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# SERBS FOR PEACE

## SERBIAN AMERICAN COMMITTEE FOR A DEMOCRATIC YUGOSLAVIA

*Dedicated to the preservation of the Serbian heritage in the United States and elsewhere; to the support of all Serbs, irrespective of political views, and those of other nationalities in their quest for a united and democratic Yugoslavia; and to the best interests of the United States in the region.*

*Adm. Stevan Mandarich, US Navy (ret.), Co-Chairman      Baroness Milka Verhagen, N.J., Vice-President*  
*Dr. Bogdan Maglich, N.Y., Co-Chairman*

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January 11, 1992

His Excellency  
Boutros Boutros-Ghali  
Secretary General  
The United Nations  
New York, NY 10017

Dear Mr. Secretary General,

Congratulations on your good beginning!

The first decision you made on the very first day in your office—that the peace-keeping force could not be sent to Yugoslavia without acceptance by both sides of the conflict, that is Republic of Serbian Krajina—serves as an assurance to the world that a new era of diplomacy for the 21st century is taking hold in the U.N.—that based on strict adherence to the U.N. Charter.

You have corrected a great injustice: the exclusion of the principal party to the conflict from being a party to the negotiations and the peace agreement.

The cause of the conflict is the attempts of the Secessionist region (Croatia) of a Member State to forcefully separate a Loyalist region (Krajina) from the Member State.

The fiduciary duty of the U.N. is to protect borders of the Member State under the U.N. doctrine of the territorial integrity and inviolability of frontiers.

Your well meaning Personal Envoy Cyrus Vance made innocent arrangements with the persons who have no possibility of implementing them.

As far back as December 16, 1991, we informed Mr. Vance that his plan was unrealistic; that neither Yugoslav Minister of Defense nor Serbia's President can

control either the Army or the Krajina Serbs. We offered our aid in modifying it to make it acceptable. Referring to "Concept for a U.N. peace-keeping operation in Yugoslavia" (UN SC 5/23280), we wrote:

"No Serb can sign this document without being described as a traitor. If anyone signs, he would be removed from office. A close long-time associate of Babich told me, 'If Babich signed this, I would personally liquidate him.' Serbia's president cannot disarm Serbs in Croatia, nor can he stop aiding them. U.N. has to take the bull by the horn and persuade the government of Krajina." (Copy of Memorandum "Impromptu remarks" enclosed.)

On December 18, we informed Mr. Vance that, according to our reliable information, Krajina will not agree to being unilaterally disarmed as per "Concept" and that it makes no sense of their proceeding further with the plan before this issue is settled.

Subsequent events such as the shooting down of the EBC helicopter, or resignation of Yugoslavia's Minister of Defense, the signatory of the agreement, have tended to confirm our predictions.

The old era of "detente" diplomacy—when fates of nations were "fixed" in wining and dining sessions with totalitarian despots, disregarding the will and interest of the people whose lives it concerns—is long gone.

Without a material revision of the original "Concept," the U.N. organization risks becoming a tool in the internal political power play of the totalitarian leaders in Belgrade and Zagreb.

Every effort should be made to prevent the use of U.N. peacekeeping forces to subvert and overthrow the government of the only region in Yugoslavia that is not under totalitarian control—the Republic of Serbian Krajina.

In the enclosed Annex A, we list the inconsistencies of the "Concept" and of Mr. Vance's activities with the U.N. Charter, the Helsinki Final Act and other U.N. instruments. If these are not resolved, Mr. Vance's cannot succeed and mission will turn into an embarrassment for the U.N. Organization.

With best wishes for a Happy New Year 1992,

Sincerely,



Bogdan C. Maglich

January 11, 1992

## ANNEX A

to letter of Serbian American Committee to U.N. Secretary General

Inconsistencies between  
"Concept for a U.N. peace-keeping operation in Yugoslavia" (UN SC S/23280) and  
the activities of Personal Envoy of  
the U.N. Secretary General to Yugoslavia,  
and  
U.N. Charter and other international treaties and rules

1. Inconsistency with Article 33 of U.N. Charter, that requires participation of all the parties to any dispute and that they be *Member States* of the U.N..

The Personal Envoy has *arbitrarily* ruled that the parties to the war between Republic of Croatia and Republic of Serbian Krajina are Republic of Croatia, Republic of Serbia (both *non-U.N.* entities), and Yugoslav National Army (JNA), acting as a surrogate of the Government of the Member State. Republic of Serbian Krajina has not been recognized as a party in the negotiations, although it is the principal party in the conflict and a U.N. entity (see para. 2 below).

2. Violation of Article 1 of U.N. Charter and of Articles II and III of Helsinki Act, which prescribe territorial integrity and inviolability of frontiers of Member States.

From the point of view of the U.N., it is a conflict between a non-U.N. entity, a region (Croatia) that wants to secede from the Member State ("Secessionist"); and a region (Krajina) that has opted, through a popular referendum, to remain a part of the Member State and, hence, is a U.N. entity ("Loyalist"); .

The conflict was caused by the attempts of the Secessionist to forcefully separate the Loyalist's area from the Member State.

The fiduciary duty of the U.N. is to protect the borders of the Member State under the U.N. doctrine of the territorial integrity and inviolability of frontiers. The Personal Envoy has summarily rejected repeated requests of the Loyalist Government to do so by providing a dividing line separating the two regions.

3. Violation of Article 3 of U.N. Charter and Article VI of Helsinki Final Act, which expressly forbid U.N. interference in internal matters of Member States.

By excluding the Loyalist Republic, a U.N. entity, from being a party in the negotiations and requiring signatory of the agreement, while including two non-U.N. entities, Personal Envoy of U.N. has invoked a selective and subjective judgement that is equal to U.N. interference in internal matters of Yugoslavia.

This is amplified by the fact that Personal Envoy has sought and obtained guarantees from the Republic of Serbia and JNA that these two entities would

"make" Krajina accept the decisions accepted by them without authorization, approval or consultation of the Government of Krajina. In this manner, the U.N. is legitimizing internal power struggles between various regions and power centers of Yugoslavia and sanctioning the use of force between them.

In its free elections of May 1990, Krajina overwhelmingly elected the non-communist Serbian *Democratic Party* (SDP) as her regional government over the Serbian Socialist (ex-Communist) Party, headquartered in Republic of Serbia. Now, the U.N. is practically mandating the Serbian takeover of this democratic regime.

The U.N. is taking sides in the border dispute and refers throughout the document to the territories of Serbian Krajina—whose autonomy has been recognized as such since 1578—as to "Croatia."

The U.N.'s decision to recognize the Secessionist and not the Loyalist as a party to the dispute is a gross violation of the spirit and charter of the U.N.. If the U.N. should take sides in this conflict, the primary concern of the U.N. should be with the Loyalist. If not, both regions have to be treated on an *equal* footing.

4. Violation of Article 11 of U.N. Chapter, according to which disarmament can be decided only by the General Assembly.

Both the Secessionist and Loyalist republics have established their armies in violation of the Constitution of the Member State. The "Concept," however, does *not* call for disarmament of both sides. It requests *unilateral* disarmament of Loyalist region without a reciprocal act on the part of the Secessionist Republic. In fact, Special Envoy has granted the U.N. recognition to the illegal army of the Secessionist by ruling that the Loyalist's military units must surrender their arms to the Secessionist "Croatian National Guard." Furthermore, the legal National Army of the Member State must withdraw from the *non-seceding* territories of the Member State.

Para. 7 of the "Concept" creates a misleading impression that the plan provides for disarmament of *all* parties: "United Nations Protected Areas . . . would be demilitarized; all armed forces in them would be either withdrawn or disbanded." But para. 8 states that only the Serbian Krajina will be disarmed as if the Croat populated areas of Croatia were not a part for the conflict: "The UNPAs would be areas in Croatia . . . in which Serbs constitute the majority or a substantial minority of the population . . ." This is because "the Secretary General judged that special arrangements were required" only where the Serbs are, that is, only Serbs should be disarmed. No explanation is given as to why the Croatian territory on the other side of the dividing line will not be proportionately demilitarized.

Further down, the "Concept" re-affirms the hitherto implicit unilateral nature of disarming Serbs.

Para. 18 states: "All Serbian territorial, paramilitary, irregular and volunteer units (other than those disbanded and demobilized in the UNPAs) would similarly withdraw from Croatia." There is no equivalent clause requesting withdrawal of the

territorial, paramilitary, irregular and volunteer units of Croatia forces. These units can freely roam the Serbian populated areas outside UNPAs!

In fact para. 15 of the "Concept" the U.N. legitimizes the paramilitary Croatian National Guard, although it is illegal under the Constitution of the Member State and is renowned for its atrocities against the civilian population in Serbian villages. The U.N. wants Serbs to surrender all their arms to the war criminals: "The weapons of the Territorial Defense units and personnel based in the UNPAs would be handed over to units of JNA or the *Croatian National Guard*."

While the illegal Croatian armed units can be anywhere outside UNPAs, the legitimate military forces of the Member State, the Yugoslav National Army (JNA) must leave its own, Yugoslav territory: "... any JNA units deployed elsewhere in Croatia would be relocated to places outside that republic."

Who will protect the Serbs population *outside* the UNPAs? Who will protect *within* UNPAs them after the U.N. forces have left? Who will be the police? An elaborate set of measures, actions and assurances to allay fears of these terrified people is needed. Little was offered by the U.N. Special Envoy plan. The only such mention is a vague one in para. 5: "until a negotiated settlement of the conflict has been achieved." There is no deadline for a speedy plebiscite or referendum.

**5. Inconsistencies with U.N. General Assembly's Resolution 96.** From the point of view of the U.N., the central cause of the conflict is a violation on the part of Croatia of Resolution 96 of the General Assembly of the U.N. on the "Convention of the prevention and punishment of the crime of Genocide" which has been ratified by all the Member States and thus become International Law. It *obliges* Member States to bring to trial war criminals from WWII.

The Personal Envoy treats the conflict as if it were without cause. It is a superficial plan to *treat the symptoms, not the disease*. The cause of Krajina war against Croatia is the genuine and legitimate fear of the repeat of the Croatian genocide over Serbs in Krajina of 1941-45, one of the most tragic slaughters of civil population in history. The position of Krajina is determined by the resolve of its people that they would rather all die than to let it happen again.

This is because the WWII "*genocindex*" (number of persons killed *via* genocide as a percentage of the population of the killer nation) of Serbs in Croatia is 33, which equals the world genocindex record held by Germany. It implies that, statistically, every third Croatian man, woman or child killed one Serbian civilian man, woman or child. Serbs in the metropolitan Serbia, Republic of Serbia, have not been subjected to this.

The newly elected Croatia head of state Tudjman exonerated the war criminals, encouraged their return to Croatia with hero's welcome. Over 800 *ustashas* (Croatian Nazis), who committed crimes against humanity during WWII, returned to Croatia without trial in 1990; 186 of them became governmental or military officials. The *ustasha's "master plan"* for the elimination of Serbs from Croatia by

"killing a third, expelling another third, and converting the final third to Catholicism (from Greek Orthodoxy)," was officially revived.

Unlike Germany, Croatia *never renounced her Nazi past*, in clear violation of Resolution 96. It did not denazify, nor did it offer a public apology to the victim-nations. Instead of apologizing, Tudjman *justified* the mass murders of civilians. "Genocide is not only permissible, it is also recommended, even commanded by the word of almighty Yahweh" and, ". . . it is a natural way to solve ethnic incompatibilities . . ." he wrote [F. Tudjman, *Impenetrability of Historical Reality* (1989)].

**6. Incompatibility with Article I of U.N. Charter, Universal Declaration of Human Rights and Helsinki Final Act, Sections VII and VIII: "equal rights and self-determination of people."** In 1990, the Croat government that *denied Krajina's right to self-rule and self-determination*, otherwise guaranteed by the Yugoslav Constitution, the U.N. Charter and the Helsinki Act.

While still legally a part of Yugoslavia, Croatia voted a constitution which assigns *second class citizenship* to all non-Croats, in violation of the Yugoslavia's Constitution which gives *equal* status to all Yugoslav nationalities. The 600,000 Serbs, 45,000 Italians and 10,000 Jews in Croatia were declared "minorities," and assigned second class citizenship, in gross violation of the Universal Declaration of Human Rights and the Helsinki Act. Non-Croats who did not sign the loyalty oath to Tudjman were fired; those who signed it were removed from executive positions in the government run economy.

Nine months before Croatian Government announced secession from Yugoslavia, the people of Krajina opted in a popular referendum (567,127 for, 144 against) for administrative autonomy. Croatia summarily ruled the referendum illegal and begun mass imprisonment of the Serbian Democratic Party members, their wives and children. All protests were ignored. Serbs from Krajina, legally elected members of the Croatian parliament, were prevented from speaking. A Yugoslav federal commission's proposal to allow internal border changes that would permit ethnic communities to decide where they would live was scuttled by Croatia, which said its borders are inviolable, while Yugoslavia's are not.

Croatia refused to return the land, houses, and other property confiscated by the communists to the individuals or churches. A ten times higher property tax was levied on the Serbs owning homes in Croatia. During the period of April 1 to May 31, 1991, *before* Croatia's declaration of secession, the Croatian government expropriated 30,000 private vacation houses owned by Serbs and "gave" them to the members of his armed party troopers.

This was in clear violation of the Universal Declaration of Human Rights, the Helsinki Act, paragraphs VII, VIII, and Article 1 of U.N. Charter which calls for the U.N. staff to report all violations of "human rights and fundamental freedom for all without restriction as to race, sex, language and religion."

In response, the elected government of Krajina established its own administrative institutions not subject to the Croat government. This act of independence was initiated without participation of the metropolitan Serbia—either the opposition, or the ruling Socialist Party.

Serbs in Croatia are *in favor of Croatia's secession from Yugoslavia*. What they oppose is the Croat demand to "take" with it, without plebiscite, the Serbian territories that Germany arbitrarily gave to the Croatian fascists during WWII. *Inasmuch as Croatia has the right to secede from Yugoslavia, Krajina has the right not to secede from Yugoslavia.*

7. **Incompatibility with Article 73(b) of U.N. Charter**, which calls for the U.N. "to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in their progressive development of their free political institutions . . . [and] to insure well-being of inhabitants in such territories." The Personal Envoy made no even a minimal provision in this direction.

8. **Inconsistencies with the U.N. principle of balanced participation of Member States**. The composition of the Personal Envoy's staff has lacked care in the sensitive issue of the selection of nationality of his staff. An American head of mission has taken an American Ambassador as his deputy, instead of, say, a Russian. Even if Yugoslavia were a West European country, which it is not, this one-sidedness is incompatible with U.N. practices.

10. **Failure to observe Article 73(e) of U.N. Charter**, according to which it is the duty of U.N. officials "to transmit to Secretary General statistical and other information," and failure to carry out the "Uniting for Peace Resolution of U.N.," according to which Mr. Vance should "observe and report on the situation in any area . . . tension the continuance of which is likely to endanger the maintenance of peace" and to "study and report the methods which the U.N. might use."

The Personal Envoy proposed to send the peace-keeping force to Krajina with the full knowledge that his plan for disarmament of Serbs in Krajina cannot be implemented.