

Statement of **Ivo Banac**
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Mr. Chairman and Distinguished Members of the Commission:

In your kind invitation you expressed an interest in my views on the overall trends in the countries of the Western Balkans as well as the Balkan region as a whole, and the potential impact the United States, the European Union and other international actors could have in shaping these trends. Bearing in mind my past and present engagement in both the governmental and the nongovernmental sectors in Croatia, you also welcomed any thoughts that I may have on the issues relating to democratic development, the rule of law and human rights that might be relevant to U.S. policy.

The main reason for the instability of the Balkan region has been the inability of the national elites to define and find common ground for an internally-generated process of regional stabilization. That means that the task of providing the framework for stability, as well as its enforcement, over the years has fallen into the hands of the international actors. In this respect, the American leadership has been particularly effective and helpful, even when some of the projects, which the past administrations have favored (Dayton Peace Accords, Kosovo independence framework), manifested serious flaws. **I do not think that it is excessive to say that the “Europeanization” of the Western alliance’s policy toward the Western Balkans cannot be sustained without the guidance of the United States.** European policy on occasion has been contradictory and unnecessarily compromising, thereby providing opportunities to various local troublemakers and their international backers.

The current situation in **Bosnia and Herzegovina** (BH) is an illustrative example. The supposedly “reformist” Bosnian Serb leadership of Milorad Dodik has exploited the neglect of the international community and the flaws in the Dayton framework to carve out a semi-independent political entity (Republika Srpska, RS) that is currently using false analogies with the independence of Kosovo to argue for RS’s full secession. Mr. Dodik would be dangerous enough were he acting entirely on his own. But he is not. He has solid support in various Serbian circles (official and unofficial) and he has found solid backing in Russia, whose state companies have bought much of the energy installations in RS.

Mr. Dodik plays on the Western fears of Muslim terrorism in order to dismiss any effort toward a workable constitutional reform in BH. He has managed to attract a modicum of a Bosnian Croat following by giving support for the Croat “third entity” in BH, separate from the Bosniak-Croat Federation. His systematic destabilization of BH, which apparently includes the arming of his police force, goes hand in glove with his intensely provocative ethnic vitriol, a practice in which he has many imitators in other ethnic elites, but hardly any equals. It is clear that a new US initiative, with the aim of developing a new workable constitution for a reintegrated BH, without ethnic entities or cantons, would be a welcome development in this highly combustible case. *The New York Times* (Feb. 27) recently cited a Bosnia specialist’s opinion that “if the Serb republic declared independence, neighboring Croatia would respond by sending in troops, and Bosnian Muslims would take up arms.” That is not an overstatement. Tensions in BH have reached a new critical stage, when it is indeed possible to imagine new armed conflict. This is a highly frustrated, depressed, and structurally ungovernable country. **BH is currently by far the most dangerous corner of the Western Balkans.**

The situation in **Kosovo** is more controlled, but has significant potential for new entanglements. The Ahtisaari Plan is an article of the Kosovo constitution, meaning that all of its recommendations have been adopted, with the exception of its most important part – the integration of Serbs, who refuse any cooperation with the Kosovo authorities. This situation, too, is taken for granted by the European Union Rule of Law Mission (EULEX), which assists the Kosovo authorities in matters concerning police, judiciary, and customs. The EULEX has been deployed throughout Kosovo, most recently in the Serb enclave north of Mitrovica, but its effects are modest. The EULEX implements only the United Nations Mission in Kosovo (UNMIK) laws in the Serb enclaves, not the Kosovo laws (the EULEX chief of mission Yves de Kermabon recently agreed with Serbia’s President Boris Tadić that the law applied in southern Serb enclaves in Kosovo will be Serbian law). At the same time the EULEX cannot prevent Serbia from boycotting the Kosovo customs stamps.

The fact is that Serbia not only continues obstructing the recognition of Kosovo (Tadić’s recent lobbying against Spain’s recognition in Madrid is a case in point), but maintains parallel structures in parts of this nominally independent state. Though most segments of the Kosovar political elite seem to accept this state of things, there is widespread discontent and disaffection with the policies of the international community among the broad segments of society (Albin Kurti’s Vetëvendosje). Not coincidentally, the oppositionists are the most consistent critics of corruption and hold the current situation directly responsible for the ongoing legal chaos and potential violence down the road.

Following the elections of May 2008 **Serbia** has made some progress, but not as much as could have been accomplished had the international pressure been maintained. The arrest and extradition of Radovan Karadžić is a clear demonstration that Belgrade can be responsive. Hence, it makes no sense to lessen the pressure in recognition of partial compliance. International diplomacy, in general, has tended to reward Serbia for

minimal concessions. That is why Serbia's full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) must not be compromised, especially in the outstanding case of Ratko Mladić. The US government ought to reverse the stand on limiting the mandate of the ICTY and, very important, **take a decisive step in favor of strengthening the international justice system by supporting the International Criminal Court (ICC) through congressional ratification of the Rome Statute.**

Although one could cite various examples of violations of human rights and the rule of law in Albania, Croatia, Macedonia, and Montenegro, the current situation in these countries is not as alarming as the cited sources of instability in Bosnia, Kosovo, and Serbia, in that order. The optimum solution for all these problems is in the EU and NATO expansion. The European security system will receive its final touches only when all the countries of the Western Balkans have become full members of the EU and NATO. The various Balkan "national questions" would be significantly mitigated if all the ethnic communities were incorporated within a single system of relatively symbolic borders, where the current restrictions to the free flow of labor and goods would be lifted. Unfortunately, this optimal solution is currently being stalled due to a number of obstacles:

(1) The EU expansion is in trouble as a result of the world economic crisis, obstacles to the ratification of the Treaty of Lisbon after the Irish referendum (June 2008), and lack of political leadership in a number of EU countries.

(2) Rogue policies of two EU countries (Slovenia and Greece) created serious problems to the Croatian EU accession and the Macedonian NATO accession. The fact that all EU countries have not recognized Kosovo is evidence that the urgency of Balkan stabilization is not grasped in some capitals.

(3) Euroskepticism has gathered strength in some countries (Croatia), where inconsistent policies of the European Commission (e.g., the refusal of Javier Solana to comply to the ICTY subpoena at the request of the Ante Gotovina defense) have been interpreted as contrary to the EU principles. (The Croatian Helsinki Committee released a statement on this issue this morning.)

(4) Russia's political and economic offensive in Southeastern Europe – the only European area where Russia can hope to assert its great power ambitions – has operated against Western associations, even in those countries that are already in the EU and NATO. (Russia is a very serious player in Bosnia and Herzegovina, Montenegro, Serbia, and increasingly in Croatia and Hungary.) In addition, European oil and gas dependency on Russia has prevented a more critical response to Russian initiatives in Southeastern Europe.

In a sense, precisely when EU input is more necessary than ever, obstacles generated by a number of EU countries are derailing the stabilization of the Western Balkans. **This is a case for renewed American engagement and leadership.**

I would recommend the following:

(1) The United States should not ignore the Balkan area simply because a number of other problems are more pressing. **A new American diplomatic initiative is necessary for the stabilization of the whole area**, especially of the three critical countries of Bosnia and Herzegovina, Kosovo, and Serbia.

(2) **Bosnian situation should have priority. The US government should complete the Dayton process by developing a new plan for the reintegration of Bosnia and Herzegovina, but not with an ethnic yardstick. It makes no difference whether Bosnia is effectively partitioned into two, three, or twenty-three ethnic entities. Ethnic territorialization always operates against the unity of complex societies.**

(3) **The new administration should reaffirm commitment to the ICTY and the ICC.**

(3) **The US should exercise influence on the EU allies to promote and revitalize the EU and NATO expansion.** Serious efforts should be taken against obstinacy of key allies (Greece) whose irresponsible policies (question of Macedonian state nomenclature) operate against the interests of the alliance. In a similar vein, every effort should be made to promote the recognition of Kosovo among the European holdouts.

(4) **The civil sector should not be neglected**, particularly in the current economic circumstances, but priority ought to be given to those NGOs that work with concrete cases, not the various reconciliation schemes that frequently operate in a political vacuum, nor should the OSCE operations be disbanded for purely fiscal reasons.

Finally, in answering the inevitable question of “why,” my answer remains the same as during the 1990s. Had the international community pressed Slobodan Milošević to stop his attack on Slovenia and Croatia in 1991, Bosnia never would have occurred. Had Dayton been used to address the issues of Kosovo, the 1999 NATO intervention probably would not have been necessary. Deferred problems always come back in much worse forms. The issues of the 1990s were stopped at some expense. That does not mean that they cannot be repeated in even more dramatic ways. Prevention should have primacy.