain modifications. This is an extremely important point, because suspected perpetrators are thus prevented from claiming that to punish them would be in violation of the principle of legality—"nullum crimen sine lege".

Second point: The jurisdiction of the tribunal is to be exclusive and compulsory in relation to states parties to the Convention on the territory of the former Yugoslavia. However, the draft provides

for the transfer of jurisdiction back to those states when they have the appropriate means to adjudicate effectively and fairly cases falling under the jurisdiction of the tribunal.

As far as other states parties are concerned, they have the option of prosecuting a suspected offender themselves or to extradite him to the international tribunal or to another state having jurisdiction and willing to prosecute.

Mr. Chairman, before concluding these brief remarks, let me emphasize that the Rapporteurs are convinced that the establishment of an International War Crimes Tribunal for the former Yugoslavia is not only desirable but also feasible from a legal point of view.

They have, by submitting the draft convention just outlined, endeavored to contribute to the ongoing international efforts in this respect. The establishment of such an international tribunal is primarily a question of political will. The voice of the United States will be of decisive importance in this connection.

My fellow Rapporteurs and I believe that the world cannot afford to continue disregarding the commission of atrocities in certain areas of the former Yugoslavia on a scale unprecedented in Europe since World War II. A clear message must be given by the international community. That is, nobody committing war crimes and crimes against humanity will escape justice.

I thank you for your attention.

Chairman DECONCINI. Ambassador Türk, thank you very much for that statement. You made some very good points, and also thank you for the long relationship you've had with this Commission over the years. We appreciate that very much.

Ambassador van Agt, do you have a statement?

HIS EXCELLENCY ANDREA VAN AGT, HEAD OF THE DELEGATION OF THE COMMISSION OF THE EUROPEAN COMMUNITIES

Ambassador VAN AGT. Not a real statement. Half a minute would do, Mr. Chairman.

There is only one point I would like to bring to your attention. I presume, with reference to documents already submitted to your Commission, that the Commission is fully aware of the efforts at providing humanitarian aid the European Community has been making and still is making, both on behalf of the many refugees and the displaced persons in the area.

Let me stress here that more than a quarter of a billion of people have been given shelter on EC territory, not something to brag about or to boast on, but it's a fact worth mentioning. Humanitarian aid is given also to the tens of thousands of Muslim women who were victims of rape.

Here I refer to the Wharburton report. And finally there is the humanitarian aid to Macedonia to help that country overcome the consequences—the effects of sanctions imposed on its neighbors, Serbia and Montenegro.

Let me once more express, Mr. Chairman, our readiness to provide the Commission any time with all additional information it would like to receive.

Chairman DECONCINI. Ambassador, thank you. We will accept that offer, and indeed I didn't mean to separate you from the Ambassador Dyvig at all.

I will yield now to Congressman McCloskey for any questions of any of the witnesses.

Mr. MCCLOSKEY. Thank you, Mr. Chairman. I have several.

I recently returned from several countries in the former Yugoslavia, and I guess one of the things I heard from various parties over there, expressed in different ways, was that ultimately the tribunal will not deal with the big fish. It's going to be the small fry that could fry. Could you comment on that?

Particularly, I'm thinking of names like Milosevic, Arkan, Seselj, Karadzic and so forth.

Ambassador TÜRK. I emphasize that nobody responsible for these crimes—committing such crimes should escape justice, but the approach that the Rapporteurs have taken is logical. We start on the basis of available evidence for the prosecution of those who actually have committed crimes on the spot which can be identified of witnesses and other forms of evidence; and in the course of such trials, the chain of responsibility will become very clear, because anyone standing trial before an international court will, of course, point to the orders received by the superiors, and the superiors in turn, when standing trial, will once again point to those who have given them the orders, who have instigated this kind of behavior.

So we believe, in the long run, also those on the very top will not be able to escape justice.

Mr. MCCLOSKEY. So it will have to be in that kind of a series of implicating connections rather than any known statements of policy or criminality that are on the record. I mean, some of these folks have quite a bit on the record, as you know, already.

Ambassador TÜRK. Well, if there is enough available evidence implicating some of the leaders right at the very beginning, of course, the bureaucracy which we all suppose in connection with the establishment of such a court will, from the very start, also engage criminal proceedings.

So that's a matter for the court to decide, if the court feels the evidence is really enough to also get at those at the top of the states concerned.

Mr. MCCLOSKEY. I thought your statement was particularly eloquent as to the sense and the reality of an ongoing and foreseeable tragedy. It makes you want to ask EC Ambassador Dyvig, I guess, a couple of related questions, but I think one of the most telling points in Ambassador Dyvig's statement was his words that, in essence, the situation as far as any redress for the Bosnians or any fairness in that regard has deteriorated from the time of the stated agreements of the London declaration.

In essence, the stated implication of that, Mr. Ambassador, is that the Bosnian Serbs and the Serbs, by not keeping their word, by continuing to implement the atrocities, have on the record—and I'm not being accusatory. You talk about these—as I was talking about these things with Lord Owen at one point, and somehow with Owen, Vance or particular personalities or states, it gets to sound accusatory.

That's not what I'm talking about, in the sense that no one can negotiate or assert more than their system, their infrastructure, if you will, is able to back them up; but in essence, would you not agree, that the Bosnian Serbs and the Serbs, by ignoring the protocol, the agreement of the London declaration, and continuing their heinous crimes, in essence, have stood to get more?

Ambassador DYVIG. As I have stated earlier, Congressman, these are the facts, yes, and that is why I'm also adding that it's high time now to move on the Vance-Owen plan to establish where the borderline is, and then get on with the implementation of it.

Mr. MCCLOSKEY. My understanding, and either you or Ambassador Türk, particularly, could correct me if I'm wrong, but I think the—as we all know, President Clinton, during the campaign, spoke very eloquently about the plight of Bosnians and the ongoing war in the former Yugoslavia, talking about the possibility of military action and so forth and so on.

We all know the whole world was waiting with baited breath for the recent Christopher statement. I guess some of the analysis going into that has said that, in essence, Clinton and Christopher wanted to do more, but in essence they were told by the EC, I guess particularly Lord Owen and others, well, this is our ballgame.

I remember Owen saying it's the only ballgame in town; you do more, and you are on your own in a unilateral fashion with all the mess that could come out of that. That's fairly much on the record in different ways.

Would you say that understanding is true?

Ambassador DYVIG. I can only say, Congressman, that we were sitting, watching, with great interest, what Secretary of State Warren Christopher would say. We did not know what he would say, and we were pleased with what he said, because we think that, even if we regret the situation in the country as much as you do, we felt that the way now was, as he said, stop here and begin to implement it.

That was what the American government came in and said. We were very pleased to see the United States come in in this way, because I think there is no doubt that, when the Europeans and the Americans act in unison, then you are sending a signal that is much, much stronger.

It shows the parties that they cannot play on the Europeans, on the one side, and the Americans on the other side. So we were indeed very, very pleased that the Europeans and the Americans were now working along the same lines, and we had encouraged the Americans to come along.

We had not told them what to do, and I am sure that the Secretary of State and the new President of the United States would not follow advice from the Europeans if they disagreed.

Mr. MCCLOSKEY. I guess it's on the record, the mass rapes, the concentration camps, the torturing and shelling of civilians. Would you say that the evil manifested by Milosevic, Karadzic, Arkan, Seselj, and so forth, compare very, very significantly in quality, if not in world danger, with the Nazi regime of World War II?

Ambassador DYVIG. I would not be enough of an expert, I would say, to begin comparing those in those ways, but I would certainly agree with you that what we have seen are atrocities that go far

behind what any civil society would accept. I would agree with that.

Mr. MCCLOSKEY. Let me ask you this, and this will be my concluding question, Mr. Chairman, and maybe if Ambassador Türk also wants to try a stab on it. If Bill Clinton and the, say, appropriate parties following his leadership were to say—were to say now that you will comply with—Serbia, Bosnian Serbs, you will comply with the London declaration; you know, particularly, you will allow all artillery to be confiscated. Weapons would be taken on both sides, and we will have immediate, full-scale humanitarian relief. We will have humanitarian nutritional and medical access to all of Bosnia, and you have whatever, 24, 48, or 72 hours to comply with this or face the "military" consequences.

Is there not enough backbone in all the EC, in all the Western community with the U.S. involved also to go along with that? I mean, as we are possibly looking at hundreds of thousands of more dead and hundreds of thousands of further refugees?

I guess I'm asking in another way Mr. Hoyer's question or concern as far as a deadline or when does it get to be enough?

Ambassador DYVIG. Well, what I also stated, Congressman, is that we think that the time is there to tell the parties involved, and the Serbs in particular, that now we accept the agreement, and then we stop it; and if you don't, then we are ready to consider how to get it implemented. We would be—we are ready and have said that, to move.

Mr. MCCLOSKEY. Thank you, sir. Mr. Türk?

Ambassador TÜRK. Thank you. What has been pointed out, the Vance-Owen plan is a step back from the principles of the London Conference, but one may ask the following question. This plan is certainly a certain rollback as regards the territory which has been occupied by Serbian forces.

If the plan is not adopted, does this mean the Serbian forces will gain even more territory in Bosnia-Herzegovina or should we say, well, the plan is in fact a partial reward for aggression, and it should, therefore, not be implemented?

These are the two aspects. It's very difficult to tell which is worse, stop the aggression now, leave part of the spoils to the aggressor, or let's not leave anything to the aggressor, which will in turn require a military effort, I think, for which the Europeans, at least, will not seem to be prepared.

Mr. MCCLOSKEY. But was Austria prepared for this, though, from the context of your statement?

Ambassador TÜRK. Well, as far as Austria is concerned, as a neighboring country of the former Yugoslavia, we do not think any involvement, any direct involvement, would be very wise. This would also hold true of the other neighbors of that former country.

Mr. MCCLOSKEY. So your policy preference is no assertion of military force, regardless?

Ambassador TÜRK. I think one should really try to further exhaust the possibility of negotiations, and these negotiations are continuing, and perhaps the Vance-Owen plan can be further improved, so in order not to reward the aggressor too much.

Mr. MCCLOSKEY. Thank you very much. Thank you, Mr. Co-Chair.

Co-Chairman HOYER. Thank you, Mr. McCloskey.

As I understand Secretary Christopher's statement, as I recall it, he indicated that in order to have an agreement, you needed to have all parties ascribe to that agreement.

The Vance-Owen plan, obviously, does not have that. The probability is that if we take what the Foreign Minister of Bosnia, who has testified twice before this Commission, says, which is that the chances of getting a Bosnian agreement to the Vance-Owen plan or a similar plan is very unlikely.

Now if that's the case, what I understood Secretary Christopher to say is that then the United States is prepared to enter with its European friends and allies in both the negotiations and the enforcement of a voluntarily agreed upon resolution. The problem I have ultimately is that I think a voluntary agreement is not possible unless the consequences of not reaching a voluntary agreement, particularly for the Serbs, is clear.

I don't think the United States or Europe has at this point in time made that very clear. It is, obviously, true that all of us would like to avoid armed conflict. Our own military, as you know, is very opposed to deployment of troops anywhere in the former Yugoslavia.

Obviously, it is a very complicated situation. It is not as clearcut a dichotomy as Ambassador Kandemir points out. That is, when Iraq invaded Kuwait, the President of the United States said this shall not stand. Not a centimeter of Kuwait would be allowed to be held by the Iraqi invader.

The United States was united on that. There has been, as you perhaps know, some political question about the January vote in the Congress as to when to deploy troops, but as to the stopping of the aggression there was no dispute in the United States.

When troops were deployed to the Middle East in August and then September of 1990, there was no difference of opinion among Democrats, Republicans, conservatives, liberals, in the Congress with the administration.

Here we have a much more complicated situation, obviously. If nothing else, the terrain is complicated, and there is not one side and the other side. It's a neighborhood battle, and the nextdoor neighbor is maybe your friend, and the neighbor after that is not your friend. So, obviously, very complicated.

We're going to have to come to grips in the international community with making it clear, in my opinion, what the alternative is to not reaching an agreed upon settlement because if that's not clear, I don't see how we can really have an agreed upon settlement.

Now let me ask you. You might want to comment on that, although I think you've all somewhat commented on that. I don't know whether you want to comment on that. Do you think we've made it clear to Milosevic at this point in time what the failure to come to an agreement will mean?

Ambassador TÜRK. Can I answer the question?

Co-Chairman HOYER. Yes, Ambassador Türk, certainly.

Ambassador TÜRK. You've touched a very decisive point. I would like to say the following: Had at the very outset of the outbreak of the Yugoslav crisis been a credible threat of an outside military intervention against anyone taking up arms to gain political objectives by military force, I believe the conflict might not have broken out, but only because those concerned knew that nothing would happen, no force from outside would be applied, could they start on their designs to conquer as much territory, gain control of as much territory, as suited their political objectives.

I think this is still the problem. The Serbian leadership knows very well that no military intervention on a massive scale is imminent. So they can continue to try to pursue their goals.

I think voluntary agreement is very difficult to achieve. Compromise solutions are on the table. A compromise will never satisfy all the parties, but I think compromises should take into particular account the weaker parties, those who are not so strong militarily, not so strong on the ground.

I do not think it would be good for the world if the lesson from the conflict in Bosnia-Herzegovina were that it is better not to rely in collective security but on one's own force of arms.

Co-Chairman HOYER. Mr. Ambassador, if I can, most respectfully your words have been very compelling today, but I also feel there's an ambivalence from Austria's position, which I well understand, of not wanting to participate, which makes sense as they are a neighbor. You're going to have to live with them.

I don't know whether Austria has deployed any troops in a U.N. force. Has it?

Ambassador TÜRK. Austria has participated in U.N. peacekeeping operations for 30 years with a total strength of 32,000 soldiers.

Co-Chairman HOYER. Again, there is the ambivalence, however, that my own country—viewing with great anger and feeling of empathy for the people who are being subjected to the atrocities—and I agree with, I think, all of your statements, in particularly yours, Ambassador. There is no doubt in my mind that there are atrocities being perpetrated by all the parties to this conflict.

Of course, we know in the course of human conflict that atrocities breed atrocities. There are responses to atrocities which constitute atrocities themselves, but simply viewing with shock and dismay ultimately is not going to do the job.

You say decisive action, and I agree with you. Decisive action is needed. The issue that we need to come to grips with is what is that decisive action that the European Community and the United States and Canada, other representatives of the international community can agree upon.

Mr. Ambassador? Ambassador Dyvig?

Ambassador DYVIG. Thank you, Mr. Chairman. I understand, to some extent at least, the comparison with the Iraq war where decisive action was undertaken, if we use that word. It was, however, also a different situation. It was a country breaking the borders of another country.

You have said yourself, and I have agreed with you and I continue to agree with you, the situation in Yugoslavia is unique. There are no real borders that we are talking about that are being violated.

That is exactly why the Europeans are now saying we have now established a plan; let us try to convince the parties that it is the best plan. We should not force them upon it. Nobody should force upon anybody to accept something that they don't like, but let us

try to say to the parties, this is, as far as we can see, the best we can come up with. Take a good look at it, and if you agree to it, then we have established the lines where we can say from here and nowhere else.

That is what was said so well in Warren Christopher's statement, that an implementation or enforcement action could then be foreseen. The Europeans very much agree with that.

Two, if we do not get to that situation—and I must admit that this must be hard for the Bosnians to accept, because they have been pushed back, and I did not try to conceal that. I said that, as noted by Congressman McCloskey, but now we have established a kind of a borderline; and if he were to agree to that, then at least I think that the international community could help him.

If he does not accept it, and this is not putting pressure on anybody, I am afraid that we will continue to operate within blurred lines and that more lives will have to suffer.

Co-Chairman HOYER. Mr. Ambassador, I know Mr. McCloskey wants to ask you this question, but let me ask it of you. I think he may ask it more strongly than I will.

When the international community recognized Bosnia-Herzegovina, presumably all of them had in mind a traditionally identified geographical area known as Bosnia-Herzegovina. Now if that's the case, how can we say that there were no identifiable political boundaries which are being transgressed by force, with an attempt clearly in ethnic cleansing and all—let's forget about the war atrocities for the time being.

The political premise of the Helsinki Final Act and of international law at this point in time is that you can't change political borders by force, and you indicated that it was more complicated. In fact, of course, the issue in Kuwait was that Saddam Hussein claimed a portion, at least a portion, of northern Kuwait which he asserted was improperly assigned by the English at the time of the partition.

Now you can perhaps educate me, and then Mr. McCloskey will educate me as well. He will jump down both of our throats.

Mr. MCCLOSKEY. You got 90 percent of my question.

Co-Chairman HOYER. Given the fact that Bosnia-Herzegovina has existed as a sovereign nation even though for a very short period of time, and assuming it is a much more complicated situation than what we faced in Iraq and in Kuwait, where you didn't have the intermix of populations that you have in Yugoslavia, is it not a fact that the Yugoslavian army is violating Bosnia's recognized borders?

Ambassador DYVIG. Mr. Chairman, the borderlines of Bosnia-Herzegovina were not violated as such. They were violated, because you had Croats and you had Serbs living within that area. So they were there. They were not coming from the outside, getting from Serbia or from Croatia into Bosnia-Herzegovina. They were there and were not ready to accept the——

Co-Chairman HOYER. It's a civil war analogy, in other words.

Ambassador DYVIG. So it was a civil war situation. What we are saying now is still that Bosnia-Herzegovina must remain a state, but within those areas people should live—people that are of the same heritage should live but remain within a state, but if you

begin to move within those ten areas, then you have a situation that is at least much clearer than the one you had before.

As I said, hopefully, in ten or fifteen years when people have finally come to their senses, as we have come to our senses between Sweden and Denmark in the past, between Germany and France, between all other countries, then one day you will have a state, because the state is still there, with, hopefully, three different ethnic people living together.

Co-Chairman HOYER. Ambassador Türk, did you want to answer that and then Mr. McCloskey will follow up.

Ambassador TÜRK. I just wanted to add one comment. It is true, the Yugoslav situation is, in many ways, unique, but unfortunately is not totally unique. Within other areas in Europe and Central Asia, we have ethnically mixed populations, and if we do not resolve the crisis in Bosnia-Herzegovina, this might set a precedent for other geographical areas, for other states in the region.

May I add one further comment. As far as the Yugoslav army is concerned, I can tell this on the basis of a firsthand experience as a Rapporteur in the Serb controlled areas of Croatia. There it was said that the Yugoslav national army should withdraw to Serbia-Montenegro.

On the face of it, the army withdrew, but in reality ninety percent of the people that remained there—they were converted to a territorial defense and, when UNPROFOR said, well, you are not allowed to have a territorial defense, then these very same people changed uniforms, were changed into a special police. When UNPROFOR said you are not allowed to have a special police, the same people changed to a border police. They are still there, wearing different uniforms, but in fact the situation has not changed.

To a large extent, these are people from the Yugoslav national army.

Co-Chairman HOYER. Who are not necessarily indigenous to Bosnia-Herzegovina.

Ambassador TÜRK. Not necessarily indigenous.

Co-Chairman HOYER. Of course, you have the situation in Kosovo where 95 percent are ethnically Albanian. If they militarily tried to take over and Albania intervened, I suppose based on the presence of the Albanians there—as I understand your argument, Mr. Ambassador, that that would be analogous. I don't know whether Mr. McCloskey would agree—it is a more complicated situation.

Mr. McCloskey, did you have any additional questions? We're going to have to end.

Mr. MCCLOSKEY. Well, you got about ninety-five percent of what I would have asked, but I guess I would have stressed that, obviously, it's very complicated, Mr. Ambassador. In not an argumentative fashion, it does have civil war aspects, but it also has, will you not agree, definite assets of outside aggression with Serbian and JNA forces that went over the border into Croatia, that went over the border into Bosnia.

It was JNA forces on the mountaintop shelling Mostar, you know, that did all that damage in the community of Mostar. I think, as Steny has pointed out, they were recognized as international—internationally recognized legal entities.

So I don't know. I think borders were violated. Would you not agree?

Ambassador DYVIG. I would agree by saying, yes, the situation is very complicated and, of course, they were supported at border crossings. There's no doubt about it, but I still think—I still think, Congressman, with all due respect, that had you only had the interference from the outside, then the situation would have been much different; but when you have significant groups of ethnic minorities living, then you are in a situation which is very close to civil——

Mr. MCCLOSKEY. As we know, President Bush drew the line in Kosovo, which I think, as far as international law, is a hell of a lot—excuse me—a heck of a lot tougher problem, in that that is definitely a Serbian province, and we in essence have threatened a military force to safeguard a Serbian province dominated by Albanians.

Now what are we going to do with that internationally? One last question: Ambassador Dyvig——

Co-Chairman HOYER. Although I think it is important, and again this decisive action to which you refer—Secretary Christopher did make it clear that Kosovo was very definitely a trigger. Now he didn't say what the trigger would bring, but it seems to me that that has been made relatively clear, that military action in Kosovo will generate, apparently, something different than what the United States has done to this point.

Ambassador DYVIG. It was pointed out first by President Bush in December, and it was discussed with the allies. Then the point was made by Secretary Warren Christopher recently. Yes.

Mr. MCCLOSKEY. Mr. Ambassador, is there any positive prognosis as to solving the Macedonian name and recognition controversy soon, given their economic and social straits there with the foreign minister recently resigning or more trouble on the streets?

Ambassador DYVIG. I get the feeling, but I'm not dealing with it on a daily basis, but I get the feeling that the matter is evolving and that there is discussions going on with the Greeks and with the other members of the European Community. So I think we are moving towards a solution to the situation, and we would very much hope for such a solution soon.

Mr. MCCLOSKEY. I don't have to tell you, that's a powder keg getting worse every week, ready to go. So—thank you, Mr. Chairman.

Co-Chairman HOYER. Thank you, Mr. McCloskey.

I might point out that Romania's Ambassador was scheduled to be present this afternoon. Unfortunately, his plane was prevented from getting off the ground in New York because of fog. The New Yorkers think the fog is in Washington. There is no explanation for that, but his statement will be included in the record.

[Whereupon, the statement of Ambassador Aurel-Dragos Munteanu was included as part of the record. See appendix at p. 34.]

Co-Chairman HOYER. Ambassador Dyvig, for whom I have a great personal fondness and who I think is one of the most outstanding members of the diplomatic corps, thank you for being here, sir.

Ambassador Türk, we want to very much thank you as well for bringing your expertise to these discussions. I think that will be very helpful. Both your statement, Ambassador Kandemir's statement and Ambassador Dyvig's statement will be very helpful.

Ambassador van Agt, we thank you very much as well for being here, and without being separated. If there is one thing we did learn from the Iraq situation, it is that united the international community can act decisively and effectively. Multilateral action is the way that it needs to be done.

I, frankly, don't think there is any alternative to multilateral action. Again, Secretary Christopher's observation that, although the United States remains the sole so-called superpower, it is neither in the interest of the United States nor the rest of the world for the United States to go around the world acting unilaterally; but it is certainly absolutely essential, if we are not to repeat the tragedies of the past, that we learn the lessons of the past.

Ambassador Türk, I think you're absolutely correct, we are now a year into the crisis and action is much more difficult. But we cannot go another year watching the tragedy, the killing, the displacement, the increase in refugees, the worst since World War II, and be able to look ourselves in the mirror and say we are responsible citizens of the world.

Thank you very much. The Commission deeply appreciates your participation.

[Whereupon, at 4:34 p.m., the Commission was adjourned.]