

Serbia and the Balkans: An Unofficial American View*

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It is a great pleasure to be back in Belgrade. This is a city where I can count many friends, a city of bustle and energy that a New Yorker finds it easy to like, a city that is not only at the center of the region but also at the center of the region's history, for better and for worse. I have learned a great deal here. If I dare now to offer a lecture, it is not because I know something you don't, but because the view of an unofficial Washington observer may be useful as you search for the future that Serbia has so far found wanting.

Let me make one thing clear from the start: this is not the Belgrade I have visited half a dozen times over the past four years. When the Prevlaka issue finds at least a temporary resolution in direct talks between Yugoslavia and Croatia, or when the Republic of Serbia tries to integrate Albanians in the Preševo Valley, I know important changes have been made. Today's Belgrade is a capital that has moved far in the direction of democracy, a market economy and its proper place within Europe and Euroatlantic security structures.

That does not mean the transition will be an easy one, though it is sure to be easier than the last ten years. Let me review with you some numbers, the reality of which you all know too well. From 1989 to 2000, Serbia lost more than 50 per cent of its GDP per capita. If Serbia had managed to avoid the wars of the 1990s, even with modest growth, the current GDP would be quadruple what it is today. Serbia today could have been at or beyond the GDP level of the new entrants to the EU. It will now take Serbia – even with rapid growth rates of five percent per year – 20 years to reach today's average GDP per capita in the European Union. Serbia has lost 20 years in the past 10!

The damage to Serbia's position in the region and in the world has been even greater. Serbia ten years ago stood as the central pillar in a Yugoslavia that was regarded in the West as already halfway to democracy. This in my view was an incorrect evaluation, but a Yugoslavia that had avoided war in the early 1990s would have found itself competing with Poland, Hungary and Czechoslovakia for EU membership.

The wars of Yugoslav succession have instead left Serbia a country swollen with more than 600,000 refugees, deprived of many of its young people, farther from European institutions than several of the other former Yugoslav republics (though that may be changing fast), and contaminated with both organized crime and war crimes. Milošević even today tries to depict himself as seeking to protect Serb interests. But as you all know too well, Serbia would have been far better off had he not used force, had the issues of secession been resolved peacefully, and had he sought to protect the human rights of Serbs within their new countries rather than seeking to carve Serbian territories out of the neighboring republics.

That is the past. What of the future?

I would like to approach this question by looking first at Serbia's democratic transition and then at its relationships with its immediate neighbors, with the EU and with the United States. My point will be this: where Serbia goes in the future, and how fast it gets there, depends above all on you, not on the international community. The rapid acceptance of Serbia back into the UN and other international bodies after Milošević fell was important to stabilizing Serbia internally, but without further reform Serbia will find itself moving slowly and suffering more, and perhaps even changing its destination from Europe to some isolated and unsatisfying way station.

The domestic political stalemate

From a Washington perspective, it looks as if your domestic political situation has been at a stalemate. For the moment at least, the people who have slowed reform, especially when it tried to reach beyond the economic sphere, appear to have greater support in the electorate than those who wanted to go farther, faster. The reformers have triumphed lately because they control the Serbian parliament and the electoral rules turned out to be in their favor,

but it is clear enough that rapid reform – which I would certainly prefer to see – does not right now have the support of most of the population.

This would be a difficult situation even for a mature democracy, and it is important to ask not just about the outcome – which is still uncertain – but about how the system will make a decision. Here there are reasons for optimism. So far at least, Serbian institutions have been equal to the task, and no one has tried to settle the matter outside them. Your courts, your electoral commissions, your parliaments, even the president and prime minister most directly concerned have followed their procedures and made their decisions in what appears to be a legal and constitutional fashion. There has been rough talk, but little apparent rough action. For this, we should all be thankful.

That said, it seems to me that the confrontation between President Koštunica and Prime Minister Đinđić goes far beyond personalities. Viewed from Washington, it looks more like a clash between those who want continuity and those who want a sharp break with the past, between those who want to maintain Serbia's traditional caution about the West and those who want to turn definitively towards Europe, between those who still regard the national question as crucial and those who give priority to improving the lot of Serbia's citizens.

Some would also say it is a clash between those who would follow the rule of law and those who would bend and even break legal restrictions, but frankly I do not see it that way. President Koštunica does not seem so legalistic from a Washington perspective when he resists cooperation with the Hague Tribunal, which is a legal obligation stemming from action by the United Nations Security Council. Prime Minister Đinđić appears highly legalistic when he insists on 50 per cent voter participation in the Serbian presidential elections, and is upheld in court. Both men seem to me to be prepared to use the law as an instrument of political struggle over the future of Serbia, and their own roles in it.

This bottom line is this: Serbia is stuck somewhere between the Milošević regime and its European destiny. This is all too apparent in the recent scandal over arms sales to Iraq. Whatever may be going on today, it is clear enough that Serbia and Republika Srpska exported, even after October 5, 2000, arms and weapons technology to Saddam Hussein. This was likely not done through official channels, though it is hard to believe that high-level officials did not know about it. Rather, it seems to have been done through a political/criminal network that is based in the shadows of Serbia's security services, armed forces, and weapons manufacturers. This has implications for Serbia's relations with the United States that I will discuss later.

Accountability for the past

Right now I want to emphasize its significance for Serbia. Many of the people who profited from ten years of the Milošević regime are still in place. Though less visible than two years ago, they still represent Serbian weapons manufacturers abroad, some still sit in judgment over Serbia's citizens in its courtrooms, and they still wear the uniforms in which they ordered the bodies of murdered Albanians transported to Serbia and buried in its police stations or driven into its rivers. The regime has changed – in my view irreversibly – but Milošević's shadow is still present.

Serbia is not unique in this respect. Even today, the United States is exorcising the ghost of racial segregation. Senator Trent Lott – who recently resigned as Senate majority leader because of remarks indicating that he regretted its defeat – is not the only example. We are still dealing with a terrifying legacy of mistreatment of Native Americans – the courts have held the Secretary of the Interior in contempt because of her failure to account for Indian financial resources that were entrusted to the safekeeping of the Federal government. Not too long ago, the President of the United States apologized to Japanese Americans who were interned during World War II, and Congress paid token compensation to them. All societies need to deal with their own failures, the brutal mistreatment of their own citizens, the injustices of the past. The measure of a society is not only how much it has to deal with, but also how well it deals with it.

The point is this: Serbia is far from unique in needing to face its past. Albanians were murdered – this society needs to know why and by whom. Yugoslav Army officers, Interior Ministry troops and paramilitaries committed war crimes in Bosnia and Croatia – someone needs to be held accountable. Leaving those responsible in place and justifying their behavior on grounds that they were trying to protect Serbs, or on grounds that others did evil as well, will not be adequate for the international community – but it should not be adequate for Serbia either. I am often

asked why the West does not like Serbian nationalism when it is nothing more than patriotism, and America after all is the most patriotic country in the West. The answer is this: when patriotism leads Americans into bigoted or criminal activity, I am not proud. When it allows us to open our doors to all races and creeds, treating each with respect and dignity, I am full of pride. Patriotism or nationalism is not good or bad in itself – it is what is done in its name that counts.

The Hague Tribunal has an important role in helping us all to understand what was done in the name of nationalism in the 1990s – be it Serbian, Croatian, Bosnian or Albanian. I am only too well aware that here in Belgrade it is often regarded as a biased tool of Serbia's enemies. Serbs are said to be watching Milošević and enjoying the spectacle as he makes fools of his tormentors. This is not the view of Americans, West Europeans or the citizens of the countries that border Serbia. They do not laugh at Albanian peasants testifying to the murder of their families, no matter how awkward or bumbling they may be. They do not think Milošević clever when he denies the massacre at Srebrenica or attempts to blame his victims for the behavior of the paramilitaries who killed them. Nothing illustrates the gap between Serbia and the rest of the democratic world more dramatically than their divergent attitudes towards the Tribunal.

I despair of convincing an audience in Belgrade that the Hague Tribunal is a good thing, but that is what I think, so I will say it. The Hague Tribunal is a good thing because it provides neutral ground on which people indicated for war crimes and crimes against humanity from all parts of the former Yugoslavia can get a trial that, by West European and American standards, is fair. It is a good thing because it allows individuals to be held responsible, enables victims to see justice done, and removes the burden of guilt from entire populations. It is a good thing because it brings into the open the harsh facts of the past and enables them to be judged by objective standards.

Would it have been better to try Milošević in Serbia? In theory, yes. Serbia's courts should be capable of trying Serbia's own criminals, and I am confident that one day they will be. But they are not today. Had Milošević remained in Serbia, he would have destabilized the political situation, creating a crisis worse than the one you face today. A trial in Serbia would have generated a dramatic response – perhaps even a violent one – from unreformed sectors of the Serbian public administration and the organized crime networks to which they are still linked. Milošević's transfer to The Hague, more than anything else done since October 5, 2000, convinced the international community and Serbia's neighbors that real change had begun in Belgrade, and opened the way for normalization of Yugoslavia's relations with the rest of the world.

Serbia's neighbors

I would like now to turn to Serbia's immediate neighbors, who have welcomed the changes in Belgrade and responded positively to them.

To the north and east, Serbia finds NATO members and candidates moving rapidly in the direction Serbia would like to go: Hungary is about to enter the European Union and Romania and Bulgaria – surprisingly – are leading the next wave. Accession of these countries to the EU and NATO improved the neighborhood, and should encourage Serbia's European and Atlantic ambitions.

To the west and south lie Serbia's current problems. The resolution of Prevlaka and the proposed free trade agreement with Croatia augur well, though I fully expect Serbia to garner international community support for correct treatment of Serbs in Croatia. Rivalry between nationalisms in Zagreb and Belgrade helped to precipitate the wars of the 1990s. Cooperation between Zagreb and Belgrade can now help stabilize the entire region and ensure more rapid progress towards Europe.

This is especially the case in Bosnia-Herzegovina. As you may be aware, I worked a good deal in Bosnia during the last year of its war, providing support to the Bosniak/Croat Federation. Some in Belgrade assume that this means I am an enemy of the Serbs. I certainly opposed Karadžić and Milošević. I still do, not just in the personal sense but in the ideological sense as well. The ethnic cleansing of the territory now known as Republika Srpska, and the continuing resistance to returns and multiethnic governance there, rank among the most disgraceful behavior of the post-Cold War period, certainly equivalent morally to the criminal misbehavior of those in Kosovo who chased Serbs out and now resist their return. When Serbian politicians ignore this fact, or suggest that Republika Srpska

might some day be rightfully incorporated into Serbia, Americans and Europeans begin to wonder if Milošević's ambitions are not still alive and well, and hesitate to regard October 5th as the watershed it was.

In my view, it was a mistake to allow something called Republika Srpska, a governing entity defined by ethnicity, to exist in Bosnia-Herzegovina. It was also a mistake to allow Bosniak and Croat nationalists to dictate a Federation Constitution that preserves their powers. Bosnia needs devolution of governing authority to local levels, in order that Croats and Serbs can control important aspects of their lives in a context in which they are numerically fewer at the national level than Bosniaks, but Bosnia did not need an ethnically pure entity that would resist returns of Croats and Bosniaks for more than seven years after the war, and fail to turn over Karadžić and Mladić for trial in The Hague. There is a great irony about the Republika Srpska: NATO, which intervened in Bosnia on behalf of the Croats and Muslims, has stayed there to protect Serbs – Serbs who have refused to allow Croats and Muslims back to their homes or to turn over those indicted for war crimes.

What can Belgrade do to fix the situation in Bosnia? The first thing is to avoid mistakes. It is a mistake for the President of Yugoslavia to try to visit Bosnia for a Serb religious event without going to Sarajevo, as President Koštunica once did. It is a mistake for politicians in Belgrade to give support or encouragement to nationalists in Republika Srpska who continue to prevent Muslims and Croats from returning home. It is a mistake for Serbia to harbor Mladić and others indicted for war crimes in Bosnia. It is a mistake for the Serbian Prime Minister to imply that the sovereignty of Bosnia is at risk if Serbs do not get their way in Kosovo.

It is not wrong, in my view, for Serbia to be concerned about the welfare of Serbs who live in Bosnia, or in Montenegro, or in Macedonia or Kosovo. It is wrong to encourage them to look always to Belgrade for the answers to their problems, or for Belgrade to try to extend its governing authority beyond its proper reach. Given recent history, Serbs who live outside Serbia need to avoid even the appearance of acting as the instrument of Belgrade.

Are Montenegro and Kosovo neighbors?

This brings me to the difficult questions of Montenegro and Kosovo. Are they neighbors, or part of Serbia and Montenegro? Let me make my answer clear: they are legally part of Serbia and Montenegro, at least for the moment. But the preservation of that state is not guaranteed.

I think it is generally agreed that Montenegro (and for that matter Serbia as well) has the right to become independent, based on a referendum conducted among its voting population. The European Union prevented this referendum from occurring last year, much to the relief of those in Montenegro who wanted independence but probably did not then have the votes they needed. More than likely, a referendum will occur within the next three years, after a period of trial reconciliation between a couple that has lived apart since the late 1990s. I cannot predict the outcome: demographics obviously favor independence, since younger people in Montenegro tend to prefer it, but a great deal depends on how well the new state of Serbia-Montenegro functions. The negotiations have been long and hard, and I think it fair to say few in either Europe or the United States think the outcome was worth the effort. But we all accept the idea of giving the marriage another try, even if in Belgrade there is as much skepticism as in Podgorica about whether it will work and whether the effort is worthwhile.

Kosovo is a more complicated case. I can hardly do justice to the issue in a few words. Many of you will have seen or read USIP's report on options for Kosovo and cross-border requirements, which analyzes a wide range of possibilities but excludes the two most common proposals: immediate independence and return to governance by Belgrade. You may also have seen our report on simulated final status negotiations conducted under a USIP grant. We have now published a third report, an account of consultations held in December between West Europeans and North Americans on the decision-making process for final status. All three reports avoid taking a position on the outcome, but you would hardly know that from some of the press commentary I have seen in Serbia. You will want to know: aren't Serwer and the US Institute of Peace just pushing for independence?

The answer is no. Just ask the Kosovar Albanians: they think I am anti-independence. Moreover, it does not matter. Kosovo's final status is not going to be determined in the US Institute of Peace, or in the US Congress. It is going to be determined in the UN Security Council, based on negotiations between Priština and Belgrade. Resolution 1244, which imposed the UN protectorate, clearly contemplates a future decision on final status, once autonomy and self-governance have been established. I know of no way to change the current legal status, except the adoption of a new

resolution. And certainly the best way, if not the only way, of getting to a new resolution would be agreement between Belgrade and Priština.

Is such agreement possible? I think so. With democratic regimes in both places, Priština and Belgrade will look to their interests and seek an accommodation they can both live with. Neither will want to endanger their movement towards Europe by provoking the other on the final status question. There is a real, immediate need for Belgrade and Priština to improve relations, increase communication, and begin to define common ground on economic questions, trade, investment, transportation, protection of minorities and a host of other questions that will arise regardless of final status. Many of you know that the US Institute of Peace initiated, more than a year and a half ago, a series of meetings between younger Serb and Albanian leaders, including members of the parliaments in Belgrade and Priština, as well as many civil society activists. Conducted largely without public attention, I believe these contacts are beginning to bear fruit, by developing a wider understanding of the many issues that have to be resolved and laying the basis for future agreements and even common action. Remember the United States: it fought two and a half wars against Great Britain over a period of 80 years after its founding, but for the past century no two countries have had a closer relationship.

Serb concerns about the Serb population of Kosovo are perfectly legitimate, and I will be the first to acknowledge that they have been badly treated since June 1999. The murder of innocents, destruction of churches, burning of homes, discrimination in language and employment, and insensitivity to Serb concerns in the Assembly would make even the most saintly wonder if they could survive in Kosovo. But despite it all, I see no alternative to integration of the Serbs, rather than separation. International peacekeepers cannot stand guard over every Serb household, and the much-requested presence of Serbian security forces would right now only lead to further clashes with extremist Albanians. Albanians and Serbs will have to live together, if Serbs want to remain in Kosovo, as I believe they have the right to do.

That said, there are some things that need to be done. Decentralization of authority to the municipal level would help the Serbs to feel more comfortable in Kosovo, just as it helps Croats to feel more comfortable in Bosnia, and Albanians to feel more comfortable in Macedonia. It is important for UNMIK to continue to use its authority to arrest and punish those responsible for crimes against Serbs and other minorities. It is also crucial for Albanians to realize that they are being judged by their behavior towards Serbs, and that they have lost a good deal of sympathy and support in the United States and Europe because they have failed to allow the safe return of Serbian displaced people and refugees.

A final status decision is closer than many Serbs would like. The 2004 Kosovo elections, Montenegro's likely push for a referendum in 2005, and Serbia's own interest in moving ahead with a Stabilization and Association Agreement and application for membership in the EU will make it desirable to start negotiations sometime in 2004 or 2005, with a view to completing them in one or two years. This can only happen if Kosovo has gone a long way toward meeting the UNMIK benchmarks, in particular in treatment of the Serbs and respect for the rule of law. And this can only happen if Belgrade and Priština understand that the solution they find will not be allowed to destabilize Macedonia and Bosnia. Those Serbs and Albanians who look to their neighbors for compensation for their losses in these negotiations, or who use implicit threats against neighbors to get what they want, will find themselves viewed as the problem, not the solution.

The Americans and the Europeans

The reason for this is that Europe and America have developed a clear picture of what they want in the Balkans: multi-ethnic, democratic countries within existing borders, committed to the rule of law and to open economies and societies. The Americans have been willing to contemplate further changes in the status of borders – if Europe had allowed Montenegro to become independent, the Americans would not have objected. But both Americans and Europeans have been unwilling to move borders to accommodate ethnic differences, as opposed to changing their character.

Throughout the Balkans, the relative roles of the Americans and Europeans are clearly shifting. Europe, which has always borne the main burden of assistance and troop presence, is now taking over political leadership, which the Americans are relinquishing. This is not only a function of the Administration in power. Since the end of the Cold War, the United States has not had a major national strategic interest in the Balkans, and intervened both in Bosnia and in Kosovo reluctantly, because other avenues had failed to produce results. It was always the American view

that the Europeans, who do have major strategic interests in the Balkans, need to take primary responsibility for the region.

That said, the impulse of the Americans to withdraw their troops precipitously, which some in the Bush Administration would have like to do, has passed. "In together, out together" – even if the first part is not true – has prevailed as policy. But there is still considerable impatience on the Americans' part – they do not want to join the Europeans in a permanent presence in the Balkans.

So the question the Americans ask themselves is: "What has to be done in the Balkans to allow us to get out?" This has been quite explicit in Bosnia, where the United States insisted on and paid for a "mission completion plan" that will be put forward by the High Representative this month. It is implicit in Kosovo: the Americans would like to see the UNMIK benchmarks met so that a decision on final status can be negotiated and US troop withdrawal effected within a few years.

But even if Bosnia and Kosovo were to be solved as problems, the Americans would have a few other items of unfinished business. They would like to see reform of the security services, so that Serbia never again finds itself helping a pariah state like Iraq arm itself illegally, and so that Serbia and Montenegro can open a new chapter in military cooperation with the US and enter the Partnership for Peace. They would like to see the capture of the main indicted war criminals. And they would like to see a crackdown on organized crime throughout the Balkans. Increasingly, it looks from Washington as if these objectives are related. The security services, the war criminals and organized crime are intimately connected to each other. USIP has recently published a report on "Rule of Law or Lawless Rule in the Balkans", which examines these connections, though it is in their nature that they are obscure and difficult to elucidate. Ultimately, the main permanent American interest in the Balkans is likely to lie in this area: preventing the Balkans from becoming a haven or transit point for criminal activity, including international terrorism.

You will want to know, I imagine, when the Americans will stop imposing conditionality on Serbia, making it jump through hoops every six months for a paltry amount of aid. I am not the one to answer: Congress imposed the conditionality, and only the Secretary of State can waive it. I speak only for myself when I say this: Serbia has done itself no favor by dragging out the process, every six months looking for the minimum it can do to get the Americans to go away. This has taught the Americans that nothing will happen unless they insist, and it has encouraged them to line up the Europeans, who are possible and even likely to react if this pattern continues. It is more than time to end Serbia's reluctance, and to surprise the Americans and Europeans by arresting all the indictees in Serbia, including Mladić. It is also high time to encourage Serbs in Republika Srpska and Kosovo to participate fully in the local governing structures.

Conclusion

Even in the best of circumstances, the road to Europe for all the West Balkans is likely to be long and difficult. Serbia brings great capacities to this effort. No country has moved faster on economic reform, led by the superb talent of G17 members. While the Americans did significant damage to infrastructure in Serbia, the fall of Milošević was accomplished by nonviolence, and I do not hide my admiration for those in Otpor, CESID, and the Democratic Opposition of Serbia who led that effort. It is a shame that a courageous Otpor activist, Jelena Urošević, could be beaten in southern Serbia just ten days ago without arousing a public outcry.

It makes me sad to see the present situation: Serbia still struggling with its own demons. The fight between Koštunica and Đinđić, resistance to the authority of the Hague Tribunal, failure to reform public administration, difficult negotiations with Montenegro, and the uncertain status of Kosovo seem to me to be enormous distractions from the main task at hand: getting into Europe as rapidly as possible. The way I see it, no one is standing in Serbia's way – the US administration has in fact bent over backwards to make sure that Serbia, despite its failure to meet the expectations of the US Congress or its illegal arms trade with Iraq, has not been punished in any significant way.

The real limits on what you can achieve lie not in the international community, but here in Belgrade. The remnants of the Milošević regime, both institutional and ideological, are the main obstacle. Vast amounts of international assistance have been forthcoming, but it is up to you to determine how effective they will be. You often resent the conditions we impose, but the fact is that meeting them is what joining Europe is all about. Serbia belongs in Europe

and is headed there. The question is how long it will take and how difficult it will be. The destination is not in doubt, unless Serbs change their minds. I do not believe they will. I look forward to the day when we will add the Serbs' conflict with the Kosovars, or the Croats' and Serbs' conflicts with the Bosniaks, to the long list of conflicts that have found their solution inside the European Union.