

Milenko OBRADOVIĆ



Human Rights in the Next Sixty Years:

Have We Made any Progress?

Writing on human rights is always difficult because there is such a huge discrepancy between theory and real life, between proclaimed principles and everyday practice, that it makes one feel sad and hopeless.

But we have to admit that discussing human rights issue is not a futile endeavour; on the contrary, it is necessary and important to write and talk about this issue, because it could help to lessen this mentioned disparity between theory and practice regarding human rights.

It is particularly difficult to discuss human rights in the light of the ethnic conflict in the former Yugoslavia in the last decade of the XXth century. As it is commonly known, the former Yugoslavia fell apart ten years after the death of Josip Broz TITO, who kept the lid on the ethnic tensions for nearly four decades using political and military power.

Roots of the Conflict

The former Socialist Federal Republic of Yugoslavia (SFRJ) was composed of six republics: Serbia, Croatia, Bosnia-Herzegovina (BiH), Macedonia, Montenegro (Crna Gora) and Slovenia; as well as two autonomous provinces within Serbia: Kosovo-Metohija and Vojvodina.

Its extremely complex ethnic composition was the legacy of its history: the Kingdom of Serbs, Croats and Slovenes was formed in 1918 by the Treaty of Versailles, which redrew the map of Central and Southeast Europe. Yugoslavia, envisioned as a union of all the south Slavs, was cobbled together from the debris of historic

empires: Ottoman, Habsburg, the Kingdom of Hungary and the Republic of Venice.

Although technically the south Slavs were one ethnic group, during thousand years of settlement on the Balkan peninsula they had formed different national identities based on history and religion. The two biggest nationalities were Serbs, following the Orthodox tradition, in areas historically part of Byzantine Empire and Croats, who were following Roman Catholic tradition.

To make things even more complicated, during the 500 years that the Ottomans ruled Serbia and Bosnia-Herzegovina, a large percentage of the population, especially in Bosnia-Herzegovina, converted to Islam. Both Serbs and Croats were part of this mass conversion, but they gradually built up their own national identity as Muslims and became known as Bosniaks.

It was the Serbs who fought hardest for the formation of the Kingdom of the Serbs, Croats and Slovenes, and after it was formed it was the Serbian royalty who sat on the throne. Other national groups, notably the Croats and Bosniaks, felt the Serbs unfairly dominated political power in the country; and eventually, during the chaos of World War II, the Yugoslav Kingdom descended into civil war.

Every bit as bloody as the war that was raging on the rest of the continent, the Yugoslav civil war exposed ethnic tensions in all their horror. Supported by Nazi Germany and Fascist Italy, Croatian fascists known as *Ustaše* tried to purge the country of Serbs, Jews and Roma, even setting up their own concentration camps for the purpose.

In opposition to the *Ustaše*, Serb royalists known as *Chetniks* fought for the continuation of the monarchy. Other Serbs, rejecting the royalist view, formed a significant part of the communist *Partisans*. Some Bosniaks were active in the partisan movement, while others sympathised with the *Ustaše*. In the end the *Partisans* emerged victorious, and after the war Yugoslavia was reconstituted as a communist country under the “benevolent dictatorship” of Josip Broz TITO.

Although the exact number of *Ustaše* victims is unknown, it is estimated that 32 000 Jews and 40 000 Roma were killed; Serbian casualties have been put at between 300 000 and 700 000. No

accurate count exists of the victims of Partisan and Chetnik crimes during the war, but it is generally acknowledged that, while their crimes did not match the extent of the Ustaše's, atrocities were committed on all sides.

Reappearance of Latent Ethnic Tensions

Before Slovenia and Croatia declared independence in 1991, the Yugoslav Federation was in the grip of a severe economic and political crisis, with which the Communist Party found itself unable to cope after having lost its charismatic leader, Josip Broz TITO.

The old ethnic tensions from World War II started to grow even amongst the Communist Party members, which eventually led to the disintegration of this leading political structure and the break-up of the country as whole.

After the breaking away of Slovenia and Croatia, Macedonia and Bosnia-Herzegovina also decided to declare their independence in 1992. While the SFRJ collapsed and disappeared from the political scene, its old problems remained and soon led to terrible ethnic wars throughout the 1990s in the various independent republics.

The SFRJ was led by the Communist Party, which seized power after World War II and promptly banned any discussion on ethnic strife in Yugoslavia which took place under the occupation by Nazi Germany and Fascist Italy (1941–1945).

In the name of a proclaimed sisterhood and brotherhood among the Yugoslav ethnic groups and so-called higher goals, it was strictly forbidden to speak or write on the crimes which were committed by paramilitary groups in the ethnic conflict that occurred during World War II and substantially worsened the relations between the nations of Yugoslavia.

It is now more than obvious that this was not the best way to handle a highly sensitive issue such as war crimes that were committed during the ethnic conflicts in the then-occupied territory of the Kingdom of Yugoslavia. The lack of proper and thorough investigation of these crimes, as well as the lack of an open discussion, were among the reasons for such a swift demise of the SFRJ.

But of course, this was not the only reason. The failure of the economy and the expensive as well as inefficient administration, both based on communist ideology, greatly contributed to the break-up of Yugoslavia as a political entity.

We have to emphasize, however, that the almost fifty years of Yugoslavia's existence are seen by many as a "golden age" for all ethnic groups in this country, because it secured peace for half a century and helped the economic recovery after the war.

It is true that the communist authorities in the SFRJ did not have an outstanding human rights record, especially in the first several years following World War II, but even in this field the situation was slowly improving during the 1970s and the 1980s.

For instance, one could have practised religion and stayed out of the Communist Party without having any fear or need to hide. Of course, it did mean that such a person could not be openly engaged in politics, since all political power was in the hands of the Communist Party.

People Without a Home

The crisis which gripped the SFRJ in the late 1980s was unexpected for the majority of its population. Nobody had believed that, after almost fifty years of life under one roof, the people of Yugoslavia could take up weapons and start to fight against one another.

Serbs, Croats and Muslims had not just lived in the same country, but they had lived *together*, which meant in practice that there were so many mixed marriages and so many family ties between them that it was almost impossible to predict such a bloody and barbaric civil war.

The main responsibility for the war lies upon the shoulders of the former communist leaders in the Yugoslav republics, who turned into nationalists overnight in order to maintain their power, while blaming the other ethnic groups for the bad economy. They did not want democratic transformation and economic reforms in the country, because they knew that their privileged position in society would be undermined if these processes took place.

Due to these developments, the former communist leaders started to use nationalistic rhetoric, trying to present themselves as defenders of their ethnic groups, at the same time blaming other ethnic groups for all the problems in the country. The fact is, the first paramilitary units, which ignited the war consisted of criminals who were ordered to execute their actions.

The long-suppressed national sentiments were emerging in a very dangerous manner, and the persons who were responsible for this

stayed at the head of the now-independent, former Yugoslav republics: Serbia, Croatia and Bosnia-Herzegovina.

They abused the power for their own interest and the interest of a very small group of people around them. It was a strange symbiosis of the former communist elite, criminal elements of the society and extreme nationalistic groups.

Hundreds of thousands died and more than two million were displaced during the fighting in Croatia and Bosnia-Herzegovina. During the course of the war, Bosnia-Herzegovina was partitioned into three areas, with each region governed by one of the ethnic groups: Muslims, Serbs and Croats.

Due to international pressure, the Muslims and Croats within Bosnia-Herzegovina joined forces; the country now consists of two "entities," the Muslim-Croat Federation and the Republika Srpska (Republic of Serbs), which were constituted under the Dayton Peace Accord in November 1995.

The Dayton Peace Accord, brokered by the United States and the European Union (EU), was signed by the then-president of Serbia, Slobodan MILOŠEVIĆ, the president of Croatia, Franjo TUĐMAN, and the wartime Muslim leader, Alija IZETBEGOVIĆ.

Ethnic and religious divisions remain strong in Bosnia-Herzegovina despite the fact that the war ended more than ten years ago. Most of the Muslims, Serbs and Croats live in the parts of Bosnia-Herzegovina in which their ethnic (or religious) group constitutes a majority.

As for the process of returning refugees to their homes in the cities, towns and villages where they are minority, it goes very slowly despite the efforts of the international community and of humanitarian organizations.

One of the reasons for this is the lack of confidence after everything that has happened, but there are other reasons too: the difficult economic situation, lack of perspectives, difficulties in finding a job, and so on.

There is a similar situation regarding the return of refugees in the parts of Croatia where the fighting took place between the local Serb population (supported by the primarily-Serb Yugoslav National Army) on one side and the Croatian army on the other.

According to the National Strategy of the Serbian Government for the Return of Refugees from April 2002, nearly 700 000 refugees live in Serbia. According to the last census in Serbia in 2001, some

227 500 refugees decided to stay in Serbia, while others chose to go back to their homes in Croatia, BiH and the southern Serbian province of Kosovo and Metohija. Their return is, even five years after this census, not completed yet due to different reasons related to economic and security situations.

According to International Commission for Missing Persons (ICMP), between 20 000 and 40 000 people, mostly civilians, were reported missing during the civil war in former Yugoslavia. The United Nations High Commission on Refugees (UNHCR) said that about two million people were forcibly displaced during the war in BiH; the majority of them were Muslims, but there were also significant numbers of Serbs and Croats.

According to the Ministry of Human Rights and Refugees in BiH, 1.3 million people left their homes during the war in this former Yugoslav republic.

The Kosovo Dilemma

After Croatia and Bosnia-Herzegovina, the next area to erupt in the former Yugoslavia was within Serbia itself, in the province of Kosovo and Metohija. Although traditionally Serbian territory, large numbers of ethnic Albanians settled in the area during the Ottoman period. In 1990 the population of Kosovo-Metohija was around 10 percent Serb and 90 percent ethnic Albanian.

It should be stressed that Albanian extremists attacked Serbian civilians in Kosovo and Metohija long before Slobodan MILOŠEVIĆ came to power. Their primary goal was to separate this southern Serbian province from the rest of the country and to create an ethnically pure Albanian state on this territory.

For instance, despite the fact that by the Constitution of SFRJ from 1974, Kosovo and Metohija had been given wide autonomy within Serbia, Albanian extremists rioted in 1980 demanding the status of republic and separation from Serbia.

In 1990, Serbian nationalist leader Slobodan MILOŠEVIĆ took advantage of the insecurity Serbs felt at being so drastically outnumbered to seize central power in Beograd by declaring himself defender of Serbs in Kosovo and Metohija. He then used this power to reduce the autonomy of the province, meaning that more power would be exerted by central government in Beograd.

Albanian extremist forces then formed the so-called Kosovo

Liberation Army (KLA) and began even stronger a campaign against the Serbs throughout Kosovo and Metohija. Numerous murders, abductions and property destruction happened in this period.

The major fighting between Serbian police and Yugoslav army against Albanian extremists erupted in 1998; at that time NATO gave an ultimatum to Beograd to withdraw its troops and let NATO forces come into province.

Since Beograd refused to obey this demand, NATO on 24 March 1999 attacked the then- Federal Republic of Yugoslavia. The bombardment lasted eleven weeks and eventually led to the withdrawal of Serbian police and the Yugoslav army from Kosovo and Metohija.

Following June 1999, the Serbs and other non-Albanians in Kosovo and Metohija live in terrible conditions without freedom of movement and under constant threat of attacks by Albanian extremists.

On 17 March 2004 a massive violence against Serbs in Kosovo and Metohija broke out. Albanian extremists forced the United Nations (UN) police and military forces to flee for shelter in their bases.

They attacked Serbian villages and towns as well as the churches and monasteries of the Serbian Orthodox church. It took United Nations (UN) forces several days to take control over the province, but the situation still remains an extremely fragile one.

According to the official figures from the National Strategy for the Return of Refugees, 230 000 Serbs and other non-Albanians left their homes under the pressure of the Albanian extremists.

The UNHCR estimates that 300 000 Albanians fled their homes during the conflict. More than 90 percent of Albanian refugees came back home after June 1999, but Serbian refugees seven years after the war are not allowed to return to their homes.

The Solution to 'No Agreement'

In his report on the situation in Kosovo and Metohija, Kai EIDE, the then-special envoy of the United Nations (UN) Secretary General Kofi ANNAN, recommended the start of talks on the future status of Kosovo and Metohija.

Kai EIDE also emphasized that today's Kosovo is characterized by a growing dissatisfaction and frustration. In different forms it affects all parts of the society: Kosovo Albanians, Serbs and other minorities.

The current policies of the United Nations (UN) are seen as static and unable to respond to the real problems facing Kosovo. Marginal adjustments will only add to the frustration, increase the danger of more violence, damage the reputation of Kosovo further and weaken the international community.

He also warned about the catastrophic economic situation in Kosovo and Metohija, characterized by a high unemployment rate between sixty and seventy percent, as well as the reduction of subsidies by international donors.

Referring to the March 2004 violence, Kai EIDE also said that the international community was caught by surprise by the March 2004 violence. The response was slow and confused both on the military and on the civilian side.

Some characterized the surprise and hesitation of the international community during the March 2004 violence as a result of an “intelligence failure.” Lack of intelligence may well have prevented all of us from detecting and reacting to the activities of extremists.

The real and profound problem, however, goes much further and beyond: the international community failed to read the mood of the majority of the population, all of its frustrations and its impatience.

The international community also failed to understand the potential for extremists to mobilize support for ethnic violence and the vulnerability of minorities: and in particular the Serb population.

Kai EIDE stressed the importance of the fulfilment of standards demanded by the United Nations (UN), which should provide safety and security for Serbs and other non-Albanians in Kosovo and Metohija as well as freedom of movement and the creation of better living conditions for minorities.

The talks on the future status of Kosovo are currently being held in Wien under the United Nations (UN) auspices. So far, there is no agreement between the Serbian and Albanian delegations on any of the issues which have been discussed.

Serbian and Albanian representatives are not able to reach any solution not only on the status of Kosovo and Metohija, but neither on other issues such as the organization of local authorities and the rights of minorities.

The United Nations (UN) Security Council will have to decide on the future status of Kosovo, but it has to be aware of the impact which its decision will have on the stability of the region as whole,

keeping in mind all the terrible injustices that happened in the past.

We can just hope that the solutions found by the United Nations (UN) agencies will not deepen the rifts between the Serbs and the Albanians and thus lay foundations for yet another war in the Balkans.

Unfortunately, we can be sure that whatever the solutions will be, it seems that one side or both will not be satisfied, since Serbs and Albanians have completely different positions regarding this and other issues.

All that ordinary persons living either in Serbia or in Kosovo and Metohija can do in this difficult situation is to pray that evils and terrors of the fighting and the war will be avoided and consciously work for peace among the nations of the region.

Milenko OBRADOVIĆ graduated with a degree in history from the Philosophical Faculty of Beograd University in 2002. After teaching history he became a journalist at the Serbian National News Agency in 2004. His main foci are political issues pertaining to the modern history of Serbia and the surrounding region. He lives and works in Beograd. His email address is mobrad77@yahoo.com.