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**Milošević Who?
Origins of the New Balkans**

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Milošević Who? Origins of the New Balkans¹

A Lost Decade

The year 2000 ended a decade in the territories of the former Yugoslavia consumed by political and diplomatic crisis. The defeat of Slobodan Milošević at the polls in Serbia and Montenegro, but not in Kosovo, followed the death in Croatia of Franjo Tuđman at the beginning of the year and preceded by only two weeks the retirement from public office in Bosnia and Herzegovina of Alija Izetbegović. The man who defeated Milošević for President of the new Yugoslavia (the federal republic composed of Serbia and Montenegro), Vojislav Koštunica, ran on a simple, deliberately modest campaign promise: to create a normal state. For the first time since the elections of 1990, constitutional issues and economic reform can regain the position they had in the 1980s. What are the prospects this time around?

There are two competing explanations for the collapse of Yugoslavia – for this lost decade. One is the strength of national identity and sentiment, and the widespread belief – in the West particularly – that nation-states and the desire for national self-determination are more “natural” than multinational states. Yugoslavia was labeled an “artificial” state, and the label stuck very early. The second is Slobodan Milošević. His drive for power led him to exploit aggressive Serbian nationalism, forcing non-Serbs in the rest of the country into defensive nationalisms, seeking in independent states both sanctuary and a climate more conducive to democracy. Thus, with the defeat of Milošević, the republican borders of the former Yugoslav federation are finally safe from external threat and the new nation-states – not only more natural, but more likely to be democratic according to the conventional wisdom that democracy requires ethnic

¹ This discussion paper is a revised version of the Hellenic Observatory Annual Lecture, The European Institute, London School of Economics and Political Science, given May 10, 2001.

homogeneity – can begin the process of creating “normal states” that was so brutally interrupted in 1989.

There are just three minor problems with this analysis. First, the arguments are wrong. The history of the Yugoslav wars – why one gets ethnic violence, ethnic cleansing, population displacement, extreme nationalist rhetoric – demonstrates the opposite. The national identities and borders of Croats, Bosnians, Serbs, Albanians, and so forth, were anything but natural and settled. Not only are borders still disputed, but the new states are also still at the early stages of creating nations and national identities. For both outsiders and nationalists in the region, the focus on Milošević usefully camouflaged the real struggle. That cover is now gone. As Yugoslav President Koštunica wrote in an article for the Belgrade weekly *NIN* on March 8 this year, “For some time I have been thinking how there are many people here who greatly miss Slobodan Milošević and his authoritarian, profoundly crime-ridden regime. Now I fear that the international community, whatever that term actually means, has also added its name to the list of

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² Vojislav Koštunica, “Mourning for Milošević,” *NIN*, Issue 2618 (March 8, 2001) (translation by Snežana Lazović).

as a state because its leaders never succeeded in developing a Yugoslav identity separate from its association in the first Yugoslavia with the Serbian royal house and in the second Yugoslavia with the ruling League of Communists and socialist ideology. Yugoslavism could not survive the delegitimation of socialism at home and abroad and the use of particular, ethnic nationalisms as the discourse of contestation over economic and political reform, including open anti-communism, during the 1980s. Liberal reformers at the “centre” had no alternative national ideology with which to fight back in support of the country. As the preeminent American empirical theorist of democracy, Robert Dahl, writes, “the democratic process presupposes a unit. . . . If the unit is not considered proper or rightful – if its scope or domain is not justifiable – then it cannot be made rightful simply by democratic procedures”. State-building includes nation-building, and stable democracy does not occur without it.³

Third, the reputed “natural” evolution of national self-determination and nation-states in Europe since 1989 is, in fact, inextricably entangled with foreign interests and the evolution of European and transatlantic institutions. There is nothing new about this in the Balkans. The search for a form of government suitable to the social and economic conditions of each country has always been characterised by a constant interaction between internal and foreign affairs. Whatever natural balance might have prevailed indigenously has always been overwhelmed by the policies of the European empires. Nonetheless, outsiders tend not to recognise this, including their role in shaping identities and political outcomes.

The question of the current moment is: can you create a state before you create a nation, and what influence do outsiders have on the process? Are we currently facilitating what needs to be done in the new states being fashioned out of former Yugoslavia, or are we obstacles?

³ Juan Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore: Johns Hopkins University Press, 1996), chapter 2 “‘Stateness’, Nationalism, and Democratization”, pages 16-37.

Three Models

The collapse of Yugoslavia was and still is a contest within factions of the political, economic, and social elites to build a new, post-communist state – and therefore, a contest over *who* would shape that state. Who would be the new political class? The opening for this contest was the final demise of the Partisan generation and their hold over state-defining, constitutional matters, that is, with the death of Edvard Kardelj in 1979 and of Josip Broz Tito in 1980. The medium of this contest was battles over economic policy under international pressures for debt repayment and changing conditions in foreign trade (first, deteriorating terms of trade that required serious adjustment and then, hopes of a solution in an expanded European Union that were raised in 1985 by Gorbachev's opening toward Europe). Economic reforms are in fact constitutional questions – the relative powers of governmental units and of ministries, particularly over fundamental questions of value and distribution such as monetary policy, taxation, and property rights. Intra-elite struggles were thus struggles over one aspect of stateness.

In this intra-elite struggle over constitutional reform – who would gain rights to what powers and assets and who would lose – the primary resource became popular legitimacy. Because it was about who would win the mantle of leadership, the critical contest was between definitions of the political community each claimed to represent. Who belonged and who did not, and what was the political identity and focus of political loyalty of that community?

Three separate models emerged from the first stage of the Yugoslav conflicts – Slovenia, Croatia, and Bosnia and Herzegovina.

The successful model is Slovenia – a ten-day war of independence, only minor border disputes with neighbours Italy and Croatia, accepted in the first round of EU candidacy, a stable democracy. This success is usually attributed to ethnic homogeneity of the republic of Slovenia – sometimes simply called “the absence of Serbs”. Some prefer to add its political culture, a legacy of being part of the Austrian crownlands and beneficiary

of Theresian reforms, similar to the Czech Republic, and a Protestant Reformation that lost only nominally against Vienna's Counter Reformation, hidden in Jansenism and its mentality so suited to denial, sacrifice, and money-making not unlike the dour Dutch. The real explanation, as I argue in my book, *Balkan Tragedy*,⁴ is that Slovenia is the only place in former Yugoslavia that followed the west European pattern of state-building – where states created nations, largely during the nineteenth century – and that completed the nation-building process before it chose independence. The process of defining the borders of the *Slovene* state and a sense of national community – from what language they spoke to their definition of who was and who was not Slovene – took place only in the twentieth century. The greatest boost to its process of state-building was, in fact, the role of Edvard Kardelj in the leadership of the Yugoslav Communist Party and the protective umbrella of federal Yugoslavia. In successive constitutions and constitutional amendments between 1943 and 1974, Kardelj used this cover to build a Slovene nation-state. The process was only completed in the debates over labour market policy in the 1980s about who was a Slovene and who was “foreign” labour (meaning workers from Bosnia and Kosovo who comprised nearly one-quarter of the Slovene labour force in the early 1980s), and secondly over what were Slovene *national* interests in the course of economic reform. Slovene success lay in creating first a state and then a nation, endogenously, within Yugoslavia, and finally during 1990, turning the full force of this national unity against Yugoslavia and for independence. Even those Slovenes who had sided with the federal government against the Slovenian republic leaders pushing for confederation and then independence chose national loyalty over state allegiance in 1991 and were accepted back home. There was no internal struggle of the kind we see elsewhere in this most conservative of revolutions.

But as Linz and Stepan write, few have this option. For the most part, “state-based nation building . . . is today doomed to failure in most societies and certainly in liberal democratic societies”.⁵ Indeed, the accusations made against Serbs are that they were

⁴ Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution after the Cold War* (Washington: The Brookings Institution, 1995), chapter 7.

⁵ Linz and Stepan, page 31.

attempting to do the same during the 1980s but that unlike the Slovene process, the Serbian process was a threat to its neighbours. All of the other Yugoslav republics and nations other than Slovenia and Slovenes in the 1980s were internally divided over questions of national identity, the meaning of sovereignty (as independence or as autonomy within Yugoslavia) and the proper borders of a nation-state, were they to create one. That remains so today. To quote Linz and Stepan again, “Some ways of dealing with the problem of stateness are inherently incompatible with democracy”.⁶ That takes us to Croatia, the second model.

In contrast to Slovene elections in 1990, Franjo Tudjman’s claim to represent Croatian national interests was based on only 41.5 percent of the vote for parliament,⁷ and opposition to his policies during 1990 and early 1991 from other Croatian parties was intense. There remains dispute even today about what the referendum on independence in May 1991 really represented – did citizens of Croatia think they were voting for republican sovereignty or for a new state? The wording was confusing and the evidence is quite mixed. In addition, violations of the rights of minorities, primarily Serbs, were rampant under Tudjman’s government, leading to civil protest in urban areas and violence in smaller towns and the countryside.

The war for independence in Croatia, although state propaganda called it a war of Serbian aggression by the Yugoslav army against the Croatian state, was thus actually a war on two fronts: to force unity within the Croatian elite and among ethnic Croats who spread along a vast ideologically differentiated spectrum into one camp, that of Tudjman’s extreme-right nationalism, and, at the same time, to force a distinction between Croats of Croat ethnicity and Croats of Serb ethnicity so as to force Serbs to leave and reduce their numbers from twelve percent of the population to below the “socially safe” four percent – a ceiling identified by French social scientists as policy guidance in local

⁶ Linz and Stepan, page 29.

⁷ It was only as beneficiary of the electoral law written by the Croatian League of Communists/Party of Democratic Changes (ironically, led at the time by Ivica Račan, the man who became prime minister in January 2000) when they assumed they would win that this 41.5 percent translated into 58 percent of the parliamentary seats, with 67.5 percent of the powerful lower house.

communities with north African citizens and followed assiduously in Slovene calculations in the mid-1980s in forcing Bosnian and Kosovo-Albanian labour to leave the republic.⁸ Ethnic cleansing began in Croatia, not in Bosnia, instigated by fascist Croat paramilitaries. It was on the basis of interviews with villagers from western Slavonia, in the centre of Croatia, four years after the cease-fire was signed in November 1991, that American sociologist Kai Erickson developed his argument about species differentiation – that the violence and expulsions (in this case against Serbs but in general throughout the region) were necessary to make and justify distinctions that were not there before. The Croat villagers he interviewed were only just beginning, in 1995-6, to sort out a vague, confused sense of who they were, what their identity was, and what was the identity of their former Serb neighbours. Despite outsiders' views of the historical legitimacy of Croatian national self-determination and an independent state, moreover, Tudjman never succeeded in establishing democratic legitimacy. He created what sociologist-turned-politician Vesna Pusiæ labeled “democratically legitimated dictatorship”.⁹ The regime he created during the 1990s, as the coalition of opposition parties who won power in January 2000 discovered to their horror, was deeply corrupt – a particular approach to simultaneous state-building and nation-building that was neopatrimonial.

To understand Tudjman's approach to state-building, I borrow from Pierre Engelbert's explanation of the African “growth tragedy”. In contrast to the currently popular explanations of the continent's unusually poor economic performance and weak states – the extent of ethnic heterogeneity or a culture lacking social capital (explanations popular for the Balkans, too) – Engelbert identifies the peculiar genesis of the African state and its consequences for the strategies of power of domestic elites. Where states were imported, imposed by the outside, and political institutions do not evolve endogenously to a society, either because they did not have significant continuity with pre-colonial

⁸ On the context for this discussion and policy, including the French model, see Susan L. Woodward, *Socialist Unemployment: The Political Economy of Yugoslavia, 1945-1990* (Princeton, N.J.: Princeton University Press, 1995), chs. 7-10.

⁹ Vesna Pusiæ, “Dictatorships with Democratic Legitimacy: Democracy versus Nation”, *East European Politics and Societies*, vol. 8, no. 3 (Fall 1994), 383-401.

institutions or they do not undergo a new domestication in relation to endogenous social and political relations, they lack legitimacy vis-à-vis their own societies. John Allcock uses a similar argument for the former Yugoslavia in an article published in 1992. He wrote, “The regime emerged from the period of war and revolution with a considerable fund of legitimacy, which it has proceeded to spend prodigally over the post-war years without commensurate reinvestment . . . Self-management failed to generate a legitimating rhetoric”.¹⁰ In a situation without endogenous legitimacy, Engelbert argues for Africa, leaders seeking to consolidate their power are more likely to adopt practices that give the greatest short-term payoff – what are commonly called “neopatrimonial” policies: corruption, clientelism, nepotism, regionalism, and other forms of factionalism. In other words, they seek to coopt challengers and finance networks of political support and clientage. The economic effects are clear: the diversion of public resources to private actors, the corruption of state institutions, and the neglect of developmental policies become a vicious cycle of diminishing state capacity, declining investment and growth, and even less legitimacy, over time.

Returning to Croatia, the Croatian opposition was never able to escape the first part of nationalist homogenisation until Tudjman’s death. The coalition of parties that won the elections of January 2000 still reflects the political parties and broad ideological spectrum of 1990, with the exception of Tudjman’s party and a recent splinter. But they did represent a deep resentment within broad public opinion in Croatia against the Herzegovinian “mafia” and nationalist diaspora whom they saw usurping the true Croatian nation. The one bond linking this diverse coalition in January 2000 appeared to be a rejection of Tudjman’s Bosnia policies and an assertion of a different sense of who the Croatian people are and what are the borders of the new Croatian state. This concept of national identity was reinforced in the first months of the new government by a near total preoccupation with Europeanisation – rejecting Tudjman’s nationalism in regard to cooperation with European and international organisations and norms, from cooperation

¹⁰ John Allcock, “Rhetorics of Nationalism in Yugoslav Politics”, in John B. Allcock, John J. Horton, and Marko Milivojević, eds., *Yugoslavia in Transition: Choices and Constraints* (Oxford: Berg, 1992), p. 286.

with the Hague Tribunal to fundamentally different signals and policies toward Bosnia, and pushing the European integration agenda with great speed and gusto.

Sixteen months later, this victory in the intra-elite contest between HDZ Croats and the rest in the definition of both the Croatian nation and the Croatian state appears far less clear. The coalition is overly large and fragile, and the European agenda appears now more as a way to divert attention from fundamental differences of opinion over the nature of Croatian identity. State-building has been defined negatively, by efforts to remove the Tudjman legacy, from dealing with the bankruptcy and corruption of the judiciary, army, banking system, and privatisation process, to reducing the institutional bases of the HDZ – eliminating the Upper House of the parliament which was a sinecure for Tudjman clients and beginning to re-decentralise more in keeping with the former Yugoslav system and a modern state. Nevertheless, the surprising delays on the clean-up in the army and judiciary; the lack of progress, indeed some might say regression, on refugee return of Serbs to Croatia; the way that some members of the coalition have publicly supported the demands by radical nationalist Bosnian Croats in Herzegovina for a separate entity in Bosnia, with the revival of thoughts of Anschluss with Croatia; and the caution in regard to right-wing protests over the war crimes indictees and cooperation with the Hague Tribunal reveal huge differences over the fundamental issues of citizenship, national identity, and even borders – between President Mesia and Prime Minister Račan, between Račan and Budiša, the leader of the next largest party, the Social Liberals, and between leaders of the two social democratic parties, Račan and Tomac.

Any bold steps on political reform run up against Račan's extreme caution, apparently constantly fearful, despite much evidence to the contrary, that the right-wing nationalists are still the largest force in the country. A million cases of human, civil, and national rights languish in the courts. A rally in Split against bringing General Norac to trial for the massacre of Serbs in Gospić in 1991 attracted over 100,000, with four bishops of the Catholic Church seated on the speaker's platform. The demands of cooperation with the Hague Tribunal have caused and continue to cause caustic debate in public. Pressured by

the international community to adopt an amnesty law for Croatian Serbs so that they can return, they found another tactic – both open and secret lists of indictments within Croatia for war crimes – which prevents any Serb old enough to have been a teenager in 1991 from returning for fear of arrest and indefinite incarceration. Events in Bosnia suggest that the issue of Croatian borders may not be settled after all.

Perhaps even more revealing is the Croatian response to the changes in Serbia. The end of Milošević creates a problem for many, but it is particularly serious for Croatia, Bosnia and Herzegovina, and the Albanians of Kosovo. Their programs of “national liberation” were legitimised and propagandised as an escape from Milošević. The adjustment to a post-Milošević Balkans requires transforming their self-identity and their foreign posture from victim to democrat, and this requires first creating an endogenous, home-grown sense of nationhood defined not by mobilization for war and by external enemies but by a domestic consensus about where their state borders, as nations, properly are and what the concepts of citizenship, constitutional relations, and national identity appropriate to a post-war independence and democratic governance are.

For all of the new states, including Serbia, this process includes international constraints on acceptable and unacceptable forms of national expression, a priority on economic reform to open fully to international markets, and the goal of membership in European institutions and its institutional and legal conditions. In this process of adjustment, of endogenising nationalism, the new governments elected in 2000 also face the risk of losing western political and financial support, which was based on being anti-nationalist in a particular way.

Although the United States and Germany remain steadfast in their support of Croatia, others in Europe are growing increasingly impatient with Croatian caution on the tasks needed to re-incorporate Yugoslavia and to eliminate the black hole that held all normalisation on hold. Signs of their unwillingness to welcome the change in Serbia include their continuing obstacles at the Vienna arms negotiations mandated by the Dayton Accord and toward softening visa regimes. Croats complain that they are being

neglected in the enthusiasm, which they consider premature, over the changes in Belgrade. If one judges by public and diplomatic rhetoric, in other words, Croatian identity appears still tied to wartime propaganda and a self-perception of victimhood and injustice. Major internal issues that require confronting directly the definition of Croatian citizenship, from refugee return to financial and property reform, are subordinated, as if by diversion, to preparations for a Stabilisation and Association Agreement with the EU and Partnership for Peace with NATO. It is tempting to say that Croatia is trapped in a kind of time warp. But municipal elections in May 2001 could provoke a break-up of this fragile coalition and a new debate over who is more Croatian.¹¹

The third model, Bosnia and Herzegovina, is quite obviously the least successful case and faces the greatest difficulties in establishing legitimacy for both state-building and nation-building projects. To begin with, the republic's leadership never sought independence from Yugoslavia. Bosnia was far better off within its protective security and redistributive umbrella. Despite the foreign image of a resurrected history of ethnic hatred and religious intolerance, the leaders of the three main nationalist parties in Bosnia and Herzegovina collaborated in the first competitive elections in November-December 1990 on an anti-communist platform. Giving priority to the contest against the renamed Communists and the reform Communists of Ante Markoviæ, each told their potential constituency (defined in terms of ethnonational identity) to cross over ethnically and vote for one of the other two nationalist parties if local demographics meant their "own" party could not win a majority there. And even more than in Croatia, the two-front war was about forcing homogenisation among political parties and groups within each ethnonational group against large internal differences and about forcing distinctions within a population who had one Bosnian identity and had lived as such for more almost one-thousand years into three segregated camps.

¹¹ The surprising showing of Tudjman's HDZ, winning 14 out of 21 municipalities, did in fact provoke Raèan to challenge his coalition partners to clarify differences among them; it is too soon to say how this will play out in terms of fundamental issues of "stateness" and nation-building.

The eventual extremism of Radovan Karadžić, the Bosnian Serb wartime leader, in his war propaganda theme that “we cannot live together”, and the ethnic cleansing of non-Serbs that resulted, only followed when an alliance between the parliamentary parties of Bosnian Muslims and Bosnian Croats violated the elite power-sharing rules of the constitution in October 1991, on the day that Slovene independence and Yugoslav dissolution was affirmed by the EC’s Badinter Commission, and in March 1992 when Alija Izetbegović withdrew his support for a new power-sharing agreement during the Lisbon negotiations. Moreover, it was only a coup in the largest Bosnian Croat party engineered in Zagreb by Franjo Tuđman that made possible the vicious war in central Bosnia to separate Bosnian Croats and Bosnian Muslims. It took until August 1993 for the Bosnian Muslim leadership under Izetbegović and his party, the SDA, to win out against huge resistance within the secular Muslim community and rename their nation Bosniacs – a label excluding all non-Muslims from Bosnian identity.

But like Engelbert’s African cases, Bosnia and Herzegovina is living under an imposed constitution – the Dayton accord – and the identities of citizens from the three national communities have now been genuinely separated by the war.¹² Since spring 1997, the international officials ruling Bosnia have been ever more forceful in trying to coerce Bosnians into creating a common state despite the non-existence of a common nation. All actions by Bosnian Serbs, and now recently by Bosnian Croats, too, which these international officials identify as nationalist are quashed, to the extent of firing officials, denying economic assistance, overturning the results of democratic elections (including the president of Republika Srpska itself), vetting all promotions to senior positions in the armies, first opposing unification between the armies of the two entities and now insisting on their unification, and in April 2001 raiding the offices of the Herzegovinian Bank for money laundering and bankrolling right-wing nationalists among Bosnian Croats. The process of endogenisation has not only not begun in Bosnia; state-building continues to move in the opposite direction.

¹² See Kjell Magnusson, “Distant Neighbours: Perceptions of Self and Other in Bosnia, Croatia, and Serbia”, Paper presented at the 6th Annual Convention of the Association for the study of Nationalities (ASN), Columbia University, 5-7 April 2001.

The difficulty is two-part. The external powers making Bosnian policy seem to believe that you can create an all-Bosnian nation and single political community by creating first a Bosnian state. This state-building agenda became quite explicit at the Peace Implementation Council meeting in spring 2000, when they also added more rapid economic reform and privatisation to their declared objective of state-building. But it is precisely through a domestic contest within the political class over constitutional reform and change, including property rights, that the issues of nationhood and citizenship are defined. Any proposal for such changes, or resistance to international proposals, that comes from Bosnians themselves but that does not accord with international views is rejected. At the same time as declaring the Dayton accord inviolate, and dismissing elected officials if they are seen not to be acting in accordance with Dayton, moreover, the internationals are spearheading radical efforts to alter Dayton in the direction of a less decentralised and more unified, multiethnic set of Bosnian institutions. The Constitutional Court decision in summer 2000 was seen as a major step in the direction of a “multiethnic” political identity when it declared that there were three constituent nations of Bosnia and Herzegovina – Croats, Bosniacs, and Serbs – and that their constituent status had therefore to be recognised in both entities, not only Croats and Bosniacs in the Federation but also Serbs, and not only Serbs in the Serb Republic but also Croats and Bosniacs. The majority opinion in this judgement came from the Bosniac and international judges on the court. Both Bosnian Serb and Bosnian Croat judges dissented. It was a new electoral law proposed by the head of the OSCE Mission and the High Representative – aimed at creating cross-ethnic voting coalitions along Horowitzian lines¹³ – by which it could be possible for the Croat representative to the Presidency to be elected by a majority of non-Croats, that sparked the recent rebellion by Herzegovinian Croats to set up their own constitutional entity. Even the effort to dismantle the corrupt neopatrimonial structure created by the wartime and immediate postwar parties began while they still held elective office, by the European Union’s CAFAO – its customs and

¹³ A useful discussion of Donald Horowitz’s policy proposals for “ethnically divided” societies can be found in Timothy D. Sisk, *Power-Sharing and International Mediation in Ethnic Conflicts* (New York: Carnegie Corporation, 1996), where he contrasts them with the consociational proposals of Arend Lijphart.

financial inspectorate – and the anti-corruption unit of the Office of the High Representative.

The second part of the difficulty is that the Dayton Accord institutionalises the war strategy of the U.S. government to defeat the Serbs. Implementing that agreement is an effort to finish the job. The fact that the international operation is still fighting the war through constitutional means both degrades the legitimacy of constitutions and of the law and understandably gives an excuse to Bosnians to continue the war and its nationalist agendas rather than move toward creating a new state and political community. For example, although Izetbegović retired in October 2000, the Bosnian government sent documents in April 2001 to Zagreb in order to secure the extradition of Fikret Abdić, the man who won more votes than Izetbegović in 1990 but left the presidency to Izetbegović because he opposed Izetbegović's sectarianism. They want to try him in Sarajevo as a war criminal for declaring autonomy of northwest Bosnia in 1993, done in order to keep the area of Cazinska Krajina out of the war but having the effect of challenging the SDA's monopoly over defining Muslim/Bosniac national interest.

The result of more than five years of Dayton implementation has been to revive and support older Bosnian patterns of adjustment to the fact of external rule. The population and their daily lives are finding ways to accommodate that have almost nothing to do with Dayton or reforms. Those who might want a modern state and nation have left the country or want to leave (opinion polls say 60 percent of the younger generation). The political elite compete for spoils and use historically fine-tuned tactics in manipulating the international donors and administrators – with the result of deep corruption, insider privatisation, getting internationals to eliminate one's rivals, and plenty of cooperation among leaders of the three national communities if necessary to keep the game going against international demands. Domestic politics, to the extent there is any, revolves around this game of demands and responses between the international officials and Bosnian party leaders. Claims of protection in the event of a new war or patronage over local housing and jobs still characterize relations between politicians and citizens, with little evidence of any need or space to build domestic legitimacy. The new government

in the Bosnian federation may change that dynamic – it has begun an attack on the neo-patrimonial ties within the Bosniac elite and more recently moved to normalise relations with Belgrade and address the war. Nonetheless, its ties to foreign support, the rebellion of Herzegovinian Croat nationalists, and the continuing international constraints on a domestic political process in Republika Srpska are not encouraging.

As Vladimir Gligorov writes in his recent analysis of the Bosnian economy, international assistance has succeeded in effecting reconstruction in Bosnia but not development. The reason, he argues, is a failure of the nation-building process. The Bosnia created by Dayton is not a state, and does not facilitate the aggregation of preferences to create a state. “The prerequisite for reconstruction in Bosnia and Herzegovina to lead to sustainable development is constitutional reform”.¹⁴

A Second Chance?

I think we currently face one of those rare historical moments when people are given a second chance. The events in the other half of former Yugoslavia demonstrate how little international policy, and especially European and American, has adjusted to the events of September 2000. All policy – the strategic alliance with Croatia, the Dayton Accord, policy toward Kosovo, toward Montenegro, and toward Serbia – is still driven by opposition to Slobodan Milošević. The great difficulty is best seen with FYR Macedonia – all the old rhetoric and tactics have been trotted out, dusted off, but with the names changed, as external actors encourage a form of homogenisation within the political elite (e.g. an all-national government) and an externalisation of the national question when the borders are under challenge.

Nonetheless, there have been changes. Milošević, despite the apparent preoccupation with him and the Hague Tribunal, is history. The question for leaders in all four of the remaining territories and for Western politicians is, can they do what politicians in the

former Yugoslavia AND the international community failed to do in 1989-91 – negotiate a new relationship between territories, defining constitutionally the nature of their associations and preventing the politics of national identity and citizenship from derailing talks? Can they deal with the national question without redrawing borders? As Koštunica said in that same article on March 8,

What is it that the international community wants in the Balkans? If it wants multiethnic, multicultural, and multiconfessional states, then it needs to seriously to support FRY instead of facilitating ethnic cleansing of areas in which Albanians are in the majority by doing nothing. If it wants mono-national and mono-confessional states, then it should openly support all separatistic, including all nationally or confessionally integrational movements. Then we will have a completely reshuffled or more accurately, divided Balkans, the same way this was done at the beginning of the Second World War. If it wants the principle of the rule of law, that is, a state based on this principle, then it needs to allow us to carry out the enormous task of changing our legislation in a valid and gradual manner instead of imposing its solutions upon us. We have already experienced Soviet legal solutions during a post-war period. We have grown tired of experiments, both foreign and domestic.

Let us turn first to Kosovo. For many years, Kosovo was seen to be like Slovenia, but poorer. Nearly homogeneous ethnically, a distinctly different language from Serbo-Croatian, a state-building process under Ibrahim Rugova in the 1990s, serious competition among political parties about tactics, but agreement more or less on national identity and goals. Those few ethnic Albanians whose identities and especially business or political fortunes lay with Yugoslavia were ready to adjust and be welcomed back if the province became independent.

¹⁴ Vladimir Gligorov, “Bosnia and Herzegovina”, *Journal of Southeast European and Black Sea Studies*, Vol. 1, Number 1 (January 2001), Special Issue *Balkan Reconstruction* edited by Thanos Veremis and Daniel Daianu, p. 139.

I do not want here to go into the events that changed this story, although one piece is important to have in mind – the drive for homogenisation within the elite to a particular brand of nationalism, as we saw in Croatia and in Bosnia and Herzegovina but that came from the U.S. State Department – insisting throughout 1997 and 1998 that parties form one cohesive, unified negotiating bloc against Milošević – and complaints all the time about their “disunity” and fragmentation (as if this pluralism were not the core ingredient of democracy, these complaints continue).

Where are we now? Not the Slovene model but the Bosnian model, and worse. The international protectorate in Kosovo has been designed along quite similar lines to that in Bosnia, except that the mandate for the transitional administration is not a peace agreement but a temporary, unstable compromise between Yugoslav sovereignty and Kosovar statehood. This half-way house, international military intervention in support of Albanian claims while refusing to go all the way politically toward satisfying them, has transformed the issue of provincial autonomy and civil rights into an Albanian national question. Who is an Albanian, what rights does that entail, and what are the borders of that community?

To neighbouring countries – Montenegro, FYR Macedonia, Serbia, and even Albania itself – the very discussion of Albanian identity thus becomes a threat. Can the national question be settled in separate states? The ongoing insurgencies by the various wings of the National Liberation Army of Kosovo – in southern Serbia (Preševo Valley) and in northern FYR Macedonia – over the last twelve months or more are a statement by Albanian nationalists that this is an Albanian issue, wherever Albanians live. The expulsion from Kosovo of Serbs and other non-Albanians such as Roma, Gorans, Turks, and Bosniacs since the international mandate began in June 1999 is clearly aimed, as we saw in Slovenia and in Croatia, at reducing the minority population below the level that would give them constitutional rights. The Rambouillet Constitution, written by the same people who wrote the Dayton Accord and into the U.N. Security Council Resolution 1244 as a starting point for Kosovo’s “enhanced autonomy”, granted special representation in 40 of the 120 seats – one-third – in the Kosovo Assembly to members of

national communities above 5 percent while reserving ten seats to be shared among all those minorities who number more than 0.5 percent but less than 5 percent of the population. The conditions for such power-sharing had to be erased, and this goal was made easier, it would seem by the Rambouillet constitution, which presumed a citizenship of Kosovo but did not establish the grounds for citizenship in Kosovo.

It, too, like the Dayton constitution, gives most powers to the communes, creating the same institutional problem of Bosnia, how to aggregate preferences across the province and create a state. The UNMIK decision to hold municipal elections first, reversing the Bosnian sequence in hopes of avoiding the election of wartime nationalists and of forcing leaders to learn to govern in a local context first, reinforces this problem. Negotiations over an interim legal framework for Kosovo so that elections to create a Kosovo-wide government could be held in late 2001 broke down frequently because of disagreements between the international experts and the Albanian experts on the working group over the Albanian demand for a constitution, a president, a constitutional court, and a referendum on final status when the U.N. mandate expires, that is, creating more state-like features as a prelude to independence, and between the UNMIK leadership and Serb politicians in Kosovo and in Belgrade over charges that all Serb requests were ignored. In the meantime, radical Albanian nationalists who did poorly in the municipal elections are trying to regain the dominance they had under American support against rivals within the Albanian community, again with violence, by selective murder and kidnapping of other Kosovo Albanian politicians deemed to be too moderate.

Although Bosnia and Kosovo look bad, far more worrisome is FYR Macedonia, where the Albanian question playing out in the contest for political power in Kosovo and the influence of international policy over that contest has thrown FYR Macedonia's constitutional identity as a state and a nation into mayhem and risks a new war.¹⁵ These events are unfolding in the context of the rhetoric of the late 1998 parliamentary elections, the first defeat of the renamed former Yugoslav communists and their coalition

¹⁵ Events have worsened dramatically since this was written in late May 2001, but the issues remain the same.

partners by anti-communist nationalists – a coalition in fact of ethnic Macedonian nationalists (VMRO) and ethnic Albanian nationalists, the more radical, pro-Kosovo wing (the DPA, formerly PDPA) of that elite. The election campaign, as was the pattern in the same contests in Croatia and Serbia in 1990 where anti-communists utilised ethnic nationalism, was a contest over who was more representative of the Macedonian nation as defined by relations with the Albanian population of FYR Macedonia. It was a vicious campaign. Then NATO sided with Albanians in Kosovo in the air war against Yugoslavia, a month after the new government took power.

Although ethnic Macedonians are conscious of being a separate people, and linguists confirm it, neither Greece nor Bulgaria – neighbours – agree. Both contest the distinctness of a Macedonian people and therefore the undisputed right to self-determination and their current state. Albanians in FYR Macedonia contest the latter – who historically has a right to statehood in this territory, and what their constitutional status is. Although the European-sponsored census of 1994 showed the Albanian population of FYR Macedonia to be 24 percent, they have consistently claimed to be 40 percent, and their demands for a federal constitution, against the current unitary constitution, have escalated over the last year to demands for a bi-national state. Moreover, demographic facts are such that within the next 15 to 20 years, if trends continue, Albanians in FYR Macedonia will be more than half the voting population. What is Macedonian nationality?

To address the crisis posed to the Macedonian state, its borders, and its national identity by the campaign of violence from Albanian guerrillas in Kosovo and northern FYR Macedonia, the European Commission under Javier Solana – Mr. PESC – sponsored all-party talks. The aim was to see whether constitutional changes acceptable to both sides – a change in the preamble declaring FYR Macedonia to be a state of the Macedonian people, formal rights to power-sharing, many other details – could prevent a war, but the first step was to encourage a “national unity” cabinet of two ethnic Macedonian and two Albanian Macedonian parties so as to isolate the extremists and simultaneously to distinguish sharply between the Albanian citizens of FYR Macedonia and their legitimate

claims and the Albanian “terrorists” with whom one does not negotiate. The first result was a decision on April 25 to postpone the census from May to October.¹⁶

While the size of the Albanian population in FYR Macedonia makes it clearly more than a minority and deserving of full recognition in the design of the Macedonian state, their claim to redefine who the *nation* of FYR Macedonia is raises all the greatest sensitivities and fears among ethnic Macedonians that any concession will make them vulnerable to those who say – particularly Greece and Bulgaria – that they never were a nation and do not deserve a state. The existence of the state depends on a particular definition of the nation. And as long as the latter is challenged and the former is fragile, all leaders of the major political parties pursue neopatrimonial tactics of corruption, smuggling, etc.

The most interesting and hopeful spot in this second half of former Yugoslavia is, of course, the new Yugoslavia of Serbia and Montenegro. But the obstacles they face are enormous. First, while the international community encouraged and supported national revolutions throughout the rest of the country, it explicitly denied Serbs a national revolution. They remain highly critical of Koštunica for being what they call a “nationalist”. It is interesting to hear him begin to use a language I noticed among my liberal anti-Tudjman colleagues in Croatia in the mid-1990s who found themselves so continually preempted and squeezed by Tudjman’s clever use of Croatian nationalism that they had to seize it for themselves. They began, as Koštunica is now doing with external critics, to call themselves “patriots”. How does one seize nationalism for liberal values while remaining true to those values and European identity?

Secondly, Koštunica’s concept of Serbian national tradition is highly legalistic – that is, the constitutional tradition of independent Serbia in the 19th century that lasted until the defeat of the Serbian political parties in the elections of 1947, about which he and a colleague, Kosta Èavoški, wrote a book some years back.¹⁷ But his insistence on the

¹⁶ On May 12, 2001, they agreed to form a new, all-national (four-party – two ethnic Albanian, two ethnic Macedonian) government.

¹⁷ Vojislav Koštunica and Kosta Èavoški, *Party Pluralism or Monism: social movements and the political system in Yugoslavia 1944-1949* (Boulder: East European Monographs, 1985).

Serbian constitutional tradition as an alternative liberal concept of Serbian national identity to the statist concept of Milošević also brings him into conflict with the international community and with other members of his coalition who have different priorities and understandings of Serbian-ness. As he put it in the March 8 NIN article:

We are asked to honor agreements which we did not sign and also to honor agreements which others do not honor. We are asked to develop democratic institutions and an independent judiciary; however, immediately afterward, right from the start, lack of confidence is expressed in those same courts and they are stripped of practically all authority in given areas.

He is, of course, talking about the pressure from Carla del Ponte, chief prosecutor at the Hague Tribunal, the United States government, and others, regarding the tribunal's indictment for war crimes of Milošević and five others and cooperation by immediate extradition.

Moreover, there has been a tug-of-war continually between Koštunica and his rivals in the coalition, especially Serbian prime minister, Zoran Djindjić, about how fast to move on replacing the neo-patrimonial regime created by Milošević – and therefore how much to respect legal and constitutional procedure and how much to ignore such “legal niceties” in the interest of revolution. This dispute is reinforced by the vast cultural differences between them – Koštunica's emergence in summer 2000 as the natural candidate because he was thoroughly uncorrupted and had refused to compromise has a lot to do with his religious convictions, and his belief in the intimate bond between Serbian national identity and the church. Like the issue of the Hague Tribunal, these are issues at the heart of constructing a new national identity for Serbia (or Yugoslavia).

Third, there is the border problem. Serbia must now make its national revolution within borders it would not have chosen. Large numbers of Serbs and ancestral homes remain outside those borders – although a large proportion of them (more than 700,000) are currently refugees in Serbia. But on top of that, their current borders are contested by others – by Albanians in southern Serbia, by the ambiguity of U.N. Security Council Resolution 1244 and Kosovo's status, and now by Montenegrin nationalism.

The contest over Montenegrin independence raises the question of who is a Serb far more fundamentally. The parliamentary election results on April 22 were split evenly down the middle, between those in Montenegro who view themselves as Montenegrin and those who view themselves as Serbs or as Yugoslavs. There are more Montenegrins resident in Serbia than there are currently in Montenegro. They own property in Montenegro, but their lack of return movement suggests they feel loyalty to Serbia. Moreover, the assertiveness of the current Montenegrin president, Djukanović, over the past three years, has led politicians in Vojvodina, the northern, highly multiethnic province in Serbia, to demand immediate attention to their constitutional autonomy and status. In the Sanjak, an area of overwhelmingly Muslim population but without separate administrative status, the leading political party, the SDA, declared its voters in 1994 to be Bosniacs, that is, a separate national identity with a right to self-determination and statehood like their co-nationals in Bosnia. Who is a Serbian? Where are their state borders? Moreover, for economic reform to proceed, essential to reviving their miserable economy, questions of property must be resolved, and property issues raise fundamental issues of identity. How can they revise the federal and Serbian constitutions – tasks the coalition set for themselves this year – and create a normal state (or states) until they settle these larger questions of stateness?

There are many reasons why Vojislav Koštunica and the 18-member coalition called the Democratic Opposition of Serbia (DOS) won the elections in September 2000. One critical factor was their choice of Koštunica – as a symbolic strike against the neopatrimonial corruption of Milošević's regime, suggesting that there was to be a domestic revolution – and as a brilliant preemptive strike against the *other* anti-communist nationalist camp from the 1980s, that of Vuk Drašković, who was defeated by this one move *before* the elections.

A second reason was Koštunica's ability to capture the rhetorical space away from Milošević. Milošević was unusually skilful in finding a rhetoric that combined both Red and Black elements – the anti-fascist legacy of the Partisans in world war II and right-

wing Serbian nationalism (in tactical alliances with Vojislav Šešelj and Vuk Drašković). Milošević could weave back and forth as was necessary to capture votes and form coalitions that squeezed the liberal centre ever tighter. Koštunica recaptured that rhetorical space for the liberals and widened it sufficiently for DOS to win, and he did so by combining liberalism of an American-European kind that was acceptable to outsiders and to the circle of Belgrade intellectuals that had by 1998 become what was left of the opposition with a Serbian nationalism of the liberal tradition. His goal in the campaign, and since then, has clearly been focused on a single objective: to restore Serbian national pride as the necessary precondition for building a “normal” state.

A third reason is the character of the political revolution of autumn 2000. It was clearly the product of ten years of experience of protest, of learning what works, and what doesn't,¹⁸ and of the massiveness of the operation – the election campaign and then the protests at Milošević's attempt once again to deny the results, the sheer magnitude of the number of people, the social strata, the generational breadth, the regional scope, urban and rural, official and unofficial Serbia, who made it happen. They may already have created a sense of who they are, as a political community. If so, this does not bode well for relations with Montenegro and Kosovo, but the striking distance that Serbia has already moved in confronting the wartime – the establishment of a Truth and Reconciliation Commission, Veran Matić's weekly TV program, “Catharsis”, and its open discussion – going farther than any others in the region have gone – suggests that the foundations of a modern Serbian nation may already have been laid.

By citing Koštunica so extensively, I do not mean to side with him. What is most interesting is the role that he has chosen to play – perhaps like that of President Arpad Göncz in Hungary in the first years of their post-communist transition and that of President Vaclav Havel in Czechoslovakia and then the Czech Republic – a division of labour in Bagehot's terms, where he focuses on the symbolic parts – legitimacy – while Zoran Djindjić, Miroljub Labus, Dragoslav Mićunović, and others work feverishly to do the effective parts – rebuilding the efficiency and capacity of the economy and the state.

As a Serbian friend replied when I told him of the political science literature about these prior questions of stateness and nation [after confirming that the problem is so acute that they cannot even plan weekends because they don't know when national holidays will be announced]: “we have no choice but to do all these tasks simultaneously”.

Nonetheless, it is worth noting Koštunica's warning – that if outsiders can give Belgrade and Podgorica the space to negotiate all the complexities of a new relationship between Serbia and Montenegro, it could even set the framework for negotiations over Kosovo's status and for internal reform in FYR Macedonia. Each of these issues raises the spectre of Bosnia and whether it can survive. The growing talk these days of the need and even inevitability of an international conference à la 1878 to settle all the border issues once and for all only adds a further element of uncertainty and delay. The donors' conference set for the end of May, then postponed to June 29, is currently being held hostage to the delivery of Milošević to The Hague. Yet without it, there will not even be a start on economic revival and the positive regional spillover that generates hope. As Koštunica writes, “Things were easy before October 5; everything was Slobodan Milošević's fault. His policies were unwise, inflexible; he lacked vision; he was unable to foresee the next move; he was completely removed from reality; he had no strategic goal; he did not understand national interests. All this, of course, was true, and much more could be added as well. What are we going to do now?”.

In Conclusion

That question should be addressed to outsiders as well. Will external powers, representatives of the international community, and foreign audiences give them the space to define a new Serbian nation, albeit within international rules, so that they can build democracy? Do we understand, for example in the case of Serbia, that international fiat on matters such as extradition of Slobodan Milosevic to The Hague or on the process toward independence of Kosovo has fundamental impact on domestic politics, the scope for negotiating stable agreements between Belgrade, Podgorica, and Pristina, and the

¹⁸ I am grateful to Ivan Vejvoda for this assessment.

possibilities for redefining national identity and interest in accord with the values we proclaim? Have we yet understood that the precondition of self-sustaining democracies is a domestically grounded sense of national identity defining borders, members, constitutional tradition, and citizenship rights, which must in each of the new states be constructed if a new Balkans is to emerge?

This question arises most acutely in the case of the Federal Republic of Yugoslavia where state borders remain a matter of open dispute and where international constraints on the national question have been (and continue to be) greatest. But it applies throughout the former Yugoslavia with the exception of Slovenia. That one successful case, Slovenia, is highly instructive. It built its independent state on a strong sense of nation-hood and national identity. While some opposed its independence, no one challenged its national identity and right to express it. Outsiders never opposed Slovene nationalism, or interfered in the way they worked these issues out. Indeed, most saw it as positive, and Europeans were quick to embrace Slovenia in European organizations. Secondly, it built its capacity for statehood and the national community identified with that state within favorable conditions: under the protective environment of Yugoslav defense and economic policy. Its national security and international position were never challenged, allowing it to focus on domestic issues. National legitimacy for Slovene citizens, whether ethnically Slovene or not, was built on economic prosperity and an effective state, made easier under economic austerity in the 1980s by the ability and willingness to regulate migration into the republic so as to protect national culture and living standards.

While none of the other republics had the option of building a nation in this way, outsiders should recognize the importance to democratic consolidation in these other cases of building a sense of national community and legitimacy within their new borders; the importance of reducing the challenges to that nation-building process from external insecurity about borders and rights to build such a state; and the necessity of some economic prosperity to build legitimacy and avoid temptations to discriminate among citizens in response to meagre public revenues, declining incomes, and high unemployment.

Instead, some national projects are still granted greater legitimacy than others. Indeed, anything outsiders dislike or wish to condemn is labelled “nationalist”, making it nearly impossible for those who want to construct a national identity and sentiment within current borders and international norms. Demands are made on issues of profound national significance without regard for the danger this poses to the process of national definition. And instead of recognizing the external preconditions – a security umbrella and the economic relations necessary to economic growth – that allow that process to proceed peacefully and democratically, the reverse occurs, from sanctions and embargoes to domestic preconditions for economic aid, trade, and territorial security. Although the change of governments in 2000 in Croatia, Serbia, Yugoslavia, and Bosnia and Herzegovina opened the prospects that constitutional and economic reform might now occur in a way compatible with successful nation-building, there appears to have been little or no change in the type and method of outsiders’ demands or their failure to understand the conditions necessary to constructing a new Balkans.

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