

Canadian NATO
Parliamentary Association



Association parlementaire
canadienne de l'OTAN

**Report of the Canadian Parliamentary Delegation
to the 70th Rose-Roth Seminar**

Canadian NATO Parliamentary Association (NATO PA)

**Bosnia and Herzegovina
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Report

The Canadian NATO Parliamentary Association has the honour to present its report on the 70th Rose-Roth Seminar in Bosnia and Herzegovina, March 19-21, 2009. Canada was represented by Mr. Leon Benoit, M.P., and Senator Pierre Claude Nolin.

INTRODUCTION

The parliament of Bosnia and Herzegovina hosted the 70th Rose Roth Seminar from 19-21 March 2009. The meeting engaged parliamentarians from NATO and Partner countries, government officials, academics, journalists and NGO's to discuss a range of security, political and economic challenges in Bosnia and Herzegovina and in the Western Balkans. The seminar was jointly organized by the NATO PA and the Parliamentary Assembly of Bosnia and Herzegovina with the generous support of the Swiss Ministry of Defence and NATO.

THE WESTERN BALKANS AND EURO-ATLANTIC INTEGRATION

The seminar took place at what many speakers characterized as a difficult moment in Bosnia and Herzegovina and the region generally. Some have suggested that the Dayton consensus in Bosnia is unraveling and that tensions among Bosnia's ethnic communities are mounting. The future of the High Representative is also under question and many are even asking if this is a propitious time to eliminate that position. Bosnian leaders are working to meet the five plus two conditions which are being overseen by the Peace Implementation Council, all of which must be met to close the OHR. Bosnia and Herzegovina has signed a Stabilisation and Association Agreement (SAA) with the EU but it cannot move forward on it without the go ahead from the Peace Implementing Council. But property and property registration disputes as well as long delays in changing the constitution to the Brcko district have slowed down this process. The goal is to close the OHR once these conditions are met. That an essential constitutional package failed in parliament by several votes, however, has made this a moot question for the moment. There are serious concerns that 14 years after the signing of the Dayton peace agreement, Bosnia and Herzegovina does not appear fully prepared to take charge of its affairs, move beyond the Dayton era and speed up its integration into the Euro-Atlantic Community.

Albania and Croatia's imminent accession to NATO and the hope that NATO governments will soon give the go ahead to the former Yugoslav Republic of Macedonia¹, as well as the region's ever closer relations with the EU suggest that the Western Balkans are on the cusp of a new era. Yet, the integration with Europe is moving ahead slower than many had hoped. Internal politics can be problematic in Bosnia and Herzegovina and elsewhere in the region. Corruption constitutes a serious problem and is a barrier to building democratic institutions and stronger economic foundations. It is certainly a factor in Bosnia's ongoing battles over state property.

¹ Turkey recognises the Republic of Macedonia with its constitutional name

NATO has benefited from its relations with the countries of the Western Balkans and enlargement promises even closer ties. Indeed NATO's recent enlargements are already paying dividends. Currently new NATO members are deploying roughly 7,000 troops in NATO operations while countries like Switzerland, without a membership prospect, are also playing an important role in some of these operations. In the Western Balkans, neither Serbia nor Kosovo have a membership prospect but there are important reasons for NATO to work with both. Even though NATO has not recognized Kosovo's independence as such, it can nonetheless work with the Kosovo security forces and the international community to help stabilize the situation there. The former Yugoslav Republic of Macedonia, Bosnia and Herzegovina and Montenegro have all announced their intention to join NATO and are all contributing to various peace operations. Of course, enlargement is an inherently political process and countries can block enlargement for political and not technical reasons. This is justified because if NATO imports fundamental and unresolved political problems into the North Atlantic Council (NAC) by virtue of enlargement, there is a risk that Alliance consensus and effectiveness could be undermined. NATO has worked with candidate and non-candidate countries alike to ensure the professionalism of national military establishments. This has been a difficult challenge in countries like Bosnia and Herzegovina where politics are very divided along sectarian and ethnic lines, but the results have been consequential and very much worth the effort.

Indeed progress in the region has become inextricably linked to NATO and the EU and the prospect of membership in both organizations has been critical to stabilization and democratic reform. The EU's Thessaloniki summit was a critical moment in this process and established a context for the region's ultimate integration into the EU. The EU remains committed to incorporating the Western Balkans into European institutions, although the failure to ratify the Lisbon Treaty appears to have slowed down the enlargement process. Nevertheless, Croatia is on the path for full accession and is quickly working through its negotiating chapters. It could well be admitted in 2010. After Croatia, Macedonia is furthest along the integration process, but it has not been able to initiate formal talks. If its elections this fall are considered free and fair, it will represent important progress and will help meet outstanding EU concerns. Of course, disputes about its name pose problems for membership in both NATO and the EU. One speaker indicated that it is important that good neighborly relations are preserved and that since Macedonia is using the name FYROM in its negotiations, Greece's position is somewhat surprising. Bosnia and Herzegovina has signed an Association agreement and is implementing its interim agreements now. Montenegro has signed an SAA and has begun implementing that agreement.

For its part, Serbia signed an SAA this year and is implementing it unilaterally. The EU will not take any further steps until Ratko Mladic is arrested and turned over to the Hague Tribunal. Of course, Kosovo remains a thorny and emotive problem for Serbia, and the NATO and EU missions there are working to improve the security situation in this disputed land. Kosovo's independence has been recognized by many but not by all European governments, while Serbia utterly rejects Kosovo's claim to sovereignty. There are plans to implement a profound decentralization in Kosovo, according to which the Kosovo Serbs would enjoy the institutional and political space to run their own affairs at the municipal level including taxation and budget matters. This vision would

also allow it to establish special ties with Belgrade. This might help ease some of the tensions in the region and is a model that has achieved some degree of success in Bosnia and Herzegovina. The EU mission EULEX is deployed throughout Kosovo but it is confronting a range of serious problems particularly in the Serbian regions. It is counting on spending 800 million Euro there for each of the next 3 years.

There are, of course challenges outside of the region. As suggested above, the EU itself appears to be suffering from enlargement fatigue and the global recession poses a set of very compelling challenges that are pulling away its attention from the Western Balkans. A recent poll suggested that 44% of EU citizens oppose enlargement to the West Balkans. This could well begin to shape the views of EU leaders. Moreover, there is a sense among some that Europe has moved too quickly in the case of two recently joined members, and that neither had adequately confronted serious internal problems, and particularly corruption, when they joined the EU. There is a determination not to repeat what some now see as a mistake in moving too quickly without demanding positive changes. Both President Nicolas Sarkozy and Chancellor Angela Merkel have promised that enlargement is a dead letter as long as the Lisbon Treaty remains unratified. But failure to ratify that treaty will very likely trigger an institutional crisis in the EU itself so the stakes are high here. The financial crisis will also have a fundamental impact on the region as well as the West's capacity to focus on it.

Remittances are an important source of foreign exchange for the countries of the region and these have already begun to dry up. Some émigré workers are now returning to the Western Balkans and are going to confront problems of employment and political and social integration. Rising unemployment and budgetary pressures in the region, in turn, could spark social and political unrest. Joining NATO is comparatively a simpler process, but there are also mounting concerns about the size and scope of the Alliance - a set of questions that the war in Georgia has made somewhat more compelling. In the region itself, traditional rivalries are complicating NATO enlargement. A Slovenian-Croatian border dispute almost held up Croatian accession to NATO, and Greece continues to reject Macedonia's candidacy because of the name dispute, even though the former Yugoslav Republic of Macedonia has promised to use the internationally recognized name in all relevant documents.

THE SITUATION IN BOSNIA

In some respects, Bosnia and Herzegovina's gradual integration into Europe began when NATO deployed air and then ground forces into the country. This directly led to the Dayton Peace Talks which, among other things conferred upon the Alliance a peace implementation and then a stabilization role. Progress was slow and arduous, and it was only after the death of Frano Tujdman and the end of Milosevic's regime in Serbia that the situation began to improve. It was at this point that Bosnia and Herzegovina joined the PfP and indicated that joining the EU constituted a shared goal of the three communities. This led to a roadmap, a feasibility study, and negotiations for a Stabilization and Association Agreement (SAA). But serious problems have persisted. Indeed various speakers at the Seminar suggested that the country has been backsliding. The International Crisis Group, according to its Europe Program Director, Sabine FREIZER, had actually closed down its office in Sarajevo several years ago because the situation had improved so markedly. That NGO has felt compelled to reopen that office because of growing tensions in Bosnia and Herzegovina. Political compromise is proving ever more difficult, the institutions of the state are not working well and the overall situation in the country is extraordinarily tense. The leadership of the Republika Srpska, for example, has been employing inflammatory language that strikes many as marking a new push for secession. Their vision of Bosnia and Herzegovina's future diverges profoundly from that of the other two communities.

The problems in Bosnia and Herzegovina are also structural and institutional and these are gravely complicating its relations with Europe. There are so many levels of government that it is extraordinarily difficult to foresee how legislation in the country might be harmonized with that of the EU, something that is a prerequisite for eventual accession. This problem could be willfully exploited by powerful groups that actually want the country to fail. The fact that the Office of the High Representative (OHR) is still operating suggests that Bosnia is not moving quickly enough to wean itself from the need for an external power to check the worst proclivities of its political leaders. The Bonn powers are not used as frequently as previously, but are occasionally summoned when the political situation is blocked. It is not yet clear if the EU representative, who will assume some of the OHR's powers, would have the same kind of authority to intervene in domestic political decision making. Yet, the fragmentation of authority in the country poses countless internal problems, while complicating Bosnia and Herzegovina's international relations. It is nearly impossible to negotiate visa matters with Bosnia and Herzegovina because the entities insist on exercising power in this domain, while the EU wants to negotiate only with central state authorities.

Bosnia and Herzegovina also needs to take more ownership of institutional and democratic reform. Several speakers suggested that transition and reform have slowed markedly since 2006. Indeed a number of reforms have unraveled. All sides resist making essential compromises needed to advance key sectoral reforms. The country's divisions now appear to be crystallizing over the property issues. There are vast sums of equipment and real estate that need to be inventoried and disposed of. The military has enjoyed access to property that has not yet been defined legally. Currently the government is working on settling the problem of immobile and mobile property. According to the Minister of Defence, **Selmo Cikotic**, the military has been conducting

an inventory of this property and will submit to the Presidency a proposal to deal with it. Some of it will be maintained by the military, some will go up for sale and some will be donated to the police and to friendly countries in need, including Iraq and Afghanistan. 80% of the revenues will then accrue to entity budgets while 20% will go to the central state budget. But laws are needed soon to begin this process because delays are holding up a range of other critical decisions affecting the country's status.

This is the primary reason why the OHR continues to exercise his duties and has not turned them over to an EU representative. Many speculate that the OHR has simply provided an excuse to the country's political leaders to act irresponsibly and is thus impeding the country's democratic development. Others, however, insist that the OHR has been essential to checking very poor governance. In any case, there is clearly a problem of democratic mobilization in Bosnia and Herzegovina and a worrying absence of dialogue between elected leaders and the citizenry. One Bosnian official said that for years Bosnia and Herzegovina was akin to an infant that required nurturing from the international community. Now, he said, it is acting like a teenager and finds itself caught uncomfortably between dependence and responsibility. For narrow political ends, Bosnia's fractured political class continues to exploit deeply held fears and pervasive ethnic mistrust. This slows the pace of political change, and is clearly a factor in the failure to resolve property, police reform and constitutional matters that are needed if the country is to deepen its links to the Euro-Atlantic community. The greatest leverage the West exercises in Bosnia and Herzegovina derives from the fact that most people in the country want to be part of the Euro-Atlantic community.

The number of international troops serving in Bosnia has fallen considerably. In 1996 there were sixty thousand NATO troops in Bosnia. Today there are 2000 EU troops and a very small NATO mission. According to the Deputy Foreign Minister, **Ana Trisic-Babic**, there have not been any violent incidents involving these forces. She also suggested that cooperation with NATO has only deepened since Bosnia and Herzegovina joined the PFP. Bosnia has not yet applied for MAP and has been advised not to do so this year.

Further to the signature of the SAA, Bosnia and Herzegovina has been granted pre-accession funds and since July 2008 it has also enjoyed a more open trading relationship with the EU. The government views this process as complementary to its ongoing effort to join NATO. But some suggested that the failure to ratify the Lisbon Treaty has tied the hands of Europe. A number of speakers argued that Bosnia and Herzegovina needs a real prospect for European membership and as much exposure to Europe as possible. The failure to make progress on visas, particularly for young people, is isolating the country and leaving its young people with an even more provincial and narrow outlook than that of their parents. That schools in Bosnia and Herzegovina are now almost exclusively segregated along sectarian lines only adds to the problem and hardly bodes well for the future. The citizens of Bosnia and Herzegovina can live together. But they need structures, context and leadership to do so and all have been blatantly missing.

The EU has a major custodial role to play in Bosnia and a great deal of potential leverage. In the view of some observers, it must use these powers with more assertiveness. One speaker suggested that the EU has not been tough enough with the

political leadership of Bosnia and Herzegovina and made a grave mistake granting it the SAA given the government's failure to meet its commitments as laid out in the Dayton Agreements. Another suggested that the EU has taken its commitment to soft power too far and is dealing with Bosnia as if on bureaucratic auto-pilot while ignoring the growing danger posed by backsliding on peace implementation. The greatest leverage the EU has is the membership prospect, he suggested, but it is not wielding this effectively. Recent polls suggest that four of five Bosnians see no parties that effectively represent their interests in national politics while, the constitutional structure is failing to generate legitimacy for the state. Fear is again on the rise, and progress becomes extraordinarily difficult when citizens and their leaders are operating from defensive positions.

Dimitris Kourkoulas, head of the European Commission Delegation in Sarajevo, responded to this charge and noted that the EU has only gradually developed its capacities as an international power. The criticisms launched against the EU in the 1990's were unfair because at that point the EU had not yet developed the institutional framework to conduct a foreign and security policy. Likewise the failure of all member governments to adopt the Lisbon Treaty poses important barriers to the exercise of these functions. Yet the EU does have powerful tools including pre-accession policies that have had a very profound effect on societies in transformation. The EU now wants to see the Western Balkans in the EU, but the governments of the region will need to adopt EU practices and rules in order to have a serious membership prospect. The SAA signed last June with Bosnia and Herzegovina was designed to move the country in this direction. It accords Bosnia and Herzegovina producers access to the EU's huge market and allows Bosnia and Herzegovina firms to establish a presence in EU member countries. It will open up new opportunities to young people to study in Europe, something which few young Bosnians have so far been able to do.

DEFENCE REFORM

As suggested above, defence reform in Bosnia has advanced more than in other sectors. This is partly due to the strong role NATO has played in supporting positive change. The task however, has been formidable. In 1996 there were 250 thousand armed soldiers in Bosnia and Herzegovina divided into three ethnic components. Today there is a professional armed force of ten thousand soldiers, and it is ethnically integrated under a single command. The NATO roadmap has been essential to defence, particularly once Bosnia and Herzegovina defined membership in NATO as a strategic goal. Reform has been possible because it has represented a consensus among the military, the state and political institutions as well as among the public. This is rare in a country that remains politically fragmented. The Defence Minister Selmo Cikotic suggested, in fact, that because NATO membership is much nearer on the horizon than EU membership, NATO related reforms have been somewhat easier to achieve. Because NATO's first ever out of area military operation was in Bosnia and was designed to impose peace in that country, Bosnia and Herzegovina has subsequently maintained a very special and particularly close relationship with NATO. NATO has played a key role in rebuilding a national military under political control and now those forces have been able to assume responsibility for the security of the country. The problem is that Bosnia and Herzegovina and not the Bosnia and

Herzegovina defence establishment is joining NATO and this naturally makes the accession process more complex and slow.

According to **Brigadier General Sabato Errico**, the Commander of NATO Headquarters in Sarajevo, NATO is concentrating its energies on supporting defence reform, coordinating PfP related activities, and providing some support to the ICTY and to EUFOR. It helped Bosnia and Herzegovina's prepare to join PfP, supported negotiations that led to a new state level defence structure in 2005, helped organize the end of conscription and the disbanding of entity defence units and command structures. It then deepened the partnership as Bosnia and Herzegovina advanced from PfP in 2006 to the IPAP and hopefully soon to a MAP. This year Bosnia and Herzegovina will host the large Combined Endeavour NATO exercise. This is a real challenge to the military establishment and it also presents an opportunity to test its new structures.

Police Reform

In a similar way, the EU has been supporting police reform in Bosnia and Herzegovina, although here the problems are more daunting as there has been no effort or constitutional obligation to unify Bosnia and Herzegovina's myriad police forces. The EU Police Mission (EUPM) has been active for seven years and was the first police mission of its kind ever deployed. It facilitates police reform and provides support for the fight against serious crime including corruption. The EUPM, however, confronts police forces which are riddled by overlapping competencies and loyalties to the various entities in Bosnia's highly federated system. This is a byproduct of Dayton and limits what can be achieved. Much effort has been made to upgrade the border guards, the federal Bosnian State Investigation and Protection Agency (SIPA) and its capacity to conduct state investigations. Developing these forces and a competent and accountable border police are essential to dealing with a serious problem of criminality, which represents yet another sad legacy of the war and smuggling networks that emerged in that period. All that said, positive change has been possible even within these sub-optimal structures. The development of SIPA is perhaps the best illustration of this. In 2008, SIPA was investigating 2030 cases of serious crimes including war crimes and organized criminal activities. 28 people were indicted for war crimes last year alone. Actual prosecution may prove more problematic, however.

After Bosnia and Herzegovina signed the SAA with the EU, police matters became a particular focus for the EU, which wants Bosnia and Herzegovina to upgrade police standards, ensure that it works for the public interests and that it can work with international partners. According to **Brigadier General Stefan FELLER**, Head, EU Police Mission (EUPM) in Bosnia and Herzegovina, the EU is not responsible for policing in Bosnia and Herzegovina, and strategic plans for upgrading the quality of policing is a Bosnian and not an EU responsibility. The EU works with Bosnia and Herzegovina on the basis of those plans, but it recognizes that rationalizing policing structures raises sensitive political issues. There are persistent structural inefficiencies and problems. With 15 different police forces and 13 Ministers of Interior, there is a high degree of overlap and it is almost impossible to exercise strategic and operational control over these forces. Efforts are underway to increase the professionalism of cantonal and entity level police forces and to build communication among them. They

also need to improve dialogue with the communities that they police, although some progress has been made here as well.

In this regard, developing SIPA's capacity is particularly important. SIPA currently has 1120 employees and is actively recruiting more. Its mandate, according to its head, **Mirko Lujic**, is to prevent crime when possible, interdict criminals and investigate criminal offenses including cases of organized crime, terrorism, war crimes, human trafficking and other serious crimes. It also has responsibility for witness protection and assisting both the courts and prosecutors office. Other police forces are legally required to cooperate with SIPA and it must share information with these bodies. Cooperation with the international police community including Interpol is now easier because of this overarching federal structure, and Bosnia and Herzegovina has signed agreements with 15 countries in order to deepen case oriented cooperation. There are, of course, political problems. Police findings can be and often are politicized and can trigger fierce media battles that are exploited by political groups. These foster a climate of insecurity that ultimately undermines state authority and plays into the hands of those who prosper most when state authority is on the wane.

Border policing has also posed critical challenges to Bosnia. Bosnia and Herzegovina has a long border with Croatia, Montenegro, and Serbia, and it lies on key regional trade and smuggling routes. The border police forces are now ten years old, and their professionalism and competence have improved dramatically according to **Vinko Dumancic**, the Director of those forces. There are currently plans to hire another 300 border police guards because of the range of challenges faced on the frontier of the country. Smuggling of goods and people remains a problem although the level of interdictions has risen significantly. Bosnia's border police are working very closely with neighboring countries, and an effort is underway to make border control legislation compatible with EU standards. It is also working with Bosnia's police forces on criminal investigations, threat assessments, and a range of criminal cases, but it too finds the lack of police integration and standard operating procedures a compelling problem, particularly as criminal groups are highly organized, internationally structured and enjoying access to significant resources.

Regional Cooperation

The level of regional cooperation in the Western Balkans has deepened significantly in recent years. NATO and the EU have strongly encouraged this, and are very much part of the narrative. But there are also important regional initiatives and instruments including SEFTA and the Adriatic Charter which are deepening the network of regional links. These links cut across many policy areas including: trade, environment, crime fighting and energy links. Energy cooperation has become a particularly compelling challenge in the wake of Russia's recent energy dispute with Ukraine, which triggered a gas cut off that gravely affected the region. At the same time though, the prospects for EU membership for a number of the countries in the region are not particularly compelling even over the medium term and this could prove a source of regional instability. Membership prospects have provided the discipline needed to keep the region focused on democratic and economic reform and on building regional security.

Dejan ANASTASIJEVIC, Senior Investigative Reporter for the Belgrade-based “*Vreme*”, spoke largely on this theme. He suggested that only Croatia has a remote chance of becoming an EU member over the short term, even though all the region’s governments are pro-Western and pro-EU. German Chancellor Merkel has said that no enlargement is possible until the current union is consolidated. What this means precisely is not clear, but it could easily become an excuse for inaction. There are, however, powerful groups in the region itself that are opposed to deepening links to the EU. These include organized criminals, who invariably find it easier to work in an environment that is not yet up to EU governance standards. Some of these groups are well connected politically and many enjoy links to national security organizations.

The countries of the West-Balkans are all post-conflict countries that suffered through a decade of war and instability. In that period, security sector organizations established strong links with organized criminal groups. Because countries like Croatia and Serbia confronted an arms embargo, they felt compelled to go to the black market to purchase weapons. Criminal groups were not only providing this particular service to warring factions, they were also cooperating across borders. Relations forged in wartime are not easily broken, and the assassination of the reformist Serbia Prime Minister Zoran Djindjic at hands of criminal groups close to elements within the security sector points to the dangers these unholy alliances continue to pose. These same powerful and obscure groups have no interest in developing European police and border standards in the Western Balkans and have used their contact to undermine reform. Intelligence agencies throughout much of the region have also evaded democratic control. In many cases, those responsible for fighting criminals are themselves deeply involved in criminal activities, and for these people, the EU poses a threat to their operations. As far as they are concerned, they already enjoy tight links to Western Europe—via the Sicilian Mafia, the Corona Sacra and other such criminal organizations, which, in turn, have global reach.

In some cases, it seems that drug dealers are wielding more political and economic clout than the representatives of the state. The Balkans have become a key drug smuggling route even for South American cocaine. Kosovo is now the primary storage area for drugs destined for Europe, and this is because law enforcement there is so weak. In Bosnia, the lack of police integration creates numerous opportunities for criminals to operate unhindered. In short, the Western Balkans have become Europe’s soft underbelly, and Europe itself should recognize its own stake in the region’s democratic transformation and the consolidation of state authority there. If the European prospect is denied, however, the region will plunge into crisis and Europe will again face a serious and multifaceted set of threats in the region.

None of the Western Balkan countries can address such a serious range of problems alone. They need a broader context to do so, but their own European prospects now seem blocked. This is a vicious circle with Brussels spooked by the region’s endemic crime and the region not able to address the crime problem, in part, because Europe now seems like a bridge too far and this produces a kind of fatalism that criminal groups are able to exploit. In order to break the impasse, the EU must apply more pressure and offer more opportunities to speed the pace of reforms in the region. Doing so will invariably move the region closer to membership. Current visa restrictions must be

eased. Polls suggest that younger people in the region are more nationalistic and parochial in their outlook than are their parents. The EU is now loosening visa restrictions on Croatia and Serbia and this will allow many ethnic Serbians and Croats in Bosnia, who hold two passports, to travel to Europe. The irony is that Bosniaks will not enjoy this privilege—something that will have to be rectified to ensure this country's European development.

The Regional Economy

In recent years, the Western Balkan economies have enjoyed growth rates of nearly 5% a year. The region was attracting a growing amount of foreign investment. The global financial crisis, however, has struck the region's exports, lowered the level of foreign investment, and will eventually begin to reduce much needed workers remittances, which is a vital source of foreign exchange. Domestic demand, credit expansion and remittances have been the primary source of growth in the Western Balkans according to the Regional Cooperation Council's Senior Expert on Economic and Social Development, **Emira Tufo**, but these are all falling. Many of the region's banks are owned by European financial institutions that today are in serious trouble. The crisis in the region is spreading, and the IMF recently lent \$530 million to Serbia while Romania and Bulgaria will also receive IMF support. The outlook is not rosy as the region does not have the resources to spend its way out of the crisis and the international economy is faring so poorly that exports are not going to drive growth either; protectionism is on the rise and global trade has fallen precipitously in recent months. This leaves only one pathway to recovery. The region stands to derive great benefit by improving the business and macro-economic climate. There are many gains to be had including those that involve deeper regional economic integration. But here too, the European prospect is central to any progress that the region's reformers might hope to achieve.

The Situation in Kosovo

Kosovo and the dispute over its status with Serbia remains a major concern for both NATO and the EU and both have deployed thousands of personnel into Kosovo to deal with the security challenges and to support officials working for positive change. The EU mission EULEX, the largest ESDP mission ever launched, was first deployed on 16 February 2008 and is operating under a UN mandate. Its mission is to assist Kosovo authorities in building the rule of law and creating a sustainable and accountable system of government based on best practices. According to **Natacha ANDONOVSKI-CARTER**, Deputy Head of the EULEX Policy Office, it is also helping authorities fight, investigate and prosecute financial crimes, war crimes and inter ethnic crimes. The mission is an integrated one, engaging internal and external actors with key police, justice and customs components. The goal is to build the staff up to 3,000 of which two thirds are international staff. Much of the police work is focused on riot and crowd control. EULEX police units are deployed throughout the country and work in close consultation with NATO's KFOR. It has also supported efforts to build up capacities in criminal intelligence investigation, prosecution, courtroom procedures, customs and border control. Many of these efforts require inter-ministerial approaches. But serious problems make this a particularly challenging environment. Most Kosovo Serbs are not working in the police and there are serious customs problems north of the Ibar River.

Law and order are essential to building the rule of law in any society, but law and order remain highly problematic in Kosovo.

KFOR's mission is premised on UN Security Council Resolution 1244. It seeks to contribute to the maintenance of a safe and secure environment, which will facilitate the implementation of SCR 1244 and allow the international community, including UNMIK and EULEX to carry out their work. It is also working to stand down the Kosovo Protection Corps by collecting equipment and helping to close barracks. The corps is no longer in uniform and will be fully dissolved by June, according to **Brigadier General Dave BERGER**, KFOR Chief of Staff. KFOR is also training up the Kosovo Security Force, which will operate under NATO standards and will have no offensive capacity. It will be lightly armed. The goal is to make this a multi-ethnic force. Currently the KFOR operation is focused on the engagement and is planning to go into a deterrent phase and eventually a minimum presence. But the timing for these changes obviously hinges on the situation. KFOR is deploying five multinational task forces, each commanded by a Brigadier General and operating in an assigned area. Italian Carabinieri are deployed throughout the country. There are currently 14 thousand troops deployed across Kosovo.

In general terms tensions have declined since last spring when Kosovo declared its independence, a declaration which triggered a series of incidents in Northern Mitrovica. The situation calmed down over the summer, but there was a slight increase in incidents this past December and January. Low level incidents including inter-ethnic problems in the north continue to pose problems, although they are being managed by KFOR and EULEX. Although 56 countries have recognized Kosovo's independence, NATO as such has not. According to Brigadier General Berger, Serbia is fulfilling its international obligations and has engaged in regular joint patrols and intelligence sharing with NATO forces along the border. The cooperation is highly professional, and there are constant exchanges on border violations.

The View from Belgrade

Kruna PETKOVIC, Serbia's Deputy Minister for Kosovo and Metohija for International Cooperation, shared the views of the Serbian government on the situation in Kosovo. She argued that the declaration of sovereignty by authorities in Pristina represented a violation of the UN Charter and the Helsinki Final Act. It has complicated the security situation in the region and opened a Pandora's box of dangerous precedents which will undermine international law. It has also put minority groups at risk in Kosovo itself, according to Ms. Petkovic. Serbia wants this issue taken up in the International Court of Justice as Belgrade sees this as a breach of SCR 1244.

Ms. Petkovic indicated that there have been gross violations of human rights against minority groups in Kosovo, and only 7% of those chased from their homes have felt secure enough to return. Many of their homes are being illegally occupied. She suggested that Kosovo is a failed state and an economic disaster racked by high unemployment and rule by impunity. Those who have caused Serbs to flee have not been held accountable. She said that past crimes committed against Kosovo should not justify new crimes and indicated that the government of Serbia would never recognize Kosovo's independence. Ms. Petkovic also indicated that Serbia appreciates

the role that KFOR is playing in Kosovo and wants that force to remain active because the Serb community is highly vulnerable and insecure.

The View from Pristina

Naim MALOKU, Member of the Presidency of the Assembly of Kosovo, opened his remarks by discussing the military reforms underway in Kosovo. He indicated that the Atasari Plan provided the foundation for the new security force which KFOR is currently training and monitoring. The government is also developing a national council and intelligence agency. He suggested that authorities in Pristina today prefer to focus more on development and state building than on stabilization. He suggested that Mitrovica has been building parallel but criminal structures which are undermining the state building project. The Kosovo property agency is overseeing property disputes, and the government has allocated euro 6 million for reconstruction of destroyed buildings including religious buildings. The government has also agreed to allow foreign judges and prosecutors from EULEX to operate in Kosovo.

The Work of the ICTY

The International Criminal Tribunal for the former Yugoslavia (ICTY) is a UN mandated court that has been given primacy over national courts to prosecute senior officials suspected of engaging in war crimes. It does not exercise a monopoly on war crimes trials in the former Yugoslavia as there is an important role for national courts systems in trying war criminals and particularly those who were not operating at the strategic level. The ICTY has focused its work on prosecuting the most senior officials. The ICTY's primacy was made evident when Germany was forced to hand over Duško Tadić even though he was under indictment for criminal activity in Germany. Although it took some time to gain traction, the court is now seen as having had great success in fulfilling its mission. According to **Gavin Ruxton**, the Chief of Trial Division in the Office of the Prosecutor at the ICTY. It has indicted 161 people for war crimes and conducted proceedings against 117. Only 2 of those indicted remain fugitives. Heads of state, leading politicians and military commanders have been brought to justice and many thousands of victims have contributed to their prosecution. A vast library of evidence has been gathered, and this will be instrumental to countering any revisionist effort to deny the enormity of the crimes that took place during the wars surrounding the breakup of Yugoslavia. How exactly this body of information, which is the property of the UN, is to be archived has not yet been determined.

A significant portion of the court's budget is allocated for the defence, which has access to all documents collected by the court. The accused can represent themselves as Milosevic did, but this can create problems given the sheer volume of material that must be processed. NATO has provided excellent support to the Tribunal, although initially NATO was not focused on making war crimes arrests. The international community has been instrumental in maintaining diplomatic pressure on governments to surrender suspects to the courts and the fact that development assistance and integration into Euro-Atlantic institutions has been at stake has proved a great help.

The last substantive indictment made by the ICTY was in 2004 and the trial program itself was slated to end in 2008 with appeals wrapping up in 2010. The UN has now extended the court's mandate because of the Karadic arrest and because four trials

have yet to begin. The court is also awaiting the arrest of Goran Hadzic and Ratko Mladic. It must also prepare to assist national courts, which will have responsibility for war crimes prosecution after the closure of the ICTY. It is vital that these courts are active and do not allow an "impunity gap" to emerge at the middle level of responsible officialdom. Discrete individual crimes must also be dealt with. The ICTY has established an extremely important body of precedent for war crimes law and prosecution that should have a deterrent effect on those who might contemplate engaging in similar crimes.

The View from Civil Society Groups in The Western Balkans

Several NGO leaders spoke about their work and the problems of building democracy in the region. The problems that they enumerated are serious. The war killed thousands of people including many women, children and elderly people. There are still thousands of missing people and many of those who engaged in war crimes have not been brought to justice. But justice is difficult to achieve when in a country like Bosnia, there are three versions of the truth and that these versions are conditioned by one's ethnic community. Building democracy will require citizens to seek a higher truth and an acknowledgement that there are guilty people living among all ethnic groups. The problem in Bosnia is that political leaders are not working to achieve this greater truth, according to **Zlatan Orhanovic**, from the Centre for Civic Initiatives in Tuzla. He suggested that Bosnia needs a truth and reconciliation committee to help society explore the past and to achieve a single truth about what actually transpired during the war. The Bosnian court system is not dealing with the problem, although there are over 10,000 suspected war crimes. The courts have conducted only a few investigations and rendered even fewer judgments. Neither the courts nor the current political class are working toward this end, and so the initiative for interethnic dialogue and reconciliation must come directly from the people.

Ljiljeta Goranci Brkic, General Manager at the Nansen Dialog Centre, echoed the view that Bosnian society is highly traumatized and characterized by a high level of mistrust and fear. Corruption is endemic, and this too distracts from any effort to foster reconciliation; indeed fear has become a critical tool for the corrupt and the criminal. There is a tremendous amount of energy spent on blocking dialogue and marginalizing those war refugees with the courage to return to their homes. The population operates in a survival mode and few dare cross ethnic lines. Young people are being socialized in mono-ethnic schools, and war criminal suspects are protected in their respective communities rather than reviled and arrested. Bosnian society is also highly traditional and its public has been socialized in a manner that encourages passivity in the face of authority. This is fertile soil for anti-democratic and criminal forces, and they exploit it willingly.

Civil society itself must fight these trends, and indeed, grass roots movements are beginning to do so. Democracy has to be built up locally, and until it is, there will be no democratic accountability. This means that inter-ethnic dialogue must be nurtured and that young people, in particular, must be engaged in these conversations and meetings. The problem today is that the institutions of the state are reinforcing the problem. If the state were structured differently, people might behave differently; thus change in these structures will be essential to democratic reform.

Hedvig Morvai-Horvat, the Executive Director of the European Fund for the Balkans focused her remarks on the region as a whole, as well as on Serbia. She suggested that the wars had turned groups that had never considered themselves minorities into very self-conscious minority groups throughout the region. This has had a traumatizing effect. The crisis of war has led into a serious challenge of improving conditions for minority groups throughout the region. In Serbia there are over one million people who are considered national minorities including Hungarians, Albanians, Bosniaks, Croats, Czechs and Germans and this does not include those living in Kosovo. The situation in Serbia has improved substantially since the end of the Milosevic regime. But events in the region have had feedback effects in Serbia itself and this can sometimes foment unhelpful minority nationalism. In Serbia as in Bosnia there has been a tendency to segregate schools, where before schools were multi-ethnic. Serbia is also having a great deal of difficulty confronting its own past and specifically its role in the Balkan wars. NGO's are trying to fill this particular breach. There are now efforts underway to foster triangular relationships among municipalities across borders to foster new contacts, economic ties, and inter-ethnic as well as international dialogue. NGO's are also helping to draft new history school books characterized by more complex rather than nationalistic visions of the past, although officials are resisting their introduction in Serbia and elsewhere.

Nenad Koprivica, Executive Director, Center for Democracy and Human Rights (CEDEM), in Montenegro discussed the situation in his country and indicated that Montenegro also needs to account for crimes that occurred on its territory including the ethnic cleansing of Bukovica in 1992 and the deportation of Bosniaks and Muslims, many of whom were subsequently killed. He too stressed that this legacy cannot be addressed only at the national level, but must be part of a region wide dialogue.

Respectfully submitted,

Mr. Leon Benoit, M.P.
Chair
Canadian NATO Parliamentary Association (NATO PA)

Travel Costs

ASSOCIATION	Canadian NATO Parliamentary Association (NATO PA)
ACTIVITY	70 ^h Rose-Roth Seminar
DESTINATION	Bosnia and Herzegovina
DATES	March 19-21, 2009
DELEGATION	
SENATE	Senator Pierre Claude Nolin
HOUSE OF COMMONS	Leon Benoit, M.P.
STAFF	
TRANSPORTATION	\$16,957.84
ACCOMMODATION	\$1,222.79
HOSPITALITY	\$0.00
PER DIEMS	\$394.30
OFFICIAL GIFTS	\$0.00
MISCELLANEOUS / REGISTRATION FEES	\$0.00
TOTAL	\$18,574.93