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Bosnian Intervention: wrong diagnosis; wrong prescription

C.G. Jacobsen, Independent Committee on War Crimes in the Balkans,
Ottawa, 7 May 1993; for Op-Ed.

William Safire (New York Times) sees moral victory in the fact that President Clinton's threat to bomb turned Serbia's Milosevic and Bosnian Serb leader Karadzic into peace seekers. I see moral myopia. I see an armed outsider bursting into my house, holding a gun to my head, demanding that feuding neighbours be allowed to occupy one of my floors.

Pre-war ethnic distribution maps put the lie to the intervention-fuelling myth that Serbs have conquered more, and must therefore be pushed back. Muslims were concentrated in the cities. Some 68% of rural lands were settled by Orthodox Christian Serbs. The Serb offensive that culminated in the siege of Srebrenica negated the gains of the Muslim offensive that originally took the city in April 1992, swept through Eastern Bosnia, and struck into Serbia itself. There were Muslim and mixed communities in the region before; yet most of the countryside was always Orthodox.

The other intervention-fuelling myth, fed by news coverage that features allegations against Serbs on front pages and in feature stories, while relegating (sometimes worse) allegations and evidence against Croats and Muslims to lesser coverage, if at all, is open to serious dispute. The consensus that sees Serbs as the worst villains ignores much evidence that would suggest otherwise--evidence available in our Committee's now all-too voluminous files.

Yes, rapes and executions are an abomination. But so, morally, are "investigations" that effectively look only at the claims of one side. If we are to pretend to moral stature, we must assign equal resources to the investigation of all accusations, to the prosecution of all who are guilty. This we have not done. This is not war of aggression. It is classic civil war. Ugly. Brutal.

The one third of Bosnian Serb lands that the latest Vance-Owen plan gives to Muslims or Croats will not be relinquished easily. Those whose homes it expropriates will fight. So will many in the remaining areas. They look like South African homelands, effectively split one from the other. This is a recipe for insecurity, paranoia--and war.

A large enough interventionist army can of course enforce any peace it wishes, though it will take more men and more brutal callousness than most believe. German Wehrmacht and SS divisions kept their version of ethnic peace during World War 2. Former dictator Broz Tito did the same through subsequent decades, with informers and enforcers who brooked no dispute. Washington can do likewise, as long as it is willing to invest the blood and determination. But the day that willingness wanes, be it twelve months from now or twenty years, hostilities will resume, as they did after Tito.

There might have been a nationalist Serb agenda before. There was also a nationalist Croat agenda, with powerful German support. And there was a Muslim religious/cultural agenda, evidenced by Izetbegovich's ties to Iran, and later also Turkey. All had maximalist

pretensions. All had arms (the Muslim myth of arms disparity is belied by the depots they inherited, General Mackenzie's and other testimony of subsequent deliveries, and their own offensives). Now, however, the Serb agenda has reverted to its survivalist essence.

Serbs distrust of German and Croat nationalism has long roots. War-time memories were seared into their consciousness. Croatia's original World War 2 independence was as a Nazi puppet state, with an Ustasha Nazi party clone, and its own mini-Fuhrer. It was convicted of genocide by the Nuremburg tribunal. It did not help that Croatia's current President F. Tudjman, a former police general, denied genocides of Serbs and Jews alike, and embraced Ustasha symbols and mythology.

Serbs saw themselves as natural allies of Britain, France and the US. They had been allies through two world wars; there are British and French cemeteries in Belgrade. They are bitter at what they perceive as betrayal. They are bitter at sanctions that cause unemployment and inflation, and impoverish all--but mostly the poor, and refugees (the largest concentration of non-Serb as well as Serb refugees are in Serbia, yet they receive only 5 % of the aid given refugees in Croatia and Bosnia); hospitals have no dialysis machines, no anti-biotics. Serbs believe they are being sacrificed to the altar of Western oil and other interests in the Arab world. They believe they are the Christian sacrifice needed to balance the West's war against Iraq. They have become paranoid, and imbued by a Massada complex that bodes ill for those who would compromise.

Ironically, there was a Vance-Owen plan that might have been the basis for peace. This was the original plan to divide Bosnia into three self-contained parts. The plan was agreed to and signed, by all three parties, in Lisbon in early 1992. Izetbegovich reneged one week later, when promises of Muslim aid and American support encouraged expectations of a better deal. That encouragement was directly and tragically responsible for the carnage that followed, the Muslim offensive through eastern Bosnia and against the "Corridor", the Serb counter-offensives that turned the tide of battle, and the horrors of Croat-Muslim fighting in Central Bosnia.

To believe multi-ethnic harmony can be re-established in most of Bosnia is dangerous delusion. Some such harmony still exists in isolated pockets. Astonishingly, a Muslim brigade from Bijeljina continues to fight on the Bosnian Serb side. Some will continue to feel safe and welcome in some locations of the others. But most will not. It is also clear that all will not be satisfied. The plan that would give the greatest sense of security to the most people is the original Vance-Owen plan. Today's version, with much shrunk Serb cantons does not and will not. Insist on Vance-Owen, but insist on the right Vance-Owen. Then give the funds and resources to investigate ALL crimes. Then we may have peace.

Larger-scale intervention in support of the last Vance-Owen plan is misguided, based on historical myopia, subjective morality, and questionable and sometimes deliberately manipulated and falsified evidence. It is hasty. It is not a recipe for peace. Terms perceived as punitive and unjust will not last. Sooner or later they provide the banner for the next war.

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War Crimes in the Balkans:
media manipulation, historical amnesia and subjective morality*

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22 April 1993

The Media Campaign; Anti-Serbian "Truth"--with caveats. The Croatian Relief Fund's TV and other media advertisements brought searing images of Croat victims of Serbian "aggression" into Western homes. Then came reports of "ethnic cleansing" and Serbian "concentration camps". These were followed by the charge of "systematic organized rape campaigns" against Muslim women; the figure of 40-50,000 victims was and is generally accepted (some initial reports went as high as 250,000). Serbs became moral outcasts. Economic sanctions were imposed. A UN War Crimes Commission is constituted, with money and mandate focused on Serb atrocities, and Serb perpetrators. Editorials and Op-Ed articles in the *New York Times*, the *Washington Post* and other leading newspapers urge American intervention to save Bosnia from Serb dismemberment, and "Punish Serbs".

The persuasiveness of anti-Serb information and propaganda [and German insistence] drove Western support for the self-determination of Slovenes, Croats and Bosnian Muslims. The right to self-determination was not extended to Croatia's 600,000 Serbs. Little thought was given the fact that the Croatia thus recognized was the Croatia first given "independence" (and its current borders) by Hitler and Mussolini, with a *Ustasha* Nazi party clone, and a mini-Fuhrer, Ante Pavelic. It was convicted of genocide against Serbs and Jews, by the Nuremberg Tribunal.

Croatia's President, Franjo Tudjman, a Police General in the former Communist regime, denies the genocides of Serbs and Jews alike; his government and Party adopted the insignias, songs and legends of their *Ustasha* predecessors. To many Croats these were symbols of independence, and pride. To Croatia's Serb population they were starkly ominous, as was the suspension of police and judicial authorities in districts that voted against Tudjman in 1990.¹ Tudjman's promulgation of a constitution that glaringly omitted Serbs from its list of recognized minorities, the publication of a "Black Book" (actually pale blue) that listed Serb family names in Western Slavonia, and the first ethnic cleansing, ordered by Croat commanders, sparked and fuelled the ensuing revolt by areas with larger Serb populations [the now "independent" state of Krajina].²

In hindsight it is clear that the denial of self-determination to Croatia's Serbs, a reflection of the "principle" that established borders must be respected (never mind that Croatia's recognition denied that principle as it applied to Yugoslavia), was a tragic mistake. To expect Serb populations to accept Croatian sovereignty was like expecting Warsaw Ghetto survivors to accept a German state with Nazi symbols--it made war inevitable.³

The recognition of Bosnia, whose borders [also] reflected former Communist dictator Broz Tito's politics and purpose, and of its Serb Muslim minority as the legitimate inheritor of power, was also incendiary. Bosnia was historically Serb, as recognized by Nazi Germany when she annexed it to Croatia. Even after their war-time decimation, Orthodox (Christian) Serbs remained the larger ethnic group until the 1960s, when Tito first recognized the Muslims as ethnically distinct and organized the relocation of some Serbs to Serbia. Yet even today the non-Muslim Serb population, if one adds those who see themselves as Yugoslavs and Montenegrins, rivals Muslim numbers, and dominates rural regions [see below].⁴

The Muslim-led government that claimed legitimacy furthermore rested on a temporal and highly uncertain alliance with Bosnia's third minority, the Croats. Croat support for Alija Izetbegovic' government was tactical, anti-Serb rather than pro-Muslim. By early 1993, as Western support for the Muslims and pressure on Bosnia's break-away Serb state both grew, and notwithstanding bloody Serb-Croat clashes in and around Krajina, there were a number of instances of Serb-Croat military cooperation in the Fojnica-Kiseljak-Kresevo region of Central Bosnia; when Serb forces took/re-took Sarajevo suburbs to the West and North-West they handed one, Stup, to the Croats.⁵

Western media rarely reported such complexities, or their implications. The media generally accepted the Croat campaign's assertion that rebellions by Croatian or Bosnian Serbs were at the behest of the Milosevic government in Belgrade. There was little appreciation of the fact that many of the Serb rebels were opponents of that government too, or that many Croats, especially in the North-East, also voted overwhelmingly against Tudjman, and supported the secessionists, and/or union with Yugoslavia. Few reported on the Serbs who supported Bosnia's Izetbegovic government in the early days, until it reneged on the equally under-reported 18 March 1992 Lisbon agreement to constitutionally protect the tripartite nature of Bosnia's population and territory. This about-face was one of a number of occasions when the West's historical myopia and partisan morality encouraged maximalist Muslim expectations that ultimately served only to fuel and perpetuate war. One of today's ironies is that the government subsequently elected in secessionist Serb Bosnia in fact appears more representative and protective of ethnic diversity than the Sarajevo government.⁶

There is a "Greater Serbia" spectre that sees the Serb populations of other republics/states as the outposts of imperial ambition, with the corollary that their aspirations are extensions of Belgrade's and/or that it is just to expect them to relocate to Serbia proper. Croats, indeed, remember that inter-war Yugoslavia became a fig-leaf for Serb domination (partly in response to the legacy of World War 1). Yet the Serb population constituted the majority of what is now Krajina long before Yugoslavia, and even longer before Croatia first became a state. And Serb population pockets elsewhere in Croatia and Slovenia often had equally long or longer roots. Non-Muslim Serbs held title to nearly 70% of Bosnia before the current conflict (Muslims were always more concentrated in urban areas); hence the Vance-Owen Plan, far from rewarding Serb aggression, in fact gives land to Bosnian Muslims and/or Croats that was never theirs [see endnote 4]

Serb paramilitary and private armies are assumed to reflect Beograd will, and their actions have at times been coordinated with those of the Yugoslav army, as in the final days of the siege of Vukovar. But there is ample evidence that most such units (now proliferating on all sides) are in fact more like German Freikorps--some with passionate nationalist agendas that would sustain them even if their supposed masters pulled back, while others are little more than bandit gangs. The infusion of mercenaries, from Iranian Revolutionary Guards to veterans of France's Foreign Legion and British, German, Australian and other soldiers of fortune provide yet other wild cards, and dangers of anarchy.

The myopia and bias of the press is manifest. The *Washington Post*, France's *L'Observateur* and other leading newspapers have published pictures of paramilitary troops and forces with captions describing them as Serb, though their insignia clearly identify them as Ustasha.⁷ A wire service article identified 11 killed in Sarajevo as Muslims, though 9 were Serbs. A February 1993 *L'Express* cover story on *Yugoslavie - Crimes Sans Chatiment*, depicted one of Arkan's Tigers militia standing over "Croat" bodies after the fall of Vukovar; yet most have been identified as Serbs--whose earlier deaths were certified by the city's former Croat administrators.⁸

In early March the world media presented headlines and feature stories on Serb massacres following the capture of Muslim enclaves in East Bosnia; the denial by UN General Philippe Morillon after his visit to the area a few days later, was given little play.⁹ In April outrage focused on the Serb attack on Srebrenica; the scarcely covered Muslim offensive that (re-)took Srebrenica in May 1992, cleansed Serb villages in Eastern Bosnia and struck into Serbia proper, before the tides of battle changed, was forgotten, or ignored. There are countless such examples.

When Muslim women's devastating charge of systematic rape hit the headlines, there was no mention of the fact that these pre-empted earlier Serb accusations. Muslim charges were accepted at face value, with no mention of the gynaecological evidence and psychiatric follow-up on the Serb victims--whose trauma, anger/shame and response closely resemble Western rape reaction patterns.¹⁰ When the Belgian government denied visas to all but one of the female Serb medical and other rape case workers who sought to attend a conference on Balkan rape in Brussels in February, 1993, there was no media outcry.¹¹ When one Muslim woman gave birth to a black baby in Geneva, it did not make the news.

When the first "witness" to Muslim rapes, a young Serb captured and interrogated by Muslim troops, told of his unit's rape "orders", it was splashed on every front page and featured in every news magazine. Yet he also accused Canada's General Mackenzie of repeated rapes.¹² Editors cut this as beyond belief, yet headlined the rest as fact. None asked whether the charge against Mackenzie, who secured Sarajevo's airfield for the UN, owed anything to his even-handed reports [also] of witnessed and alleged Muslim atrocities. None asked whether the charge against Serbs might be similarly biased.

Ethnic cleansing is described as a Serb preserve. This is myopia at its most extreme. More than 50% of Croat and Muslim refugees in former Yugoslavia are now in Serbia, most quartered with private families; this figure does not count Serb refugees (190,000 just from Western Slavonia). As a result of sanctions and discriminatory bi-lateral aid policies, and ignored by the Western press, they receive only 5% of the foreign aid provided to refugees in Croatia and Bosnia; the children and sick suffer disproportionately from shortages of medicines, diapers, dialysis machines, and a host of other essential articles.¹³

Partly as a consequence of reports from some of its own officials UN agencies (and most responsible media sources) now acknowledge that atrocities have also been committed by non-Serbs, yet Serbs continue to be singled out as responsible for most. This is largely a matter of what is counted and what is not--and why. The detailed identification of Croat and Muslim camps prepared by the [anti-Milosevic, opposition] Serbian Council Information Center in Belgrade, with accompanying documentation of rape and other war crimes allegations, are excluded from UN reports and media coverage.¹⁴ Some have not been visited by the UN because access is denied by Bosnian authorities, who insist they lie in "war zones" (though free from combat); some, now controlled by Bosnian Serb forces, have not been visited because of UN mandate restrictions--though safe passage has been assured.

In February 1993 *New York Times Magazine* printed a typical article, on Milosevic' "stealing" of the January 1993 Serb Presidential election; it was written by the US campaign manager of Yugoslavia's moderate Serb-American Prime Minister Panic [who lost the election]. Yet Western diplomats and other observers concluded that despite manifest irregularities, the election result and the surprising second place showing of a right-wing nationalist party did reflect public opinion.¹⁵ This was ignored in the article, as were the real reasons for Panic' defeat. One was Western sanctions. These have not constricted the now more homogeneous Serb army of remaining Yugoslavia--its military industry is self-sufficient--; but they devastated the lives of poorer Serbs, the old, the young and refugees. They caused a back-lash of sharp resentment that clearly benefitted Milosevic. The second reason for Panic' defeat lay in his exchange of prisoners, many of which had been tried and convicted of Vukovar killings, in exchange for Croatian Serb prisoners [many of whom were] too young or old to have been combatants. Visitors hear this story, told with great bitterness, from across the political spectrum; paramilitary groups vowed to take no more prisoners!¹⁶

Media manipulation as a prelude to intervention is nothing new. Outrage at reports of babies thrown out of incubators so they could be shipped to Baghdad propelled the march to war in the Gulf. Only after the war did it become clear that the tale was Kuwaiti propaganda. The "witness" who testified so eloquently to Congress was the Ambassador's daughter; the incubators and babies remained. The Tonkin Gulf resolution that authorized escalation of the Vietnam War, the Belgian baby pictures that drove public support for American entry into World War 1 and the Hearst newspaper chain's depiction of the Maine sinking that led to the Spanish-American War were equally false. So also with other countries' PR campaigns on the threshold of war. In all these cases, however, it could be argued that the propaganda efforts, whether or not carried out directly by governments, did serve their purpose. Whether

this campaign, funded largely by Croats and money that left Croatia after World War 2, may be similarly described, is more uncertain. History may judge it the first instance of foreign purpose successfully manipulating other governments to serve their ends.

Serbia's "Truth", and paranoia--with caveats. The Genocide Against the Serbs exhibition at Belgrade's Museum of Applied Arts presents photographs of slaughter at the hands of Croat units of the Austro-Hungarian army during World War 1, and at the hands of the Ustasha during World War 2. Then come today's pictures: [again] eye-less and axed heads, Ustasha trade-marks--with captured axes and two-pronged 'forks' designed to gauge out pupils--; head-less corpses floating down the Danube with signs saying "to the meat-markets of Belgrade".¹⁷

An old man in Vukovar--today's Stalingrad, with every house missing wall or roof, legacy of the fiercest house-to-house combat since World War 2--; a bullet hole scar in the back of his neck, an empty hollow where his right eye had been. Left for dead, with his executed wife (they were taken from their cellar as were other Serbs on their block before Vukovar's fall), he is the sole survivor among his neighbours. He identified his "killer", who was tried and convicted, then exchanged by Panic.. There are many, many such stories.¹⁸

Some are apocryphal, such as the story [frequently heard] of Serb children pinned to Vukovar lamp posts with Ustasha knives through their bodies. Serb children were indeed found dead, after Vukovar fell. Yet the horrific "truth" now accepted is testimony to the incendiary potential of escalatory telling, and second and third-hand reporting, and to the mindset that finds it easy to believe.

Serbs see a manipulation of hatreds, a third holocaust in the making, "Extermination of the Serbs", masked by a "Conspiracy of Silence".¹⁹ They ask who started the war?; the Slovenes, when they attacked and took over Yugoslav custom posts. Who started ethnic cleansing?; the Croats, in October 1991 (when Croat commanders first ordered the clearing of civilians from Serb villages not in the combat zones). Who started the war in Bosnia?; Bosnian Muslims, when they attacked a Serb wedding in Sarajevo, killing the groom's father and priest. For whose purpose?; Serbs see a German conspiracy to extend German influence through Austria and Croatia to the Mediterranean (they are building a port in Split, and will need road access through eastern Bosnia..); Serbs also see an America willing to sacrifice an old ally to regain Arab favour--a Christian sacrifice to balance the scales after Baghdad--; they see Turkey scheming to establish the "Islamic Arrow" or Dagger, connecting Turkey through southern Bulgaria to Muslim brethren in Macedonia, Kosovo and Albania, cutting Greece off from Europe, and re-establishing Ottoman dominion and ambition.²⁰

"Abandonment" at the hands of World War 1 and 2 allies (there are British and French cemeteries in Beograd) sparks bitter comment. Pro-Americanism has turned to virulent anti-Americanism in many quarters. A **Massada** psychology is emerging; Serbia will fight as long as Serbs remain alive, and as long as foreigners invade its soil. Belgrade reminds those who

will listen of missiles able to reach all World War 2 enemies (Germany, Italy and Hungary), though not former allies.. She notes that weapons once developed against feared Soviet invasion go beyond the conventional.

The imposition of sanctions against Serbia was supported by some US policy-makers on the grounds that it would level the playing field, and restrain a militarily and industrially preponderant Serbia. Yet Serbia was never as military preponderant as it appeared, since Yugoslavia had been prepared for national "people's war" against superior armies, with dispersed arms depots to sustain local efforts; hence there was no shortage of [all but the heaviest] arms for Croat and Serb separatists. The federal Yugoslav army was also largely crippled by the very fact of its inter-ethnicity, and the fact that a large number of its Communist-era Generals, including all its intelligence and security leadership, were Croat. They transferred their allegiances, and now constitute the leadership of Croatia's army, police, intelligence and security apparatus. Ironically, the successor Serb/Yugoslav army today is in many ways more potent, because it is more cohesive. Yesterday's Serb Colonels are today's generals; it is more homogeneous, more united. Sanctions have only made it more so. Yugoslavia's and Serbia's military industries were designed to be autarchic, self-reliant. As noted, it is civilian industry that has suffered, and civilians--in particular the poor, the sick, the young, the old, and refugees. This phenomenon has, in turn, galvanized cries for national cohesion against foreign perfidy, and rallied the population to both Milosevic and the army.

Escalation or Resolution? Three scenarios for the future. The most dangerous tinderbox is the southern Serb province of Kosovo. Its previous autonomous status was rescinded because Serbs feared the perceived separatist ambitions of its Muslim majority. This case is also complex. Serbs see Kosova as the cradle of their culture, site of their "nation-defining" battle against the Ottoman Turks, and symbol of Serbia's historic role as the gate-keeper and defender of Europe and Christianity. It also had a Serb majority population until World War 2, when Nazi troops imported 300,000 Muslims from Albania and expelled 200,000 Serbs. Yugoslavia's Croat, though non-nationalist dictator Tito forbade post-war recrimination, restitution or, indeed, discussion (as he did also of Croatia's war-time concentration camps and massacres); topics that might incite or perpetuate ethnic hatreds were banned. Later, higher Muslim birth rates solidified the Muslim majority. Yet, to Serbs, this remains their Alamo and defining territory. This is the one area above all others that the Yugoslav army could not afford to concede. US President Bush's 1992 warning to Milosevic that a Serb crack-down here will not be tolerated makes it a gas can waiting for a match. Serb irregulars accused of ethnic cleansing elsewhere are heroes to Kosovo's Serbs (and increasingly to Serb youth in general); the latest election saw many, including Arkan, elected Kosova MPs. Some fear they may well raise the banner of ethnic cleansing. Serb leaders themselves talk of majority Kosovo Muslim acceptance of Serbia. They also, as do the new Yugoslav army leadership and others, talk of the potential for and of separatist triggering and manipulation of incidents that would bring outside intervention.

The worst spectre, nurtured by history, is not of US intervention; it is of Turkish, and fundamentalist, expansionist Islam. Government, army, hardliners and former liberals speak of the Islamic Spear, through southern Bulgaria and Macedonia to Kosovo, Albania and Bosnia, and Turkish ambitions to establish dominion from the Adriatic to Sinkiang, through Central Asia. However far-fetched this may seem to most Western minds, it is clearly a spectre that also exercises Greeks--and that has led to increased Serb-Greek contacts.

A variant of this spectre proceeds from the fact that today's Macedonian leadership appears to be seeking Bulgarian alliance, an alternative that Greece sees as nearly as threatening in and of itself, but also as a potential triggering of the primeval threat. The point is, if the Kosovo gas-can explodes, by who-so-ever's match, or if Macedonia ignites through Turk or Bulgar ambition or powerplay, then Greece and others will likely be drawn into the conflagration. A larger Balkan war is not inconceivable.

A second scenario, perhaps the most likely (if US/Western policies to not encourage maximalist Croat/Bosnian expectations) is a Croat-Serb deal in Bosnia, complementing and allowing a Krajina compromise; under such circumstances Serbian and Bosnian Serb authorities might prevail on Krajina so as to allow portions of Krajina's western bulk to be transferred to Croatia in return for the transfer of Croatia's north- and south-eastern tips to Serbia. This would effectively give Croatia part of Krajina's central territory, and more compact and defensible national shape and borders. Serbia/Yugoslavia would absorb the Serb-dominated north-eastern tip, and gain a minimum of additional coastline. Bosnian Serb leaders, in particular, appear willing to go quite far in considering territorial compromise, including disproportionate swaps, if such might lead to more cohesive successor territories, and peace. Krajina authorities and some military groups are likely to resist. Yet if the compromise is part of a comprehensive deal that satisfies both sides' primary security imperatives, then it can probably be enforced.

The logic underlying this scenario is the logic that drives the otherwise illogical cooperation between Croats and Serbs in Central Bosnia today. It is that Croats may fear or despise Serbs, but they are more fearful of a Muslim front on their doorstep--especially if wrought at the expense of Serbia, their traditional buffer against Islam. Such a deal would obviously be at the expense of Bosnian Muslim, whether they were left an artificial mini-state in central Bosnia (which would require permanent UN protection) or not. It would also constitute a fait accompli that the West or the UN could not deny. This solution might not be "politically correct", but it would be more likely to bring relative peace, soon, than any other alternative.

The only other scenario, even tighter sanctions against Serbia (promising even more deprivation for Serbia's poor and sick), are likely only to further inflame Serbia's Massada complex, and ultimately force escalation to out-right war against Belgrade and/or more massive intervention in Bosnia. Even if successful this will require prolonged presence, and the imposition of a Titoist lid on the pressure-cooker, with the same prospect for renewed explosion once the lid is finally removed.

The wild-card threatening all scenarios is that of paramilitary groups and 'private' armies not accepting the diktat of properly constituted nation states. Such **Freikorps** have, as mentioned, proliferated. Even where allegiance to authority is professed (which is by no means true in every case), authority's hold is tenuous. There is a real danger of Lebanonization, of Beirut writ large. The danger increases the longer a solution is delayed.

War Crimes... War Crimes Tribunal. Sanctions against Serbia have failed to deter the strong, while crippling the poor; they have strengthened support for hard-line policies. As noted, the tightening of sanctions (a response to quick judgement and "political correctness"), promise only to sharply increase the pain of the weak--and further strengthen xenophobic will and purpose. The naming of Serb leaders as possible war criminals is similarly unfortunate and counter-productive, though it also answers the call of "political correctness". Naming national leaders undermines prospects for negotiations. In not naming leaders of other "states" and ethnic factions whose followers have committed atrocities, it flags a partisanship that bodes ill for peace, and law.

Nuremberg affirmed the answerability of leaders, yet that was a victors' court. There are a number of problems associated with a more general affirmation of this otherwise laudable principle. First, the victors of World War 2 never accepted its extension to themselves (one thinks of French police torture teams in Algeria, My Lai and other examples; in no case was higher authority deemed culpable). Second, the selective naming of Serb leaders appears doubly partisan in view of the fact that other contemporary political leaders, from Afghanistan's Hekmatyar to Saddam Hussein, from Burma's military **putchists** to Guatemalan death squad generals and others, may be shown to be far more demonstrably and personally culpable--with a far clearer and less subjectively-determined chain of evidence. There is a real danger that action against Beograd and Bosnian Serb leaders will do little to affirm legal principle; if pursued in isolation, historians will most likely judge it a kangaroo court, testament only to the vagaries of political fashion--and the abiding old world order dictum that international law is the law of the strong, the law of the victor.

If international law as an abstract is to be served, and others, perhaps more guilty, prosecuted in the future, it is absolutely essential that it be seen as non-partisan. In the Yugoslav context this means that if Serb leaders are charged, then Tudjman and Izetbegovic must also be charged, for there is clear and incontestable evidence that some who fight under their banners have [also] committed war crimes. So also in the case of rape and other more specific allegations. It will not suffice to pursue only the partisan claims of one side; that would be a mockery of law, a mockery of justice.

The New World Order got off on the wrong foot in the Gulf when denial of Kuwait to Iraq was not extended into a more general principle of denial of conquest. Laws cannot always be applied equally in practice; they must apply equally in theory. If that mistake is now compounded by selective and partisan prosecution, we will re-affirm a much older world order.

Laws must apply equally, with equal and rigorous rules of evidence, examination and cross-examination. And that will not be easy in former Yugoslav lands, even without suggestion or evidence of prior bias. There are also practical problems. Crucial rape evidence, for example, is highly time dependent. Prosecutors need access to hospital and medical records, gynaecological examinations and psychiatric testimony and monitoring.

Another problem is evident in the Arkan case. This most famous/infamous of Serb irregulars is accused by the Bosnian Muslim government and [some] Western agencies of responsibility for massacre and ethnic cleansing of Muslims in the city of Bijeljina in the north-western province of the Bosnian Serb state; the city has a large Muslim population. Yet local Serb leaders, backed by the testimony of local Muslims(!), tell a very different story. In their version the Izetbegovic government made a pre-emptive strike at the city at the start of the conflict with 2000 "mercenaries", assuming local support, and intending to cut the bulk of Bosnian Serb lands off from Serbia; they were observed by locals; Arkan (whose main training camp is just across the border in Krajina) was called; he and his men struck first, successfully. Local Muslims confirm the story. They also point to the fact of a locally-raised Muslim battalion fighting for the Bosnian Serb state, on the northern front against Croats, and the fact that Muslims manage the city's three largest enterprises (an example of inter-ethnic peace that is said to have no parallel in today's Bosnia), as evidence of their loyalty and integration.²¹ This prime case against Arkan thus may not stand close scrutiny. On the other hand, even if it did, it most certainly would not be easy to tie this to Milosevic and/or the Belgrade government. Arkan has expressed contempt towards both Milosevic and the Yugoslav army; there has been tactical coordination, as noted above, yet his overall record rebuts assertions that he either could be or is controlled by either. Certainly, the contrary case will not be easy to make in a court that is remotely neutral in its deliberations.

This is not to say that Arkan's Tigers and other irregulars/regulars, like the Serb **Chetniks**, Krajina's **Wolves** and Croatia's **Ustasha** are not guilty of crimes. Civil wars are not for the squeamish. They spawn hatred, and hatred begets hatred. But well-documented cases (such as that against the **Ustasha** in Vukovar) are rare. Others are going to be far more difficult to prosecute. Certainly, a proper War Crimes Commission will need far more resources, in investigative personnel and money, than is presently envisaged. If not done properly, its legacy will itself be a prescription for war--not peace, and certainly not justice. If it cannot be done properly, it best be aborted, now.

Conclusion. But, finally, if a solution is to be lasting, it must rectify the precipitating tragedy of [Western] recognition of borders that reflected Nazi and Tito will, not natural or any other kind of justice. The mistake was to recognize the right to independence of one nation within Croat and Bosnian borders with no account of the presence also of others. To expect Croat Serbs to accept Croatia authority was akin to asking Warsaw Ghetto survivors to accept the German flag; it guaranteed conflagration. So also in Bosnia. This was always Serb territory (as recognized by Nazi Germany in the 1941 decree that annexed it to Croatia); even after the war-time decimation, and as late as the 1971 census, Serbs remained Bosnia's

largest ethnic group. Titoist relocations and higher Muslim birth rates subsequently brought Muslims to their current position as the numerically somewhat larger ethnic minority [with Croats in third place, at about 17%]. Nevertheless, the remaining Serb population retains title to more than 65% of the land [reflecting Muslim urban concentration]. If "peace" disinherits too many, and/or leaves them in unconnected cantons likely to breed insecurity and paranoia, then it will not last. Terms perceived as punitive and unjust will not last; sooner or later, they provide the banner for the next war.

* Full documentation available from author, on request.

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