

ROMANIAN POLITICAL AND DIPLOMATIC ELITES AND THE WAR OF FORMER YUGOSLAVIA

SUMMARY

The premise of this thesis is that the young political and diplomatic elites, whether suddenly emerged or craftily converted like the current Romanian elite, have the tendency of shaping themselves after world events. This hypothesis rests on the necessity of adopting mimicry as a form of *a priori* positioning in international and regional contexts in the imminence of regime change and the emerging interests fathered by the intrigues of the Western Balkans geographic hinterland. The way in which the elites choose to position themselves with regards to the violent conflicts raging more or less in their proximity is a viable indicator of their degree of maturity.

Furthermore, the author is convinced that the current moment is ripe for tackling such a theme. The temporal starting point of this thesis, namely one decade after the bombardment of the former Yugoslavia, should insure an objective and emotionally unobstructed perspective, as well as a guarantee of timeliness because its recentness. The studied timeframe ranges from the early 1990s until the Declaration of Independence of Kosovo, as well as its echoes and the way in which Romania chose to relate to this event.

Delimiting Romania's standpoint on the series of conflicts that have erupted in its immediate geographic vicinity starts by indicating the friendly relations maintained in the beginning of the 1990s via state visits at the highest levels. An analysis shall unavoidably be undertaken on the double discourse of the Romanian elites, oscillating between diplomatic friendship with its neighbouring state prior to the violence resulting in the greatest atrocities in post-World War Two Europe, such as the genocide in Bosnia, and the wish of ingratiating the great powers when they were leading an anti-Yugoslavian image campaign. This shall be embodied by authorising the use of Romanian airports and airspace by NATO aircraft and allowing the transit of national territory by KFOR contingents. Furthermore, an analysis of the way in which these elites were or were not capable of handling Kosovo's declaration of

independence favourably shall be undertaken, as well as of the reasons for international non-recognition and the unjustified fears of a precedent that might effect us directly.

In this context, it must be noted that some changes have occurred nationally and internationally from the starting point of research on this subject in October 2009 until the present day, even if they do not fundamentally change the starting premises of this study. Rather, they offer nuance to opinions proffered in light of recent history. Thus, Croatia's accession to the European Union on 1 July 2013 and the similar ambitions of Serbia, Macedonia and Bosnia & Herzegovina; Russia's interests in the Western Balkans, particularly its influence over Serbia; the significant reduction of KFOR contingents since December 2013; Kosovo's recognition by 106 out of 193 UN member states; the written submissions and pleadings of Romania's diplomatic team before the International Court of Justice in 2010 concerning Kosovo's declaration of independence, and also the election of a person belonging to an ethnic and religious minority into the highest office of the Romanian state – „clear evidence of a democracy ridding itself of prejudice”¹ – constitute particularly relevant aspects in the current context of research and demonstrate that this page of history is still being written.

The intention of researching a chapter of recent history, framed through general aspects of the Theory of Elites and the conversion of Romanian post-revolution elites and their reactions towards the conflicts in the former Yugoslavia, has materialised through a six-year study of specific niches of Eastern European contemporary history of international relations couched in conflict, and of sociology – the study of elites and elements of international law, particularly the right of secession and case law concerning the punishment of genocide. Thus, the positioning of the elites constitutes a litmus for evaluating the importance of events, the degree of maturity of the receiver, namely the Romanian post-revolution elites and their strategic objectives.

The process was clearly facilitated by the choice of timeframe encompassed by this thesis, namely the period between the early 1990s, comprising the first instances of secession, until the declaration of independence of Kosovo in 2008 and its echoes and the way in which Romania chose to relate to this event. At the same time, the fact that the subject of our thesis lies at the intersection of three macro-fields is an advantage because of the breadth of available sources and the innovative character of joining three fields in order to test hypotheses concerning the maturing process of Romanian elites with regards to the conflicts in the former Yugoslavia.

¹ Klaus Iohannis, *Pas cu pas*, București, Ed. Curtea Veche Publishing, 2014, p. 151.

Concerning the means of research, an aspect worthy of being underlined is their relation to the subject studied, namely the context of international relations in the relevant period. From a legal standpoint, their majority pertains to fundamental scholarly work, as defined by Article 38(1)(d) of the Statute of the International Court of Justice – „the teachings of the most highly qualified publicists of the various nations” - including, among others, professors Malcolm Shaw, James Crawford and Anthony Aust. Concerning the elites, the majority of means lie in the realm of publicistic documentation and official and unofficial standpoints taken by government officials.

A first discernible conclusion is that, internationally, there is a plethora of progressive sources that aid in the conceptualisation of the theory of elites, whilst in Romania, the subject is still in a quasi-incipient state, capturing the interest of mostly specialised academia. The main pitfall of such a state is the subject’s precarious dissemination and, consequently, an ivory tower-effect afflicting both the researched niche and those conducting the research.

Conversely, the twenty-first century both allows and compels us to note more frequent overlaps of some items within the “Theory of Elites” with contemporary leadership, both in the political and corporate domains. In this context, the study of elites, training, conversion, mobility, as well as the origin and the common interests, namely the way they are reacting in crisis situations and their ability to generate or to manage change, should be able to rouse a general interest (and not just academic) showed more than the one that manifested at the time of writing this thesis. Certainly, for this goal to materialize, it would be necessary to carry out both steps, on the first hand, from both researchers, who lean on this field of study which could materialize through a much easier, less elitist (paradoxically) subject, increasing public sympathy on this topic and, on the other hand, by the need of understanding, by the political and economic leaders, of the benefits that might resolve from the knowledge, respectively from the deepening of this theoretical field that presents highly tangible, pragmatic meanings.

Transiting from a national to an international level, the members of “The Elite” are, therefore, situated in positions that both allow and oblige the said person to make great decisions. The fact that they choose whether or not to take such a decision is less important than the right to take the decision itself. Moreover, most often, failure or delay in making a decision could have much more dire consequences than if the decision was taken “*a priori*”.

As David Rothkopf² shows, despite them being scattered all across the globe and despite being a rare presence amongst the billions of inhabitants, it is not difficult to perceive these representatives as being part of a community and to see, with your inner sight, how its geography is being created – a landscape that stretches from South Kensington to Manhattan; from Saint Tropez to Dubai; from the Harvard, Yale, Cambridge and Tokyo universities’ nurseries, to the board meetings of cultural, banking and political institutions. United by a common set of interests, a common culture and through their preference for private aircraft, these “islands” formed a shining “archipelago”, which emanates great power, residing in the middle of an “ocean” of aspirants – “oceans” of people working on their behalf, who are struck by their decisions regarding the market are sometimes carried away by their waves of political impulsiveness, and are profoundly influenced by the implementation of their perspectives.

Questions regarding the “reconstruction” and the conversion of the post-revolutionary Romanian elites aims at the necessity to investigate the possibility of talking about the elites in pre-revolutionary Romania, as changing or maintaining the power of the elites, after the moment of “December ‘89”, respectively defining the role assumed by them in the process of transition. In this context, the low political standards, of “Phanariote” origins, which have created even before the onset of the twentieth century a tradition of diverting public resources towards private usage amongst the power elites. The trend of studying at the universities of Paris and Vienna also has allowed an opening towards Western values, although the Western acquisitions could not replace the Levantine customs.

After that, during the twentieth century, there were periods in which intellectual elites have brought disappointment through their affiliation with extremist nationalist currents, manifested either through obedience to the Communist regime, even though there were cases of dissidence, as well as personalities who, through the sheer personal amplitude, merited inclusion within the European elites. Talking strictly about the Romanian elites and taking into account that the term itself is a collective one, we can conclude that their number was not, unfortunately, sufficiently high so as to create a real impact on society. A major cause of this consists, of course, in the grim reality of the communist regime, which represented a contradiction with what could mean a favorable cadre of development of the authentic elites. In this context, we believe

² David Rothkopf, *Superclass. Elita globală a puterii și lumea sa*, București, Ed. Publica, 2009, p. 95.

that the value of Tom Gallagher's research regarding Romanian post-revolutionary politics cannot be challenged, a pejorative tone strongly reflected in his work, could be better offset through better contextualization regarding the deep scars which a communist regime such as the Ceaușescu regime would be likely leave within the collective consciousness of the elites and the society alike.

At first glance, with such a historic background, Romania's post-revolutionary elites embarked on the road of democratization itself, bearing with it an unseen but extremely important weight within the "Theory of the Elites" – the absence of an elitist tradition. On the other hand, this gap was soon offset by the other party's ability for political and diplomatic leadership – this time in a pejorative sense, in terms of a quick conversion from communism towards the nascent democracy. In fact, the first type of Romanian post-revolutionary political chameleon-ism was born. Leaving aside the obvious difficulties regarding the lack of credibility concerning such an ideological leap, taking advantage of the lack of an anti-communism counter-elite, the participation of this nomenclature at the fall of the regime has strengthened its capital symbolism, legitimizing its continuity on the post-communist political scene. Moreover, the former nomenclature's ability to associate with the emerging elites and to propagate assuring speeches regarding the slow transition from one system to another had secured the support of a large part of the population.

Recognizing the realities concerning the process of forming the power elites in post-revolutionary Romania, exponents of the former communist nomenclature to whom were added the new emerging elite, too young to be suspected of a pre-revolutionary partisan affiliation, was the first step in mapping their positioning within foreign policy. Although, it would have been essential within this context, that in addition to introducing democratic institutions in Romania, for it to have been the induction of a democratic culture, to avoid the consequences of a mimetic democracy, where the values promoted by these democratic institutions do not truly penetrate the society.

In the 90', the urgent need to adhere to the Euro-Atlantic structures was the only project upon which Romanian political and diplomatic elites have agreed upon, regardless of partisan affiliation. And thus, this goal was the keystone of all political and diplomatic strategies of the first 17 years after the revolution. The achievement of both objectives is primarily a consequence of external geopolitical interests, but neither must the efforts within the national spectrum be

minimized. Thus, in addition to fulfilling the Copenhagen criteria, Romania has had a chance to external events from the immediate vicinity, which has offered it the opportunity of a favorable position towards international institutions, to which Romania has hoped to approach to.

In this context marked by the conflicts that took place during the 90' on the territory of old Yugoslavia, Romania's proximity with NATO and the European Union was, however, jeopardized by at least two important realities: the good neighborly relations between Romania and Serbia (in any case, better than the relations with its other neighbors according to the early 90s), as well as the fear of creating a precedent regarding the cases of secession. On the other hand, we believe that the line of argument insisted too much, both in written press and in policy statements regarding these two issues, leading to a somewhat trivialization of the subject. *Per a contrario*, to the extent to which it was desired for Serbia's point of view to be held, the argumentative construction should have been based on a more objective element belonging to international public law, specific to preventive diplomacy, and less on emotional reasons.

The double speech strategy derived from this contextual *imbroglio*. Pursuing the achievement of its main priorities for foreign policy, that of joining the euro-atlantic structures, Romania constantly expressed its support for NATO's efforts, the militarized side of ONU, in the former Yugoslavia, under the conceptual guidance of the doctrine of obligation of cooperation in the field of humanitarian aid. Furthermore, Romania's position regarding the independence of Kosovo was contrary to that adopted by the majority of states in the international community. Romania reaffirmed its position regarding the recognition of the statehood of Kosovo province, through the written observations submitted on 16th of April 2009 and through the pleadings at the ICC on the 10th of December 2009. Also, the Romanian part found that the way the question was formulated by the General Assembly of the ONU did not allow the Court to assess the merits of the issue. This means that the Court limited its analysis to the legality of the action of making a declaration of independence, but it did not assess the legal consequences, the legality of establishing a new state. The ICJ noted in its Advisory Opinion the limited and specific nature of the question, underlining that it did not refer to the consequences of the declaration, to whether the Kosovo province achieved or not its statehood status, nor the validity and legal effects of recognizing Kosovo as a state by the states that did so. This led to the Court not to assess whether the declaration led to the legal creation of a state or not, nor if International Law allows Kosovo to declare independence or if it has a right to secession.

In this context, we adopt the classical theory, according to which, the guaranty of territorial integrity of states should be the rule and the unilateral secession situations should represent only exceptional situations, acceptable only in strictly delimited conditions. This theory is essential to ensure the international balance regarding the recognition of state borders, especially as a result of the Helsinki Agreement from 1975. On the other hand, the opinions expressed in this research work do not deny by any means the devastating consequences of the Bosnian genocide (in Srebrenica and also in the northern part, despite the limited approach on the matter by the ICJ), nor the war crimes and expulsions from Kosovo. The intention is to place these factual realities in the relevant juridical and diplomatic context in order to facilitate the identification of alternative methods that could have been used to avoid the tragic consequences represented by bombing on one hand, and the precedent created by the relatively easy recognition of the independence of a secessionist province in the context of the opposition of the respective state on the other hand.

Regarding the bombing of former Yugoslavia for 78 days, we adhere to the opinion expressed by professor Hedley Bull and professor Noam Chomsky who condemned the exacerbated apathy of the international community, towards, on one hand, the premature proclamation of the fail of diplomacy, with the aim to use force and on the other hand, the future danger represented by the precedent created by NATO by ignoring the provisions of the ONU Charter regarding the procedures that need to be followed in order to attack another state, in accordance with chapter VII of the Charter.

In this case, we consider that it would have been justified to test other methods of conflict mediation through the use of diplomacy and negotiations. This would have been applicable even before the bombing started when the serbian parliament called for negotiations which would have "lead to an agreement on granting a broad autonomy" and on the "size and extend of international presence." The proposal was immediately publicized through media channels although it did not receive so much attention in the US and Great Britain, being generally ignored, for good reason as some would say, given that Serbia has proven a difficult partner during the discussions in Rambouillet. On the other hand, in situations where there is a manifested will to amicably settle an international armed conflict, even from a hostile state, as Serbia was considered at that time, this being a moment that exceeded the negotiation period and

being at the dawn of a war, we consider that there is a corresponding obligation of the international community to resume negotiations and postpone the use of force.

Regarding the right to secession, we consider that the theory of the right to remedy is exclusively applicable, to the detriment of the primordial theory of law (which could be applied in the context of autonomy and not of independence which involves other effects). Therefore, in our opinion, secession is a strictly delimited exception to the general principle of recognition of sovereignty of states, which can only operate in the context of gross and systematic violation of fundamental rights by the oppressing state from which the secessionist province belongs. Thus, the principle of just cause occurs in the case of secession, stating that the recognition of a declaration of independence has a fair motivation if it occurs against the will of a central government and does not contradict the principle of territorial integrity. In other words, the event to be prevented or remedied should be serious enough to warrant recognition of independence as an exception. In this context, the establishing of a critical date referred to in the possibility of a remedy, carries a particular relevance. If we accept the February 17, 2008 as a landmark, the date of the proclamation of independence of Kosovo, the remedy or prevention in this case is no longer justified because the state of affairs in Serbia in 2008 in terms of protecting human rights cannot be compared to that of Yugoslavia in the early 90s, so that secession could not be justified by the fear of future oppressions.

Turning to the issue of Romania's position concerning the conflicts in the former Yugoslavia, we consider that the different nuances in which the press chose to describe this problem at that time are worth mentioning. The main vectors of opinion in the 90s, dailies like 'Evenimentul Zilei', 'Jurnalul Național' and 'Adevărul' have positioned themselves somewhat antagonistic towards the conflict, 'Evenimentul Zilei' largely adopting a pro-NATO opinion while 'Jurnalul Național' and 'Adevărul' rallied to the serbian cause. However, the media discourse was mostly limited to the factual aspect which gave an advantage to the position defended by both parties, without going into a detailed analysis of the international context in terms of the relevant geopolitical issues or issues of international law applicable in this case. On the other hand, it is appreciated that when Romania clearly expressed its pro-NATO policy, in the context of the Romanian-Serbian relations, a war of propaganda was avoided, a war that might have transformed imaginary enemies into real opponents bordering the south-west of Romania.

As regards the Romanians elite position towards the conflict, they swung between the desire to stabilize the area, the (un)conscious necessity of their own formation and development, and pursuing and achieving the national interest of security. Despite the shortage of opinions expressed on this subject, the conflicts in the former Yugoslavia were a favorable context that facilitated the development of the elites in the democratic context this time. The pursuance and fulfillment of the strategic foreign policy objective of Romania in the relevant period subject to analysis constitutes a viable indicator of an essential politico-diplomatic pragmatism, through which the isolation that would have represented an alternative to the integration into Euro-Atlantic structures was avoided. Thus, despite an arduous transition we can highlight the efforts manifested in political, legal, economic and cultural fields. At the same time, using relevant legal arguments and clear support of Romania's point of view regarding non-recognition of Kosovo's independence recognition before the International Court of Justice, while taking note of the advisory opinion issued by the supreme international court, positioning Romania among the states which manifest vertically and with internationally relevant arguments, even when they do not align perfectly with those expressed by most of the international community, using at the same time diplomatic leverages which ensure that such an approach does not lead to adverse effects regarding the interests of the Romanian state.

In addition to the historical and legal challenges of the Western Balkans, whose echoes have been enshrined in this paper, we consider that currently we are facing new challenges – that of the future. At a time of great changes revealed by the conflicts in Georgia, Ukraine, Moldova as well as the threat of the Russian Federation as reflected in the national defense strategy for the period of 2015 – 2019, document submitted to Parliament for approval in June 2015, the question remaining is what type of political and diplomatic elite would be needed in Romania in order to cope with future challenges. A comprehensive or conclusive answer would be certainly difficult to give but what can be certainly stated is the fact that the experience of the political diplomatic positioning during the conflicts in the Western Balkans during 1990 – 2009 as well as the imperfect but viable political system built in this period will constitute positive premises for a balanced approach of future elite as well as for the option of a policy of force to the extent that such a step is initiated by NATO.

KEY WORDS:

Romanian elites, conflicts of former Yugoslavia, recognition of independence, secession, genocide

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