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VUKOVAR '91
– INTERNATIONAL
LAW AND
EUROPEAN
SECURITY

During the Serbian military aggression on the Republic of Croatia (1990–1995), in Croatian and international public Vukovar was recognized as a particular phenomenon already in the early stages of the defense of the town (August–November 1991). *Vukovar '91* did not attain such exceptional recognizability status as a result of the deliberate activity of organized structures in Croatia or in the international community, but has spontaneously become a phenomenon due to the overall distinctiveness of the event, as well as the significance of its direct and indirect consequences.[1]

Since the year 1991 an immense number of different media texts were written on the subject of the *Vukovar '91* phenomenon, and electronic media have released a huge number of testimonies, evaluations, opinions etc. Furthermore, *Vukovar '91* has inspired a great number of artistic works – from the graffiti, sayings and songs to all forms of visual arts. Likewise, numerous authors, recognizing the significance of the phenomenon, initiated a large number of journalistic and literary works on the subject of *Vukovar '91*.

However, despite all inside governing structures in social and state institutions in the Republic of Croatia, *Vukovar '91* has continuously remained a strongly unpopular phenomenon at the actual and symbolic level. Evidence in support of this is the lack of systematic scientific researches on causes, course of action and consequences of *Vukovar '91*, as well as a prevailingly negative attitude towards the defenders and victims of Vukovar.

For that reason, the status of *Vukovar '91* at the level of its actual, symbolic, interpretative and identity value continues to rely entirely on limited possibilities of the research and presentational work as a result of self-initiated individual efforts. In such circumstances it is easy to understand that many aspects of the phenomenon are still completely unknown or inadequately scientifically investigated.

One of those aspects that have not yet been scientifically opened and investigated is most certainly the relation between the phenomenon of *Vukovar '91* and the international law and European security. *Vukovar '91* has directly opened a chain of principle-related and global issues, especially regarding the international war and humanitarian law and the system of European security, which makes the need for a detailed investigation of the phenomenon from a more universal point of view, even more crucial. Therefore, the purpose of this paper is to explain the meaning of the *Vukovar '91* phenomenon, in the context of key problems in international social processes and relations occurring in the world in the 20th century, and especially in Europe. It should be pointed out that these problems have evidently remained equally present in the 21st century, and this paper can thus be understood as a contribution to the understanding of these problems and prevention of their recurrence in the future.

General characteristics of the 20th century

As much as we disagree in regard to conception and methodology, with the which hold the approach that presents the history of a certain chronological period outside the causality of the entire course of history, we can still specify a series of indicators that lead us to believe that the 20th century is a specific period in the history of mankind. This is also supported by researches in specific natural and social sciences, as well as by interdisciplinary scientific approaches. Literature that deals with the 20th century as an entirety most often underlines enormous technical and technological development – almost unimaginable until then – which has become an increasingly critical basis of anything that takes place in the world. This equally applies to changes in material nature, environmental conditions and social processes.

The development led to achievements, which have facilitated enormous improvement in quality of human biological and social life. Advantages that were created in the 20th century – and which made it easier, to a great extent, for people to use natural resources, move in space and interact in different ways on social and individual level – formed the basis of general evaluations and conclusions that have determined the entire set of events in the 20th century as progress.

In the course of time, well-based opinions were repeated presuming that the span and rhythm of development of the natural sciences and technology in the 20th

century entered a stage, which questions possibilities of human control over the inertia of the process, its consequences and purpose of such development. Even more so because technical and technological achievements were directly and indirectly intensively applied on diverse forms of destructive actions, which have even made the survival on Earth questionable. In other words, great benefits of civilization brought about by development or progress were followed by the same or even greater number of negative events and processes. These negative aspects of development led to growing instability, insecurity and uncertainty of individuals and social communities, that is, of the man in general.

In terms of history, one of the indicators that mark the 20th century as an exception are definitely unprecedented sufferings of people caused by armed conflicts, as well as by various other forms of organized and unorganized violence. To make it simple, never in the history of mankind were so many people hurt by human actions as in the 20th century.

Statistical data undoubtedly represent the evidence of that fact. According to expert estimates, approximately seventy million people were killed in two world wars (twenty million in the First World War, and fifty million in the Second World War), and fifty-five million people were wounded (twenty million in the First World War, and thirty-five million in the Second World War). These tragic numbers are increased by the unestablished number of killed and wounded in several hundreds of different international and local armed conflicts and civil wars that have taken place during the 20th century. We can state as an example that in the Korean War alone (1950–1953) over one million people were killed.

However, for deeper understanding of the specific character of interpersonal relations in the 20th century, and for better interpretation of future prospects, following facts are much more significant. The 20th century is the only century in which a world war has occurred, and it has happened twice. It is beyond doubt that this cannot be repeated in the future; the aggregate of the destructive armed power that has been available for humankind over the past decades guarantees that it would be impossible to survive the Third World War on Earth.

It is especially indicative that despite enormous total suffering of people in the 20th century wars, the largest number of people were killed as a consequence of actions in so called peacetime conditions. According to the recent estimates, only the communist totalitarian systems in the

20th century resulted in death of approximately 90 million people.[2] It is even more crushing if we add an even greater number of people who died of poverty, hunger and sickness, mainly as a result of global international and interpersonal relations.

International law

Contemporary international law was progressively developing along with an accelerating pace of world events in the 20th century, and it also represents one of the characteristics that make this century special. During earlier centuries and periods there were certain customs, institutes and standards of conduct in different kinds of international relations, but they were limited regarding the international legitimacy, codification and scope of their effectiveness. It was not until the 20th century that codification, that is, systematization of law was created in the international law area, provisions of which were in different ways incorporated in positive legal systems of almost every country. Furthermore, international organizations and institutions were established, which are involved in both the creation and implementation of international law.

International law was branched and specialized conforming to the nature of international relations that were being legally regulated (traffic, diplomatic and consular, contractual, medical law, etc.). Thus, the theories dealing with the international law offer inconsistent classifications of individual areas of international law, based on different approaches and criteria, often mutually overlapping.[3]

However, taking into account a number of its specific characteristics and especially its significance, international war law assuredly takes a special place, aimed at regulating all relations between parties at war, as well as their relation towards neutral legal subjects. During the 20th century, international law is in every way – doctrinal, as well as normative – the most extensively developed and changed part of the international law. It is an explicit evidence of the frequency and destructiveness of international armed conflicts during the past century. The main characteristic of the international war law development process is the fact that it was changing *post festum*, that is, after war experiences became increasingly worse.

Therefore, development of war doctrines and strategies, weapons and methods of combats, as well as the impossibility to foresee negative consequences were regularly more *innovative* and faster than the legal theory or imagination, and consequently even than the international war

norms. Because of that, rules of the international war law almost never succeeded in anticipating and preventing armed conflicts and their negative consequences.

Theoreticians most often find the first sources of the modern international war law in the second half of the 19th century, *abundant* in wars, when a series of multilateral agreements were concluded in Europe, containing different rules of armed conflicts. However, two *International Peace Conferences in The Hague* (1899 and 1907) are rightfully considered to be a starting point of the international war law. Due to the certainty of a great armed conflict that was about to start, those conferences had very extensive purposes: to found an international organization, to achieve an agreement on disarmament and peaceful way of solving international conflicts, and to codify the war law. The first two goals were not achieved, but the codification of a considerable number of war rules, known as *The Hague Conventions*, was nevertheless realized. Before the beginning of the First World War, as many as 44 states ratified the majority of *The Hague Conventions*, and their principles continued to be the basis of the international war law until today, regardless of all changes and amendments.

Among *The Hague Conventions*, there are also conventions limiting the use of certain lethal weapons and instruments (air bombs, dum-dum ammunition, war gas), and regulating the status and treatment of war prisoners. Thus, these conventions concurrently constitute a part of the international humanitarian law, implying the significant overlap between the international war and humanitarian law. However, international humanitarian law is most definitely a special area of law, having as a task to regulate the universal protection of an individual in war and in the peacetime.

During the First World War and a series of other armed conflicts, humanitarian provisions of *The Hague Conventions* were most drastically violated. Therefore, in 1929 in Geneva, a separate *Geneva Convention relative to the Treatment of Prisoners of War* was concluded, trying to sanction, at least formally and legally, previous sufferings of war prisoners. Nevertheless, interpersonal treatment during armed conflicts, and especially during the Second World War, was contrary to all humanitarian principles and international law, and thus in 1949 *Geneva Conventions for the Protection of War Victims* (or *Geneva Humanitarian Conventions*) were concluded, trying to set formal regulations and mechanisms that would protect more effectively all victims of armed conflicts.

These, formally four, conventions are in fact one comprehensive unity, consisting of 426 articles, numerous forms, annexes etc., which considerably extended and elaborated the previous humanitarian law dealing with armed conflicts. The importance of *Conventions* emphasizes also the fact that they are, for the most part, ratified by nearly all world countries, and were gradually built in national legislature of most states. Thus the *Geneva Conventions* stand for a contemporary legal standard in the international humanitarian law area dealing with armed conflicts.

The main characteristics of *Geneva Conventions* are: a) extension of protection to other categories of victims, including civilians; b) any armed conflict of international character is included; c) roles, rights and obligations of protective forces are significantly augmented, as well as those of the *International Committee of the Red Cross*; d) conflicted parties have to adhere to the level of persons' protection, approved by *Conventions*; e) individuals may not renounce any right from Conventions – which legally prevented any kind of forcible extortion to renounce the rights to protection; f) both individuals and the state are responsible concerning the treatment of the protected persons.

After the *Geneva Conventions* were concluded, a large number of international armed conflicts occurred in the world, characterized by the appearance of new weapons and numerous new forms of human suffering. Therefore different legal acts were issued (protocols,[4] resolutions, declarations, treaties, contracts etc.), referring to these problems. However, according to their principles and scope, they are most often regarded as supplement or elaboration of *Geneva Conventions*.

The International Committee of the Red Cross (ICRC) is explicitly stated in *Geneva Conventions* as a neutral institution with a special position regarding protection, humanitarian and other help for protected persons, as well as regarding control over abidance by the Conventions regulations.[5]

Apart from violence and victims caused by classical armed conflicts, more and more complicated forms of the so-called peacetime violence, to which individuals and social groups are exposed, present a significant characteristic in the contemporary world. Multitude and incidence of occurrences leading to suffering of people are so widely ranged that it is hard to make a distinction between the wartime and the peacetime. Development of corresponding parts of international law during the last fifty years speaks of that fact in its own way, at least fundamentally starting from the peacetime international and interior circumstances.

That is why, in the more and more integrated world, a gradual creation of a special system inside the international law is introduced, with the main purpose to protect fundamental civilizational achievements belonging to individuals and social groups; starting from the right to life, freedom and identity to a series of social, economic, political and status rights. It was not before the end of the 20th century that this system was clearly recognized in the world in the domain of science and of public life as a unique entity, denoted with the collective term – (international) human rights.[6] However, in the domain of formal international legal system, human rights are still a non-integrated collection of separate charts, declarations, conventions, pacts etc., lacking many substantive and institutionally-operational components.

Therefore, literature sources provide rather diverse international legal documents (or their parts), belonging to that system, which is still in the process of creation. This paper requires to at least mention some fundamental documents: the United Nations Charter;[7] Convention on the Prevention and Punishment of the Crime of Genocide;[8] Universal Declaration of Human Rights;[9] Convention Relating to the Status of Refugees;[10] Convention Concerning Discrimination in Respect of Employment and Occupation;[11] International Convention on the Elimination of All Forms of Racial Discrimination;[12] Declaration on the Right to Development;[13] International Pact on Economic, Social and Cultural Rights;[14] International Pact on Civil and Political Rights;[15] Facultative Protocol to the International Pact on Civil and Political Rights;[16] International Convention on Suppression and Punishment of the Crime of Apartheid;[17] Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[18] Convention on the Elimination of All Forms of Discrimination Against Women;[19] Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;[20] Convention on the Rights of the Child.[21]

The UN structure includes a number of bodies responsible, among other tasks, to monitor general or particular aspects of human rights in the world. The UN has also founded its own institutions, major activity of which belongs to the human rights area. This primarily refers to the UN Human Rights Committee,[22] SubCommittee on the Prevention of Discrimination and Protection of Minorities;[23] Committee on the Status of Women[24] and the Office of the United Nations High Commissioner for Hu-

man Rights.[25] Furthermore, there are also specialized inter-governmental UN organizations engaged in developing systems of human rights protection. Most significant among them are: International Labour Organization (ILO), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Health Organization (WHO) and Food and Agriculture Organization (FAO).

In view of this, the 20th century's global development of the unique system, embracing international law and structure of world institutions, suggests the creation of the enormous organized legal, institutional, material and other power aimed at regulating various relations in the world in accordance with the best achievements of human civilization. This especially relates to the prevention and regulation of all kinds of armed conflicts and other forms of violence that have become a critical world problem. On the other hand, the practice of treatment in wartime, post-war and so called peacetime conditions indicate that all forms of violence and destructive behavior are on the rise.

European Security

In the context of world events during the 20th century, the European continent takes a special place as implied by the series of indicators. Firstly, after several thousand years of dominance, in the 20th century Europe ceased to be the center of the world.

Europe has undoubtedly left the deepest mark in the history of the world which can be supported by numerous civilization-pertaining facts considered collectively or from the politological, military, technological and culturological standpoint. To make it simple, for centuries, absolute world power was placed in Europe, that is, Europe was master of the world in every way. This is best illustrated by the several centuries of colonialism, when some European countries, through their established colonies, owned the *rest of the world*.

The First World War was the turning point, with which the world dethronization of Europe started. This can be clearly seen from economic indicators; until the First World War Europe had a positive balance with the *rest of the world*, including the USA, and after the end of the First World War, Europe became an economic debtor of the USA.

The process of economic stagnation of Europe towards the USA and some other parts of the world lasted

throughout the entire 20th century, and had a series of direct and indirect consequences on all aspects of social life. Apart from economic indicators, a chain of demographic, military, politological and other indicators exemplify this fact; for example, in the last decades of the 20th century almost all European countries had a negative population growth rate, and military power and political influence of Europe ceased having the world significance.

Besides, dethronization of Europe as the center of the world can also be followed in the last hundred years in all aspects of culture, of which Europe was especially proud of. Traditional European cultural patterns that were being created for centuries – from the worldview and values to art and way of living – not only ceased being the role model for the rest of the world, but also became secondary in Europe itself. Thus the European historical identities were becoming more and more destroyed, and their dominant place in Europe was taken by ochlocratic societies with the mass consumer *culture*.

Over the past two hundred years, a lot of various publications (philosophical, sociological, politological, historiographic etc.) were written in Europe on this subject, anticipating the shift in European world status or attempting to determine its causes within the range from generally aged European civilization to rise in power of countries outside Europe. Taking into account its complex nature, the problem cannot be explained here in more detail, but it has to be acknowledged as the framework for the more complete understanding of the subject of this paper.

It is a remarkable and interesting fact that Europe was concurrently the source, the scene of action and, in every respect, the greatest victim of two world wars. From that point of view, the Second World War was undoubtedly (after the First World War) the next crucial negative event in the complete process of dethronization of Europe as the center of the world power.

Due to all that is mentioned, it is understandable and justified that preservation of European security and stability, especially after the Second World War, was the major, almost crucial issue, not only in Europe, but also in the world. Common awareness on this priority was clearly manifested in practical, theoretical and declarative way on the international level, as well as on levels of most European state policies, public opinions and activities of non-governmental institutions and individuals.

In this context, almost all major processes taking place in Europe after 1945 can be understood, regardless of their inner complexity or partial contradiction. Thus,

for example, the deep post-war process of de-Nazification of Germany should be observed not only as the usual reprisal against the defeated party in the war, but primarily as a method of long-term European protection, implemented, according to same principles, by the *Cold War* opponents in their occupied areas.

Furthermore, all negative events and consequences, which are the result of Europe being split over the *Cold War* and the *Iron Curtain*, have never grown into an armed conflict, and therefore, several centuries of the European *balance of fear* should also be understood as the mean of continental protection. Consequently, from today's distance, we should not hesitate from speculating on the security dimension created by European countries uniting into two opposed military-political alliances (the North Atlantic Pact and the Warsaw Pact), because regardless of a series of occasions, they have never entered into an armed conflict against one another in the European area.

Economic and other European integration processes that have occurred after the Second World War in the background of the *Cold War* have also had a direct and indirect security role and significance. This equally applies to the *European Community* (EC, later to be the *European Union* – EU) and to the *Council for Mutual Economic Assistance* (SEV), and especially to the political organization *Council of Europe*, founded in 1949 as a regional inter-governmental organization, basic purpose of which is to prevent recurrence of destructive wars in Europe.

In order to achieve that purpose, the *Council of Europe* based its activity on the development of parliamentary democracy and human rights, thus, no country could become a member (before and after the *Cold War*) if it did not accept and implement those principles, considered to be the foundation of the so called democratic security.[26] Two contracts (*European Convention on Human Rights* and *European Social Charter*) and additional protocols present the legal basis of the *Council of Europe* activity. The *Convention*[27] is generally considered to be the most elaborated and the most effective human rights system in the world. In order to ensure its implementation, two permanent institutions were founded: the *European Commission of Human Rights* and the *European Court of Human Rights*.

There is a number of other economic, political, social and corresponding organizations in Europe, which space-wise have the continental or regional range, and their activities represent a constituent part of the European security network.[28] A special place belongs to the increasing number of non-governmental associations and organiza-

tions (NGO), which have influenced the development of the international law, as well as the international institutions and different kinds of treatment.[29]

However, when speaking of the institutionalized European security, which had a complete continental range even in times of the *Cold War*, and has significantly contributed to its ending, then a special place belongs to the *Conference on Security and Cooperation in Europe – CSCE* (since 1995 the name has been changed into OSCE – *Organization for Security and Cooperation in Europe*). The process of the CSCE formation started in 1971, and was finished in 1975 with the fundamental document – *Helsinki Final Act* (HFA), signed by 33 European countries (including the Soviet Union; at the time, Albania was the only country that refused to enter), USA and Canada.

Starting point of the HFA concept was to overcome the *Cold War* gap, which was dividing Europe, with the clear purpose of preservation of European security and stability, and formation of the greater inter-state cooperation on the European continent. In the process, *Declaration on Principles Guiding Relations between Participating States of the CSCE* was adopted as a guarantee for achievement of this purpose, stating: 1) Sovereign equality, respect for the rights inherent in sovereignty; 2) Refraining from the threat or use of force; 3) Inviolability of frontiers; 4) Territorial integrity of States; 5) Peaceful settlement of disputes; 6) Non-intervention in internal affairs; 7) Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief; 8) Equal rights and self-determination of peoples; 9) Cooperation among States; 10) Fulfillment in good faith of obligations under international law.

Helsinki Final Act is divided into four principal chapters (the so called *Baskets*). Basket One is entitled *Questions relating to Security in Europe*; Basket Two deals with *Co-operation in the Field of Economics, of Science and Technology and of the Environment*; Basket Three relates to *Co-operation in Humanitarian and Other Fields*; and Basket Four refers to regulations concerning the *Follow-up to the Conference*, i.e., continuance of the process of cooperation during follow-up meetings. Before the end of the *Cold War*, meetings were held in Belgrade (1977–1978), Madrid (1980–1983) and Vienna (1986–1989), where final documents were drafted, presenting supplements to the HFA and other documents.

Two CSCE documents from 1990, immediately preceding the Serbian armed aggression, are especially significant for the subject matter of this paper. The documents

are: the *Copenhagen Final Document*, which also contains parts on the rule of the law, free elections and democratic values, and the *Paris Charter for a New Europe*, which reformed the CSCE from the *ad hoc* conference into the international organization with permanent institutions.

Based on the characteristics of the European security system created after the Second World War, as a whole, or from the point of view of its components (formal and actual presence of the international law; number and complexity of the institutions network that are completely or partially involved in the security activity; created awareness of security on all social levels), most experts have readily concluded that it cannot be compared to any security model outside Europe. In other words, the European security model convincingly takes the first place in the world.

This conclusion was most often proved by the fact that stability of the European area – as the most belligerent, most armed and definitely most divided and complex continent – was nevertheless – from 1945 to 1990 – not broken by an international war. On basis of that experience along with the process of the unarmed deconstruction of communist government systems, the confidence in general standard of the European security reached a high level during the eighties of the 20th century, which was, as shown by the course of events, unfounded. The illusion of the European security was so persuasive that no serious assessment or conviction of the possibility for an armed aggression to occur could be detected even on the margins. And when Serbian armed aggression started and was rapidly extending, this illusion significantly affected the perception and (in)activity of European security mechanisms.

Vukovar '91

Serbian armed aggression against Croatia and Bosnia and Herzegovina (1990–1995), apart from being *significant* as the first war in Europe after the Second World War, is even *more significant* for its causes, course of action and consequences being in many ways different from the contemporary European war experiences and doctrinarian presumptions. Thus, it has opened an enormous number of questions regarding the cultural identity actually reached in Europe at the end of the second millennium, international, legal and security aspects being just one part of the problem.

According to contemporary European standards, conceptual basis of Serbian aggression is completely out of date, or better said, it is non-European. Most European

nations (especially developed countries) do not identify their nation with ethnic origin, and do not obtain their national interests by military conquests and ethnic cleansing, but by economic, technological, scientific, political and other means. Serbian aggression placed its notional and political basis on the ethnic and religious identification ("All Serbs have to live in one country", religious ornaments, reference to graves, participation of Serbian Orthodox Church etc.) and has planned and tried to accomplish their national interests by military occupation, ethnic cleansing of non-Serbian population and by colonization of members of their ethnic group (best evidence to that fact are formerly occupied parts of the Republic of Croatia and the still existing "Serbian Republic" in Bosnia and Herzegovina).

Serbian aggression was carried out without the proclamation of war, with the use of forbidden weapons, and apart from the official army, various paramilitary and volunteer formations and groups were included. Ethnic cleansing was carried out by all sorts of intimidations and ill-treatment, mass murders, mutilations, imprisonments and exile. Main targets of destructive attacks – with no military reasons – were civil objects (houses, hospitals, schools etc.), and especially cultural heritage (settlements, castles, museums, churches, graveyards etc.), with the only purpose to destroy historical identity of the area.

In the period 1991–1995, a special place, regarding historic meaning and symbolic, belongs to *Vukovar '91*. In three months of its duration, the *Battle of Vukovar* became a military phenomenon, the crucial military and political event for defense of the Croatian state from Serbian aggression, and the symbol of heroism, Croatian national pride and sacrifice.[30]

Besides, *Vukovar '91* was then also righteously recognized by the international public as the material and human suffering previously hardly imaginable on the European continent. During the attack on Vukovar and after its occupation, the Serbian Army in the most drastic way committed all possible war crimes which are sanctioned by the international war and humanitarian law, and a series of crimes, which the international law did not anticipate in its rules. And therefore, *Vukovar '91* was spontaneously recognized in public as the general symbol of victim of Serbian armed aggression against Croatia and Bosnia and Herzegovina.

During the three-month-long occupation, Vukovar, in which there were no Croatian military objects, was literally completely destroyed by artillery and bombing from air by

the Serbian Army, and the worst form of culturocide, urbicide and ecocide occurred in this Croatian and European town with exceptionally rich archaeological and historical heritage.[31] Generally speaking, this crime was planned with the intention to change the complete (cultural, national and natural) material identity of the area, in order to proclaim, after the war, this town and area, destroyed to unrecognizability, as historically Serbian.

The fact that planned mass genocide crimes were committed in the Vukovar area not only on the Croatian majority, but also on all non-Serbian ethnic groups (Hungarians, Ukrainians, Ruthenians, Slovenians and others) is the most tragic. In that way, Vukovar area was ethnically cleansed from the majority of its previous inhabitants, and with the use of the most ruthless crimes and atrocities. Findings from mass graves – which are still being discovered in the area of Vukovar – are one of testimonies on mass murders, mutilations and torture committed on civilians and Croatian defenders, and not even two hundred wounded people from the Vukovar Hospital were spared. Approximately seven hundred citizens of Vukovar are still missing.[32] Around five thousand citizens of Vukovar were imprisoned and sent to Serbian concentration camps, where they were exposed to almost unimaginable forms of physical and mental torture. Around thirty thousand citizens of Vukovar were exiled.[33]

However, the horrifying reality of suffering of Vukovar and its citizens becomes even more horrible by the disturbing fact that the Serbian military aggression (including the *Battle of Vukovar*) was prepared and carried out – literally – before the eyes of the world, and especially of European organizations that are institutional bearers of international law and security (from the UN to CSCE, *Council of Europe* and EC), and in front of a series of humanitarian organizations (from the *International Committee of the Red Cross* to many other European humanitarian organizations).

Literal presence of these institutions definitely should not be understood as an indefinite stylistic expression, which is confirmed by video recordings on the act of illegal imprisonment of later to be executed wounded people from the Vukovar Hospital. Namely, this bizarre act was done by the Serbian Army in the presence of their commander V. Šljivančanin, of C. Vance (as a special UN delegate) and of the *International Committee of the Red Cross* (ICRC) representative.[34]

In context of this paper, it is especially significant that *Vukovar '91* – and everything it symbolizes – occurred at the end of the 20th century in Europe that considers it-

self to be the most civilized continent, where international legal standards, security institutions and humanist consciousness are at the highest level. But, *Vukovar '91* at the same time most drastically witnesses the complete inefficiency of European and world security and humanitarian systems. In that respect, it is even more indicative that *Vukovar '91* was no exception, because international mechanisms acted the same way in Croatia before the Vukovar autumn 1991, and later in Bosnia and Herzegovina.

Therefore, the experience of *Vukovar '91*, stands for an actual collapse of international security and humanitarian systems, structure and trust in which were built after 1945 with enormous world intellectual, moral, organizational and material resources. This conclusion is even more obvious when we observe events in South Eastern Europe at the end of the eighties and first half of the nineties from today's point of view, that is, when public transparency of the complete process of preparation and realization of Serbian armed aggression is compared to the inefficiency of authorized international institutions.

Anticipation of the course of action was possible on at least two levels of analysis – the historical and the actual one. In terms of history, there was enough scientific literature and awareness of South Eastern Europe for centuries, including the 20th century, being one of the most dynamic and instable areas in the world. This process of contacts (conflicts and coexistence) among peoples, civilizations, cultures and religions in the South-Eastern European territory can be traced from the ancient times. In the last century and a half, the problem of instability of this area is mostly related to remains of the so called Eastern Question, which European forces were trying to solve ever since the Congress of Berlin in 1878. However, all events in the 20th century show that this question, center of which is Bosnia and Herzegovina, is still open.

In that context and in parallel with it, continuity of development of ideological and practical (military-political) aggressiveness of Serbian nationalism, which persistently attempts to territorially spread in the west direction, especially on the territory of Bosnia and Herzegovina, can be historically monitored throughout the last century and a half. The best illustration of that fact is Serbian organization of the assassination in Sarajevo in 1914, which was the immediate cause of the First World War; furthermore, the great-Serbian politics in two Yugoslavias and finally, the recent armed aggression on the Republic of Croatia and on Bosnia and Herzegovina.

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Announcements of Serbian war aggression at the end of the 20th century have been made public with an increasing frequency since *Memorandum of the Serbian Academy of Sciences and Arts* was published in 1986, and more clearly, after Slobodan Milošević became the President of Serbia in 1987. After that, governing structures in Serbia were completely homogenized through the use of violence (*Anti-Bureaucratic Revolution*), and this homogenization expanded (by the *Yogurt Revolution*) on previous Autonomous Regions Vojvodina and Kosovo, and the Yugoslav Republic of Montenegro. An attempt to expand the *Yogurt Revolution* – by mob raids – on Bosnia and Herzegovina, Croatia and Slovenia did not succeed. But, when three west former Yugoslav republics held first multi-party parliamentary elections in 1990, Serbian government was concluding operative preparations for the armed aggression, which started in August 1990 on the Republic of Croatia.

All these events were completely public in the territory of former Yugoslavia, as can be seen from the then press. Various representatives of the international (European and world) community were also frequently witnessing these events during their visits. Therefore, reasons for inefficiency of international security institutions most definitely can not be found in unfamiliarity with historic or the then current facts and processes. It is also noteworthy that the Great-Serbian nationalist movement at the end of the 20th century can be compared – by its concept and methods used – with the period of Fascism in Italy and Nazism in Germany. In both mentioned cases inefficiency of the international community is strikingly comparable as well.

That is why *Vukovar '91* has opened another question relating to understanding of causes that made the international security system fail completely. However, even now, ten years after *Vukovar '91*, dealing with this question is avoided on the international, as well as on the Croatian level. For that reason this aspect also fits into the general institutional indifference to learn the truth of events and the essence of the *Vukovar '91* phenomenon. Such reluctance towards dealing with the truth reveals a number of tangible weak points of the world system we live in, as well as the hypocrisy of its moral values.

One of the real weakness indicators is the fact that the majority of crimes, which have happened during the Serbian armed aggression, has not been sanctioned in Croatia or in the international community, having in mind that the necessity of imposing sanctions does not come from some need for vengeance, but from the basic

civilizational and formal law, basic purpose of which is to prevent recurrence of crimes. Furthermore, numerous historical experiences have confirmed justification of the old Biblical principle of value that says that in every way only truth can set us free. And here truth does not stand for some abstract or idealized idea, but indeed an efficient principle that helps prevention of repeating the same mistakes.

Final persistence in these values brings us to the area of basic individual and collective responsibility towards ourselves, towards the heritage of the humanist tradition, and most of all, to the responsibility towards the safety of future generations, because if ten years ago we had been able to cope with such responsibility, *Vukovar '91* would definitely never have happened.

FOOTNOTES

[1] See: *Vukovar '91 - značenje, vrednote, identitet.* Proceedings (Ed. J. Jurčević), Zagreb, Ivo Pilar Institute of Social Sciences, 2000.

[2] *Crna knjiga komunizma*, Zagreb, 2000.

[3] See J. Andrassy, *Međunarodno pravo*, Zagreb, 1971.

[4] Two *Additional Protocols to the Geneva Conventions* were issued in 1977, and constitute a direct component of Conventions.

[5] ICRC is formally private humanitarian organization, founded in 1860s in Switzerland. However, due to its long-term humanitarian activity, ICRC gained a special real and formally-legal international status, by which it differs from other non-governmental associations and organizations.

[6] It is unnecessary here to enter into discussion on differences existing in theory on what humanitarian law is, or what humanitarian regulations, human rights etc. are. In any case, disagreements are the consequence of the justified objective overlap, as well as of the very fast development of those international law areas. Thus, in recent times, a trend of humanitarian law being considered only as one part of human rights development is becoming more and more present. (Comp. T. Buergenthal, *International Human Rights in a Nutshell*, St. Paul, Minn., USA, 1995.)

[7] Signed at the UN Conference in San Francisco, on June 26th, 1945.

[8] Convention was adopted by the United Nations General Assembly on December 9th, 1948, and entered into force on January 12th, 1951.

[9] Adopted by the United Nations General Assembly on December 10th, 1948.

[10] Adopted by the United Nations on July 28th 1951, and entered into force on April 22nd, 1954.

[11] Adopted on June 25th, 1958 by the General Conference of the International Labour Organization, and entered into force on June 15th, 1960.

[12] Adopted by the United Nations on November 21st, 1965, and entered into force on February 4th, 1969.

13 Proclaimed by the United Nations General Assembly on November 4th, 1968.

14 Adopted by the United Nations on December 16th 1966, and entered into force on January 3rd, 1976.

15 Adopted by the United Nations on December 16th 1966, and entered into force on March 23rd, 1976.

16 Adopted by the United Nations on December 16th 1966, and entered into force on September 3rd, 1976.

17 Adopted by the United Nations General Assembly on November 30th, 1973, and entered into force on July 18th, 1976.

18 Adopted by the United Nations on December 9th, 1975.

19 Adopted by the United Nations General Assembly on December 18th, 1979, and entered into force on September 3rd, 1981.

20 Adopted by the United Nations General Assembly on November 25th, 1981.

21 Adopted by the United Nations General Assembly on November 20th, 1989, and entered into force on September 2nd, 1990.

22 Committee was founded in 1946, under Article 68 of the UN Charter, by the UN Economic and Social Council. Members of the Committee are nominated by particular countries, and their efficiency is limited by the fact that they formally have the status of authorized representatives of their countries.

23 It was founded in 1947 as the body of the Committee. Members of the SubCommittee have personal status, and are nominated for a limited period by the Committee.

24 Founded in 1947, with state representatives as members.

25 Founded in 1994, after numerous unsuccessful attempts during previous decades. High Commissioner is a UN officer (the Office is the UN service) with the status of the UN Vice-Secretary, and represents the leading institution for the human rights area in the UN.

26 For example, during the period of dictatorship, Greece was excluded from the *Council of Europe* membership, and in 1991, former Yugoslavia was deprived of the "special guest" status in the *Parliamentary Assembly of the Council of Europe.*

27 Signed in 1950, and entered into force in 1953.

28 For example, ECE (Economic Commission for Europe), founded in 1947; OEEC (Organization for European Economic Cooperation), founded in 1948 and replaced in 1961 with the new organization OECD (Organization for Economic Cooperation and Development); Council of European Municipalities and Regions, founded in 1951; Nordic Council, founded in 1952; the Alps-Adriatic Working Community, founded in 1978; SEI (Central European Initiative), founded in 1989 etc.

29 For example, the European Movement, founded in 1948; Amnesty International, founded in 1961; Helsinki Watch, founded in 1979; International Helsinki Federation for Human Rights, founded in 1982, etc.

30 See *Vukovar, vjekovni grad na Dunavu*, Koprivnica, 1994.

31 Paper of Z. Karač, (published in this proceedings) refers to this issue, using actual data and illustrations; and so do many film, video and photographic records.

³² See *Deset godina nade i boli*, Zagreb, 2001 (chapters IV–VI).

³³ See *idem*, chapter II.

³⁴ Presentation of Mr. Martin Bell (published in this proceedings) in parts refers to this issue; *see* the documentary *Kronika jednog zločina* by T. Žaja, presented by Croatian Television in November 1998.