NORMALIZING SERBIA

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Few people, either inside or outside Serbia, shed tears when Slobodan Milosevic fell from power on October 5, 2000. After more than a decade of ostracizing Serbia from the world, the doors to the international community swung open. In the weeks following the so-called "Serbian October Revolution," the international community rushed to lend political and financial assistance to the new federal government of Vojislav Koštunica and his Democratic Opposition of Serbia.

The December 23, 2000 parliamentary elections in Serbia and the imminent construction of a government led by the Democratic Opposition of Serbia potentially promise the beginnings of the consolidation of democratic rule in the Balkans. Yet a closer and more critical examination of the political evolution of the Federal Republic of Yugoslavia since October 5 yields a troubling portrait in which cooperation and continuity in governance, and not reform, dominates the polity. Politicians in the Federal Republic of Yugoslavia must realize that, with the soon to be completed formation of Yugoslav and Serbian governments, the "honeymoon" will come to a conclusion. From that point forward, international aid will only arrive insofar as the donor nations and organizations remain content with the pace of internal reform and cooperation with major international institutions. This article seeks to provide a brief overview of the main problems confronting the governments of Serbia and the Federal Republic of Yugoslavia today.

1. STATE (OF) INSECURITY

In the period since October 5, critical powers seemed to desert most analysts of Serbian and former Yugoslav politics. A series of "facts" were allowed to take root: a "revolution" had occurred in Serbia, the Milosevic regime was gone for good, and Vojislav Kostunica, the new president of the Federal Republic of Yugoslavia, could do no wrong. Already, however, all of these "facts" creak under the pressure of increased scrutiny. How much really has changed – and how many of these changes are for the better?

In describing his attitude towards the transition, Kostunica, who prides himself on his credentials as a constitutional lawyer, has repeatedly stated that he does not wish to destabilize society by purging people. All personnel changes must occur in complete agreement with the relevant laws. Both domestic and international observers tend to cite this argument with approval. Thus, two of

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the key axles around which the Milosevic-era security apparatus revolved remain in place. In the Yugoslav Army, despite the New Year's dismissal of 14 top officers, General Nebojsa Pavkovic retains his post as chief of the general staff. Similarly, notwithstanding continuously swirling rumors about his ouster, Rade Markovic, the head of the despised State Security Service, has not departed from his post.

Markovic, in particular, proved the cause of a near head-on collision between Vojislav Kostunica and Zoran Djindjic. In the first two weeks of November, a large number of DOS members, including the prime minister-elect of Serbia, Zoran Djindjic, boycotted the transition government because of the refusal of the old government parties to dismiss Markovic. Due to his control of most of the pervasive state security apparatus during the latter part of the Milosevic era, Markovic stands suspected of involvement in racketeering, organized crime, and numerous politically motivated murders. These include the assassinations of several high-ranking military and police officials. Most recently, the Belgrade news magazine *Vreme* published a cover article accusing Markovic's State Security Service of standing behind the January 2000 killing of the infamous ultra-nationalist paramilitary leader Zeljko "Arkan" Raznjatovic. As it happens, Arkan's case is indicative of the murky world of state security in Serbia, since he started his career as a Yugoslav intelligence operative before "branching out" into a world of organized crime and, later, ethnic cleansing.

No doubt exists that Markovic needs to leave state service – and probably face prosecution. However, to some extent the media's fixation on Markovic is misplaced, because he represents the tip of a very large iceberg. It seems hard to avoid the conclusion that the reluctance to oust and prosecute Markovic is symptomatic of the degree to which Serbian society has been corrupted during the Milosevic era. In particular, the hesitation and obfuscation around Markovic also betrays the involvement of a large percentage of the membership of the coming Serbian government in similarly unsavory activities.

2. A LEGAL CONUNDRUM

In general, in today's Serbia, few question the underlying logic of pursuing a legalistic course in a society where laws have for too long been the plaything of rulers. Yet, in the short term, Kostunica's insistence on legalism and stability serves to protect the very people who have most consistently perverted the rule of law and whose continued presence in official functions prevent the normalization of society. Indeed, the entire strategy of transition gives ample reason to think that the leadership of DOS struck explicit deals with top allies of Milosevic in the prelude to October 5.

The task of DOS and Kostunica, to introduce rule of law in a legal system that is rotten to the core, would be daunting even if the DOS leadership could pride themselves on being complete paragons of legal consistency. But this they cannot claim. No good Serb constitutional lawyer would advocate, for example, the introduction of religious instruction into schools, since that would explicitly contradict the Yugoslav Constitution's guarantee of privacy of faith. Moreover, any government pursuing a serious legalist agenda would immediately set about uncovering the perpetrators of the shameful series of extra-judicial kidnappings and murders in the late phase of the Milosevic regime. In the event, Kostunica's team has done nothing to find the kidnappers of Ivan

Stambolic, the former president of Serbia. Certainly, a country in which a former president vanishes and no investigation takes place, cannot call itself normal. Nor has priority been given to the investigations of the aforementioned series of dramatic assassinations which shook the Serbian political landscape in the first months of 2000.

Serbia might do well to learn from the experience of other former socialist countries and adopt a lustration scheme. This would have the virtue of instituting one standard for all officials. In the case of lustration, Serbia has one large advantage and one disadvantage. The ten years that Serbia has lost in comparison the countries of Central Europe, can be at least partially used to advantage by adopting the best of these lustration laws. The question of opening dossiers and lustration has proven to be intensely controversial in every former socialist country, especially because opposition politicians almost always proved more than ready to use socialist-era dossiers against their opponents, while covering up their own misdeeds and collaboration with the former regime. The process would accelerate significantly if Serbia's leadership could argue that they were using the best of the lustration schemes adopted previously by other countries in the region.

A similar approach – i.e. the mimicking of legislation in other European states, is already being taken in other areas. For example, in a bid to combat the pervasive influence of organized crime in society, the Yugoslav and Serbian governments have begun to meet with some of the Italian police and legal experts who spearheaded an anti-mafia campaign in the mid-1990s. Recent statements from Yugoslav officials indicate that they are likely to copy wholesale parts of Italian legislation that allow for forthright prosecution of organized crime.

However, as the above observations have already hinted, Serbia does face a major disadvantage. The small part of the Serbian political elite that has not compromised itself during the past decade through association with the Milosevic regime remains unrepentant in its nationalism. Only the tiniest minority has any interests in opening the dossiers to domestic, and much less to international, scrutiny.

3. DO UNTO THY NEIGHBOR…

In fact, the entire question of responsibility and coming to terms with the recent past, has clear relevance internationally as well. Yet here it quickly becomes obvious that most Serb politicians, to the extent that they stand ready to assign culpability for the events since 1991, largely focus on "domestic crimes," i.e. the misdeeds committed by Serbs against Serbs. Thus, while the political arena fills with accusations about the corruption of the Milosevic regime, comparatively few politicians wish to address the crimes committed during the wars in the former Yugoslavia.

To the extent that contemporary actors in Serbia do raise the question of responsibility for atrocities committed in Croatia, Bosnia-Herzegovina, and Kosovo, they tend to do so selectively and "collectively." President Kostunica and most of his DOS allies have floated proposals for a "truth commission" in which experts from the former Yugoslavia would carefully attempt to come to a consensus on guilt for crimes committed since 1991. However, this idea is unlikely to find many adherents outside the Federal Republic of Yugoslavia.

President Stipe Mesic of Croatia probably speaks for the majority of non-Serbs in the former Yugoslavia when he states that a formal and official apology for "Serbian aggression" would have to precede any truth commission. To date the Montenegrin President, Milo Djukanovic, has been the only major figure in Yugoslav politics who has openly apologized for crimes committed by the Federal Republic of Yugoslavia against its neighbors. Moreover, Croat officials insist that such a commission must examine events in the former Yugoslavia chronologically in order to assign responsibility in a proper context. Practically, this means that the commission would examine crimes committed in, say, Vukovar in 1991 and Sarajevo from 1992 to 1995 before dealing with the fall of the self-proclaimed "Republic of Serbian Krajina" in the late summer of 1995.Perhaps most problematic for his claims of legalism, Kostunica seems to deny the legality of the International Criminal Tribunal on the Former Yugoslavia (ICTY) at the Hague. Instead, Kostunica would prefer to prosecute Slobodan Milosevic and other officials domestically, for domestic crimes. With the exception of Zarko Korac, the leader of the Social Democratic party in DOS, and Yugoslav Foreign Minister Goran Svilanovic, most DOS members of note share this view. When Svilanovic, on his first visit to the United States, declared that a deal might be struck for the extradition of Milosevic to the ICTY, Yugoslav Prime Minister Zoran Zizic immediately rebutted this.

Zizic and Kostunica both argue that the Yugoslav Constitution forbids the extradition of Yugoslav citizens to other states. But the ICTY is not a foreign state. It is an international institution recognized by the United Nations and established through a legally binding document that Slobodan Milosevic, in his official capacity as then President of Serbia, personally signed.

The stance of the West on Yugoslav cooperation with the ICTY remains mixed. Most European Union members have wholeheartedly accepted Kostunica's argument that stability, and not cooperation with the ICTY, should be the priority for the government. The United States, however, takes a firmer stance. After March 31, all aid to the Federal Republic of Yugoslavia from the US, as well as aid from intergovernmental organizations in which the US holds membership, will become contingent upon cooperation with the ICTY.

In this particular argument between the US and its European allies, it is to be hoped that the Americans will prevail. The implementation of firm linkage and conditionality must take place for the sake of the long-term stabilization of the Balkans. To be sure, where war crimes are concerned, the West has frequently pursued double standards. Yet this does not justify inconsistency. On the contrary, anyone doubting the deleterious effects of current Western policy towards Yugoslavia on the region would do well to examine the case of Croatia.

According to the Croatian satirical critical weekly, *Feral Tribune*, Croatia currently finds itself locked in a "cold war" with the Hague. Although cooperation between the ICTY and the Croatian government of President Stipe Mesic and Prime Minister Ivica Racan proceeded relatively smoothly in the first half of 2000, the second half of the year brought about a sharp confrontation. This occurred for two reasons. The first reason, purely internal, involved a polemical debate about the meaning of the wars in Croatia from 1991-95, which the regime of the late President Tudjman, taking a leaf from Soviet history, dubbed the "Fatherland War." Conservative nationalists argue that, by potentially allowing the extradition of seemingly all the main Croat military

officers involved in that war, the Croatian government would permanently tar the nation with the brush of collective guilt.
The second reason, in reality a corollary of sorts to the first, linked this argument directly to the political changes in the Federal Republic of Yugoslavia. Most Croats – and by no means only nationalists – interpreted the rapid welcome afforded the Yugoslavia by the international community as hypocrisy and injustice of the highest order. While ignoring the fact that the Tudjman regime had never received proper punishment for its support of Bosnian Croat separatism and prosecution of war in Bosnia-Herzegovina, Croat critics correctly pointed out that Croatian membership in a series of international organizations had been made contingent upon cooperation with the ICTY. Therefore, it must be understood that the international community's seeming willingness to condone the current Yugoslav government's marginalization of the ICTY makes those Croats who supported the ICTY, such as President Stipe Mesic, extremely vulnerable.
In the immediate term, the Yugoslav government will most likely seek to obfuscate and frustrate the ICTY and the international community. They might well arrest Milosevic for corruption, and then embark on an interminably long legal procedure, arguing that this must be "finished" before he were extradited. In addition, a few sacrificial lambs – people of no importance to the current political leadership – might eventually be extradited to the Hague. Be that as it may, it is worth noting that the recent voluntary surrender of former Bosnian Serb President Biljana Plavsic to the ICTY will put pressure on the Serbs, since she most definitely can provide much evidence on the role of the Federal Republic of Yugoslavia's leadership – and erstwhile opposition politicians – in the war in Bosnia-Herzegovina.

4. PLAYING THE "I AIN'T GOT NO MONEY BLUES"

Lest the overview of the Yugoslav political scene become too pessimistic, it may do to cast a glance at the Yugoslav economy. Normally, the sight of a guitar-wielding beer-bellied man would not inspire confidence in a monetary system, especially when that man is the head of the national bank. Looks, however, can be deceiving. Mladjan Dinkic, the guitarist in question, quite possibly stands as the most pragmatic and competent member of the new regime.
Dinkic is intensely conscious of the economic nightmare which he and his associates must try to fix. In the1990s, Dinkic wrote a courageous thesis entitled *The Economic Destruction of Yugoslavia*. For his troubles in identifying and analyzing the economically suicidal policies of the Milosevic regime, Dinkic encountered severe problems. However, he won a cult following which became the roots of the G-17, now G-17 Plus, group. Although G-17 Plus began as a nongovernmental organization it, like the student movement Otpor, are now different to discern from the government.
Perhaps precisely because Dinkic concerns himself first and foremost with irrefutable and objective economic fact, Dinkic displays a level of pragmatism that Serb politicians would do well to adopt. In a recent television interview, Dinkic and two associates , one of whom will soon become finance minister, calmly and expertly fielded questions. Perhaps most impressively in the Serbian context, the two others deflected some rather asinine doubts about their competence because they had lived outside of Serbia for several years.

Both pointed out that the people in the previous regime, Serbs and Montenegrins who had spent the entire time since 1991 in Yugoslavia, could hardly claim to have created monetary stability. Furthermore, Dinkic pointed out that the Federal Republic of Yugoslavia's stubborn insistence on being recognized as the sole legitimate successor state of the Socialist Federal Republic of Yugoslavia had resulted in real economic damage. Whereas the other former Yugoslav republics received gold reserves and sold it several years ago when the international price of gold was high, the Federal Republic of Yugoslavia would now receive its share of the gold at a time when the gold price had fallen to record low levels.

Dinkic also performed admirably in his first confrontation with the personnel of the old regime. Although the details of the episode are not entirely clear, Dinkic balked at accepting as deputy a member of the Montenegrin Socialist National Party (SNP). This man, besides being a member of a party that until recently had cooperated with Milosevic, had last worked in the National Bank at the time of the worst hyperinflation in the winter of 1993-94. It remains uncertain whether Dinkic had been warned in advance that the SNP would choose this man as a candidate for deputy chairperson of the National Bank. However, Dinkic persevered when he stated that he would rather resign than accept him.

Particularly among the younger generation, Dinkic's antics on the stage and his "can do" attitude demonstrate that he is cut from different cloth than were the officials of the Milosevic era. In his work and his rhetoric, it is clear that Dinkic cares deeply about fixing the economic catastrophe in Yugoslavia and that he possesses the expert knowledge to improve the situation. Although Dinkic is by no means perfect, the citizens of the Federal Republic of Yugoslavia must hope that more people like him are to be found in the new government. Unfortunately, for Dinkic, other problems, such as that of the final status of Kosovo and Montenegro in the Federal Republic of Yugoslavia, are beyond his control. This makes it difficult to create a climate of security and confidence needed to draw large foreign direct investment.

5. ET TU, MONTENEGRO?

Although the Serbian media continue to report daily on "Albanian bandit" activity, the Kosovo issue has been put temporarily on the backburner. Despite the persistence of low-intensity conflict in the Presevo Valley near the Serbian administrative border with Kosovo, a consensus seems to have been reached to refrain from any drastic measures and to resolve the issue peacefully through negotiations with NATO forces in Kosovo.

In place of Kosovo, the politicians, the media, and public opinion in the Federal Republic of Yugoslavia are currently obsessed with the issue of Montenegro's status. Rhetoric on this issue, which had been heating up throughout the autumn, has now reached a near boiling point in both Serbia and Montenegro. While both sides claim to want to reach a solution, it is at present far from clear that cooler heads will prevail. Complicating the picture is the fact that Kostunica governs the federal government with the help of the SNP, since Djukanovic's party boycotted the September 2000 elections.

The immediate roots of the "Montenegrin question" in the recent past lie in the increasing distance that Montenegro put between itself and Serbia during the Milosevic years. While only a small number of Montenegrins favored

independence in 1991-1992, when the rest of Yugoslavia was falling apart, their ranks have grown steadily as more and more Montenegrins rejected the pseudo-socialism and kleptocracy of the Milosevic regime. No one can today precisely state what percentage of the Montenegrin population favors independence, but recent opinion polls tend to show a slight majority in favor of secession. The clearest and most present danger to the Federal Republic of Yugoslavia can be found, as always in the lands of the former Yugoslavia, in the irresponsible rhetoric of a sizable segment of the political leadership and the media. Although Milo Djukanovic can certainly not claim to be a saint, and has an unpleasant curriculum vitae filled with smuggling and other illicit activities, the fact remains that he enjoys true popular support in Montenegro. If the Serbian media continue to demonize him, they may – as was the case with other former Yugoslav republics – end up fostering the very separatism that they claim to oppose. Certainly, the rabid rhetoric against the Montenegrin leadership in Serbia, and against the Serbian leadership in Montenegro, helps no one to reach a compromise.

The routes that the two sides to a solution differ. For the Montenegrins, it would seem that a referendum, combined with new elections, would be probably the best solution. Djukanovic personally favors this option, leading, he hopes, to complete separation, followed by a negotiation of some issues that would be shared between fully independent Montenegrin and Serbian states. However, the Serb political elite and their Montenegrin allies insist on renegotiation of the common state, viewing a referendum as a last chance if negotiations fail. They, and the Serbian public at large, also claim that any referendum would have to encompass the Serbs. In making this argument, they betray a fundamental misunderstanding of the concept of self-determination. Curiously, Vojislav Kostunica, who until recently denounced the entire creation of Yugoslavia as a communist "mistake," now enthusiastically claims that "Yugoslavia exists," and on January 10 unveiled a proposal for a constitutional revision of the Federal Republic of Yugoslavia. Whatever the solution may eventually be, it would be best if the ridiculously anachronistic name "Yugoslavia" were at last discarded by both Serbs and Montenegrins.

6. TWO STEPS FORWARD, ONE STEP BACK

It is hard to avoid the conclusion that some sort of cathartic *Vergangenheitsbewältigung* – the German term for coming to terms with the past, is imperative if the Federal Republic of Yugoslavia is to make a full transition to a transparent economy and polity. Most obviously, this would have to take place in the sphere of international relations, by cooperating with the ICTY, and perhaps by apologizing officially for the crimes of the past decade. Recently, some small signs of changes in public opinion have indicated that such a catharsis might lie in the not-too-distant future. The Serbian news magazine *NIN* recently published an article in which it was argued that Serbia needed "denazification," with or without the Hague. Although this analogy with post-World War II Germany ignores the fact that historians do not generally judge denazification a success – the real social change in Western Germany was achieved only after 1968 – it is encouraging to see at least a portion of the media talking about moral, and not ethnic, cleansing. Moreover, consensus seems to be building in Serbian public opinion that the most noxious figures of

the old regime, Slobodan Milosevic above all, should leave the scene permanently. If that means extraditing him to the Hague, so be it. The explosive rhetorical reactions of figures such as Zoran Djindjic to the very idea of cooperating with the ICTY, even in the case of Milosevic, leads many to wonder whether Kostunica, Djindjic, and DOS fear that Milosevic and his associates might provide unpleasant information on the activities of the erstwhile opposition.

Given the mountain of socioeconomic and political problems that lie before them and the differences that divide them, it remains only a matter of time before DOS begins to fracture. Already in 2001, Vojislav Kostunica's erratic and independent behavior has antagonized his fellow coalition members. Thus, he did not consult other DOS leaders before publishing his new proposal for the constitutional structure of the Federal Republic of Yugoslavia. Similarly, Kostunica's unannounced meeting with former president Slobodan Milosevic on January 13 took place without any consultation. This caused anger both domestically and internationally. Although Kostunica claimed that he had a right to meet with the leader of the largest opposition party in the country, Zoran Djindjic and Zarko Korac argued that Milosevic, the man who had "destroyed" the country, could only be an object of ostracism. From the Hague came warnings that the only subject of such a meeting could be the exact method of extraditing Milosevic to the ICTY.

As will be apparent from all of the above, the Federal Republic of Yugoslavia continues to find itself in a confused, precarious, and insecure situation. The political leadership of the country has so far done little to demonstrate that it has parted definitively with the nationalist policies of the past. The media, as Freimut Duve, media observer of the Organization for Security and Cooperation in Europe, pointed out this month, remains, servile and prone to hysterical campaigns against perceived enemies, both internal and external. Thus, from a European perspective, it will take a long time before they can regard the country as a stable actor in international affairs. The international community can contribute most constructively if it formulates and adheres to a precise set of criteria for the internal development of the Federal Republic of Yugoslavia, and at the same time insists that the Yugoslavs pursue correct relations with their former Yugoslav and other neighbors. Only if all of this is achieved will the state finally become that which many Serbs and Montenegrins confess to want, "a boring country."