

SERBIA'S SREBRENICA DECLARATION: A SMALL STEP, BUT IN THE RIGHT DIRECTION

On 11 July 2010, Serbian President Boris Tadic attended the fifteenth anniversary of the Srebrenica massacre. His attendance at the event comes just three months after the Serbian parliament passed what has been called a 'landmark' and a 'monumental' declaration on Srebrenica on 1 April 2010. These events, together with the surprising arrest and transfer of Radovan Karadzic to The Hague in 2008, indicated to a number of observers that Serbia had finally started to open up the questions of war crimes, responsibility and reconciliation. Or has it?

The declaration itself had been a long awaited event. It started life in 2005, when the Serbian parliament attempted to bring about a declaration on Srebrenica, only to see the process fail as the leading political parties were unable to reach a consensus on the text of the document. Soon after came some key changes in Serbia: the 2008 change in government which finally deposed conservative Vojislav Kostunica and the signing of the Stabilisation and Association Agreement (SAA) in the same year. Even though the SAA was signed without full cooperation with the ICTY – Ratko Mladic was still missing – Serbia seemed to have taken its war time responsibilities seriously, first arresting the fugitive Karadzic and subsequently opening up the question of a war crimes declaration.

Finally, on 1 April 2010 (after an acrimonious thirteen-hour debate), the Serbian Parliament adopted a long awaited 'Declaration on Srebrenica', in which it condemns war crimes committed in the Bosnian town. For its definition of war crimes in Srebrenica, the Declaration calls upon the judgment by the International Court of Justice (ICJ) in 2007 but does not use the terminology 'genocide' to describe the events, unlike the ICJ ruling.



Serbian President Boris Tadic, center, pays his respect to the Srebrenica victims at the Potocari Memorial Center in Potocari, 120 km (75 miles) northeast of Sarajevo, Bosnia and Herzegovina, Sunday, July 11, 2010.

In the Declaration, the parliament 'strongly condemns the crime committed against the Bosniak population in Srebrenica in July 1995'. It also condemns 'all political processes...which lead to the creation of a notion that achieving one's own national goals can be carried out through armed and physical violence against members of other nations and religions'. Furthermore, it promises that the Serbian authorities will support all institutions working on prosecutions of war crimes, for the completion of cooperation with the ICTY and specifically for 'the arrest of Ratko Mladic, for the purposes of a trial at the ICTY.'

Amongst international observers, the declaration was almost universally praised. However, in Serbia and Bosnia-Herzegovina (BiH), it was followed by immediate criticism, most notably by various political actors and media in BiH, for not mentioning the word 'genocide' in reference to Srebrenica. Furthermore, Bosnian observers picked up on the point that the Declaration

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was intended originally to be a resolution, and saw the end result as a step-down in Serbia's commitment to the reconciliation process. A point of contention was also the Declaration's invitation to other parties in the former Yugoslav wars to acknowledge their acts of aggression against Serb victims. This was seen as an unwelcome intrusion into what was expected to be a document dealing solely with Serbian acknowledgement of war crimes in Srebrenica. Thus, as the Sarajevo weekly Dani put it, for Bosnian observers, the essence of the Declaration almost boiled down to - 'if anything happened, we are sorry.'

Conversely, whilst in BiH the Declaration was seen as not having gone far enough, in Serbia it was predominantly seen as having gone too far. This sentiment was conveyed both by the media and some of the political elite. Even though the parliament voted in the declaration with only 21 'no' votes and one abstention in a 127-member voting round, the debate surrounding the declaration was punctuated by frequent dissent.

First of all, members of the Serbian Radical Party, SRS, whose leader Vojislav Seselj is currently on trial at the ICTY, left the parliament before voting began. Subsequently, the debate reached such levels of discord that the ruling coalition had to remind the parliament that delivering such a declaration would be 'good for Serbia', so that the perpetrators of the 1995 Srebrenica massacre 'do not hide behind the entire nation'. The main opposition to this argument suggested that such a declaration would only create a burden to be carried by future Serbian generations.

Eventually, what appeased the opposition was the caveat that the Srebrenica declaration would be swiftly followed by a 'counter-declaration' of sorts, in which the Serbian parliament would condemn all crimes and acts of aggression committed against the Serbs. Whilst no one will deny the importance of condemning war crimes against any ethnic group, delivering a parliamentary declaration on the actions of others (Bosniaks, Croats, NATO) almost entirely defeats the purpose of reconciliatory gestures such as the Srebrenica declaration, and slips back into the exercise of finger-pointing, so common in the war crimes debates between Serbs, Bosniaks and Croats so far.

But what could be deemed to be the broader impact of the declaration in Serbia itself?

Almost nothing, for now – as can be witnessed in the Serbian media. Most mainstream media outlets picked up on the story only briefly, with the declaration virtually disappearing from the press only three days later.

However, already on 2 April, leading daily Politika reproduced, in full, the draft 'counter' declaration on crimes committed against the Serbs. Likewise, on the same day, it printed a prominently displayed article in which it proclaims that 'the list of the Srebrenica dead, includes 500 people still alive', echoing the doubts over Serbian responsibility over Srebrenica, which are raised with some frequency in the Serbian media and public. In addition, the declaration sits uncomfortably alongside Serbia's failure to arrest Ratko Mladic.

The declaration, being one of the first attempts of any post-2000 government to address unambiguously the question of Srebrenica, has had little public impact in Serbia only because it has been left so late. We must not forget that since the early 1990s and long after 2000, the public and political discourses in Serbia framed Srebrenica and associated events as either non-existent or as something that can be explained as a 'general madness of war' or worse, as 'defence.' The likes of Slobodan Milosevic and Vojislav Seselj have had years in which to manipulate the Srebrenica question into an issue of resentment, rather than responsibility. During this time, media including Politika and popular daily Vecernje Novosti have routinely cast doubt over events at Srebrenica, which has helped undermine the credibility of all evidence surrounding this event.

The April 2010 declaration in this context, then, looks like an abrupt change in government policy - a welcome one at that, but one which will take time to find resonance amongst the Serbian public. Above all, the Serbian government cannot go this alone. Despite the best intentions of Tadic and others, they also need the media and public intellectuals on their side.

For now, the reactions to the declaration have demonstrated that media representation and public opinion vis-à-vis war crimes seem to be stuck in the same rhetorical rut, but thankfully, large sections of the political elite seem to have moved on. Importantly, the ruling coalition has finally started to lead on this question, even though opening any kind of war crimes debate is still hugely unpopular. In this sense at least, the Declaration very much gives us hope for the coalition's future actions. Taking a much broader view, there is now far more hope that the government will finally start taking a stand on other unpopular decisions (such as the arrest of Mladic).

Considering Serbia's previous record with ICTY cooperation and reluctance to open the war crimes debate at home, it is easy to be cynical and suggest that the only reason such a declaration was ever delivered was in order to demonstrate to the EU that Serbia is com-

mitted to the opening up of the war crimes question, after the contentious signing of the SAA to which The Netherlands objected (on the basis of Serbia's non-compliance with the ICTY).

The declaration itself does not mean an awful lot. It does not tie Serbia in with any obligations towards the ICTY or the victims, nor does it reveal any new information or positioning, nor does it open up the debate on war crimes. It also came with a caveat that the declaration on Serbian victims of war crimes was to follow shortly after. What it does mean is that a significant group of those in power have finally made an explicit statement on this issue.

The role of the EU here is not negligible. Having pegged Serbia's accession prospects to its cooperation with the ICTY, the EU has been at the forefront of the war crimes question in Serbia. Not only did the conditionality result in the arrests of suspects who would otherwise not have been transferred to the Hague, but it has also firmly placed the 'question of the past' onto Serbia's European agenda, showing it that in order to join the union of values, it must first make some drastic changes in its political life.

One conclusion which can be drawn from this is that the Serbian political elite has, in some ways, finally matured and wisened up as to the importance of confronting the Srebrenica question, and more broadly, taking a very critical look into Serbia's role in the conflicts of the 1990s. Here at last, the debate has moved on – not too far away from the original posturing, as the counter-declaration attests – but away from the Milosevic and Kostunica eras at least. In this sense at least, it is demonstrating its commitment to the question of war crimes and showing itself as a serious candidate for a European community of values. Needless to say, many problems (such as Mladic) are still outstanding, but considering Serbia's reluctance to do anything about the war crimes question over the last fifteen years, this small step is indeed promising.

Thus, the Declaration belongs to a wider issue of reconciliation in the Western Balkans. The term incorporates a whole host of different processes (transitional justice etc.) but in the region, it has all too often been boiled down to ICTY cooperation, and only in the context of EU integration and conditionality.

In addition, the contentious question of unresolved war-time issues has often been the spanner in the works of all types of other cooperation – cultural and educational exchange as well as the political and economic (with the latter being lesser than others). Hence, the unspoken and unresolved war issues have really been

former Yugoslavia's 'other frozen conflict' with no side wishing to give way – no one wants to be the first to apologise, and hence somehow admit responsibility. As a result, this debate on a regional level has not so much been completely closed as gone around in circles, with each government pointing the finger at the other. In this stalemate, everyone was waiting for Serbia to make the first move, or at least, a move. And finally, it has – the step taken with the declaration is very small and very cautious, but it is a step in the right direction nevertheless.

