

Yugoslavia - Dossier - On Slobodan Milosevic

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Faced with the wars of ethnic cleansing which have ravaged Bosnia-Herzegovina, the dominant theses have centred either on deadly inter-ethnic hatreds or on Slobodan Milosevic - the "butcher of the Balkans" or adversary and victim of the great powers.

This ignores the deep causes of the crisis of the Titoist system and a major political and specific element concerning the "warlike transition" [1] in the former Yugoslavia : the specific alliance that the Serbian president formed with Franjo Tudjman, the president of Croatia throughout the 1990s.

This is the real black hole for the International Criminal Tribunal for the Former Yugoslavia (ICTY - see below) and the great powers, who precisely relied on the strong states of the region and their alliances to "stabilise the Balkans".

But this is also a black hole for those who presented Milosevic as the adversary of the great powers and the progressive counterweight to all reactionary nationalisms - including that of Tudjman.

The similarity of the two regimes and the choices of their leaders are much greater than their differences.

The real initial choice of the United States to support the Tudjman regime against "Serb-Communism", to cover up the aggressive dimensions of his policy in the media and to provide him with arms was relayed through the support given by Germany to Croat and Slovene independence.

These orientations gave a certain credibility to the thesis of Milosevic's defenders, according to which the "great powers" and "their media" led an anti-Serb policy of demonisation of the Belgrade regime, leading to the NATO war against Belgrade and the indictment of Milosevic.

This thesis is supported by the massive propaganda of the media during the NATO war (see point 4) and by partial truths, but it is globally false.

- On the one hand we cannot confuse the role of the media and what influences them, concerning the Yugoslav crisis and conflicts before and during (or after) the NATO war (March-June 1999).

- For before this war there was no united policy concerning these latter (and corresponding pressure on the media); nor were the media " simply" press organs of the rulers. The pressure which can be exerted on the media at a time when governments are involved in a war did not exist. There were, rather, other sources of information, emanating notably from all those who were effectively attacked by Belgrade.

- It is necessary in this framework to accord a particular attention - which would merit specific study- to the Croatian propaganda covering the regime of Franjo Tudjman precisely because it was a major hidden aggressor supported by the United States and Germany [2], because it took as its hostages the Muslim refugees, supposed "allies" who influenced the discourse of Sarajevo, and because the alliance between Milosevic-Tudjman and the Bosno-Serbian and Bosno-Croat militias was essential to understanding the war in BH as well as the Dayton Accords.

Paradoxically, the demonisation of Milosevic facilitated his defence at the ICTY.

It renders no service to the victims of ethnic cleansing policies. To denounce it does not imply any complicity with his regime -but there are (unhappily) many ways of being reactionary, other than being Hitler. Making this point politically involves taking into account all the victims of these policies whatever their community, and whatever the nationality of their aggressors. It gives meaning to a left discourse which should go beyond the misleading "socialist" and "Yugoslav" labels.

But also we should not accept silence on the role and the hypocrisy of the great powers - and demand a balance sheet of the policies pursued.

It is necessary then to approach in a distinct manner the general causes of the crisis of the Titoist system and federation to understand what led to the wars. Behind a fog of labels and ideologies, it is necessary also to evoke the powerful media propaganda and counter-propaganda

From whence the four following points:

I) the deep internal/external causes of the crisis of the Titoist regime and federation;

II) From the deconstruction of Titoist Yugoslavia (social ownership and multinational federation) to the recomposition of the dominant/dominated nation states.

III) The false thesis of the single aggressor: from the Milosevic-Tudjman alliance to the Dayton Accords - test and black hole of the dominant analyses of the ICTY.

IV) The NATO war in Kosovo and the indictment of Milosevic. Again on the ICTY

I) Internal/external causes of the crisis of the Titoist regime and federation

1. The points of support of the Titoist regime

Living together, despite the black pages of the past, is worth the effort if it involves living better and with more dignity; on the bases of converging living standards. Living better also means feeling more protected from external risks together than separately.

In all these respects, we can raise four main factors which gave Tito's party and the second Yugoslavia born from the resistance of the Second World War a real legitimacy and popular base. The first three are internal, the other external.

The first: increases in standards of living These were constant and general throughout the country from 1945 to the end of the 1970s - with rates of growth of production among the highest in the world, near to an average of 10% per year in the 1950s, subsequently falling to around 6-7%. This country of the capitalist "semi-periphery" before the second world war, more than 75% peasant in 1939, was no more than 30% peasant in 1980. The progress would remain considerable up to the end of the 1970s: in the area of education (a student rate which was among the highest in the world

- and the highest in Kosovo among young Albanians, at the end of the 1970s!), of social security - extended to peasants, of health, of social promotion for the children of peasant or worker families.

Second factor: increases in social status, in human dignity. Self-management was very popular among the workers until the crisis of the 1980s, as surveys by the sociologist Neca Jovanov show; its introduction, at the time of the break with the Kremlin in 1948 was justified in terms of Marx against Stalin, the Paris Commune against statism. Self-management was extended to all the spheres of social production, opening real margins of accountability in conflict with the bureaucratisation of the system of the single party. The majority of intellectuals identified massively with the socialist ideals put forward, while criticising various aspects of the system and its reforms. The latter, frequent at the time of Tito, were always responses by the regime to the social movements and conflicts which appeared, after it had repressed their "leaders". This "Titoist" combination of rights and selective repression produced, on the one hand, an extension of the self-management rights recognised until the end of the 1970s; but, on the other, repressive measures killing initiative and free thought and the enlargement of horizons to manage conflict; the overall effect being incoherence and ineffectiveness. But the rights recognised also gave a feeling of dignity and real social well being until the end of the 1970s.

Third factor: the extension of national rights was considerable by comparison with the first Yugoslavia which smothered diversity in a "unitary" and dictatorial fashion; but there remained an inequality of status between Slav peoples, granted the right to self-determination and non-Slav communities treated as minorities - notably the Albanians, who were more numerous than the Montenegrins. The second Yugoslavia would not have emerged without the realisation of a federative system, but the conflicts with the Kremlin prevented the new state from orienting itself towards the project of Balkan confederation with the neighbouring states which would have facilitated the egalitarian treatment of the Albanian question, notably in Kosovo, and avoid the pre-eminence of the "Southern Slavs" of Yugoslavia. National rights would nonetheless evolve according to the conflicts appearing, in the framework of socio-economic reforms (what type of planned production and distribution of resources?), cultural reforms (in the broadest sense, recognition of the minority languages as official and Bosnian Muslims as an ethnic-national reality/religious substratum in the same way as the Bosno-Serbs or Bosno-Croats) and political reforms (what articulation between mode of decisions at the federal and republican levels, including in the election of the cadres of the single party?). From the mid-1960s onwards, the institutional evolution confirmed a durable recognition of the distinction between citizenship (civil rights) and "people" (in the ethnic-national sense), the republics being nearly all recognised as pluri-national like Yugoslavia (except for Slovenia). At the same time, the system became confederalised: the republics and provinces acquired growing rights in relation to those of the federal centre, in spite of persistent ambiguities and contradictions (Kosovo and Vojvodina had the same representations and rights as the republics with the constitution of 1974 - while remaining formally provinces of Serbia; the "subjects" who were given the right of self-determination were ambiguous: peoples or states?).

These three sets of factors did not then yield a coherent and conflict-free system; but being associated with a constant economic growth until the end of the 1970s, it was a system perceived as capable of reforming itself and of recognising new rights.

The fourth factor is "external": The Yugoslav project was attractive in terms of its ability to resist the risks of assimilation and external domination. During the Second World War, in spite of and against the violence and inter-ethnic hatred propagated by the Croat Ustachi fascists, or the Chetnik partisans of the Serbian dynasty, the partisans (anti-fascist resistance led by the Yugoslav Communist Party) organised diverse peoples against the foreign occupier, on the basis of a multinational popular army, anchored in the poor peasantry to whom land was distributed. And they also built a counter-power on federative bases, prefiguring another Yugoslavia resting on the

assembly of the committees of national liberation (AVNOJ) in the reconquered territories, resisting the diktats of the great powers allied at Yalta - Stalin among them. With a regional impact which tended to escape the Kremlin's control. This is the underlying cause of the "excommunication" of Titoism by Moscow in 1948. But, far from making it disappear, this rupture would force the Yugoslav Communists to consolidate their popular base by radical reforms; encouraging them also to enlarge, via the non-aligned movement, the international margins of resistance to "campism" that the Cold War wished to impose: namely the pressures to submit themselves to the domination of Moscow in the name of resistance to imperialism. In 1968, again, the Soviet intervention in Czechoslovakia was exploited by the regime to consolidate by mobilising the people in a "popular defence" alongside the official Yugoslav Army; the rapprochement of links with neighbouring Albania was then consolidated together with the increase of the rights recognised to the Albanians of Kosovo (notably a university in Pristina in the Albanian language, then constitutional changes going in the direction of a quasi-republic).

In sum, until the end of the 1970s, the three sets of internal factors evoked appeared as the conquests of a system protecting the peoples concerned against external aggression - and giving Yugoslavia an international stature of which the people were proud.

2. Internal/external causes of crisis

But the absence of real democracy and of transparency of the system undermined over time the progressive and stable content of growth, of rights to self-management and national, individual and collective rights.

The suppression of any forceful criticism and recall faced with the necessary experimentation of reforms favoured the turning in of everyone on themselves and opacity, hence also waste and indebtedness. Resistance to measures of redistribution deepened inequality in living standards per inhabitant between regions. The nation in the ethnic-cultural sense of the Yugoslav Constitution became increasingly a political nation, as nationalism was used by the party-state to increase its privileges of power at the level of the republics and provinces. The system was increasingly hit by corruption, generalised indebtedness, and an overall ineffectiveness; but the bureaucratic powers in place, diverting the critiques towards nationalist interpretations, diverted the failings of the system onto "others", destroyed the necessary solidarity and made opaque and impossible any outcome based on socialist, internationalist and self-managed values.

Repressive responses to discontent and indebtedness affected growth adversely for the first time in the 1980s, marking major ideological reverses, favoured by the context of a crisis of socialist projects and neoliberal offensives in the 1980s. The repression by the single party of contested ideologies had meant, as in the USSR and the other countries identifying themselves with socialism, making the party - and then its leadership - the supreme judge of "truths" and of the collective interest, or the "historic" interests of the proletariat. The flexibility introduced after the break with Stalin in 1948, had been broadly challenged with the repression of the 1970s. The intellectual and revolutionary quality of the leaders trained in the resistance, internationalism (many of them had participated in the international brigades in Spain) and the anti-fascist struggle was real; but it did not immunise the effects of the privileges of power, nor give them the "science" of adequate responses to the problems which emerged. New cadres, increasingly marked by statism and bureaucratism, invaded the single party all the more quickly as real or presumed adversaries were repressed.

The victims of this repression - left or right, Marxist or not, religious believers or not - would re-emerge in the years of crisis, in the context of a discrediting of a Marxism which had become an official religion, benefiting from their status as victim and rehabilitating pre-Titoist ideologies.

Pluralism would emerge then in the worst fashion and in a fog of labels as seen elsewhere in the world.

These “endogenous” causes of crisis would be aggravated by external factors.

With the arrival of Mikhaïl Gorbachev in power in 1985, the risk of Soviet intervention disappeared. But Germany and the Vatican were seen in Belgrade (with Austria) as favouring Slovene and Croat separatism and globally weaving an anti-Yugoslav and anti-Serb conspiracy. There was no longer a “common enemy” as factor of internal cohesion.

Parallel to this, the break-up of the federation and the system was catalysed by a foreign debt of more than 20 billion dollars by the turning point of the 1980s. The increase in the price of oil in the 1970s when the country indebted itself in a decentralised import strategy, then the increase of interest rates on private debt brought about by that of US rates in 1980 contributed, equally with the internal mess, to this “debt crisis” - which similarly struck Hungary, Rumania, Poland and the German Democratic Republic (GDR).

The “visible hand” of the International Monetary Fund weighed on the “structural adjustments”, demanded ever more urgently. The “classic” neoliberal recipes, imposed as universals at this time had a specific impact in Yugoslavia: the market and privatisation finished off the disintegration of the system of self-managed social ownership, aggravating the overall crisis of the whole of the Federation. Faced with four figure inflation, the liberal prime minister Ante Markovic chose, in 1989, the road of “shock therapy” inspired by the IMF recipes: the new privatisation laws that he implemented sought to break the social resistance to a market which was supposed to reunify the economy and to give it coherence.

At the end of the 1980s, no unifying factor was at work on the social-political level.

Whereas the country experienced thousands of atomised strikes, the workers of Vukovar, a multi-ethnic town in Croatia, came to Belgrade calling for a general strike. But they would find no political (or trade union) relays for their action. The old protagonists of a socialist alternative critical of Titoism mobilised in 1968 had been repressed and its protagonists had collapsed into the nationalist opposition, or again, particularly if young, had opted for neoliberalism, not forgetting those who had preferred exodus or passivity. Those who remained in the different Communist Parties were subjected to the discredit of the system and the parallel rise of nationalism and a collapse into neoliberalism of a significant part of the former Communists.

The Yugoslav Peoples Army (JNA) had been consolidated at the institutional level to attempt to limit the factors of disintegration. But it defended in fact its privileges on the scale of a federal state, without real political coherence, although attached to the tradition of the Titoist Yugoslav resistance. It was wary, from this viewpoint, of Serbian nationalism. Contrary to what has often been said, it intervened in Slovenia, in a “phoney war” (with its soldiers unarmed) on the orders of the head of government the Croat liberal Ante Markovic - the only one to really have a Yugoslav orientation - and not at the request of Slobodan Milosevic: the latter had neither the power to do so, nor the intention in this sense, while he colluded behind the scenes with the Slovene leader, Milan Kucan to manage the separation. This intervention (which led to several dozen deaths in this army, faced with the Slovene Territorial Defence) produced a major crisis in an army which remained “Yugoslav” before being nationalist; accelerating the independence of Slovenia and the disintegration of the Yugoslav army (by splits and purges) on the basis of new independent states. After the declarations of independence by Bosnia, Belgrade withdrew what remained of the Yugoslav army of the republic, leaving to the militias of the Bosnian Serb nationalist leaders the essence of the existing infrastructures and armaments. Like other generals faithful to the past of Titoist resistance, the

Serbian general Jovan Divjak rallied the Armija of Sarajevo against Serb nationalism in Bosnia. Based on conscription, the rump Yugoslav army established in 1992 (Serbia-Montenegro) remained much less the direct instrument of the government in Belgrade than the paramilitary police forces.

The reformist party of Ante Markovic was the only political current opposed to the various nationalisms on the Yugoslav scale - on free market bases. And it is quite simply not true that liberal capitalism had as its objective and interest the dismantling of all of Yugoslavia. The IMF, the US and most European governments (Germany and the Vatican apart) had initially hoped rather for a liberal Yugoslav state, and supported Ante Markovic, fearing the destabilising aspect of secessionist nationalisms. Pragmatism prevailed in the evolving alliances and the use of conflict - but in a very different context from the Balkan wars at the beginning of the 20th century and the two world wars between great powers. Independently of any privileged alliance and outside of conspiracy theories, it was primarily the intrinsic mechanisms of neoliberalism and its prescriptions which were responsible disintegration of the federation - rendering European construction fragile in a logic of competition and privatisation destroying social and national cohesion.

To the workers, the neoliberalism of Ante Markovic offered generalised competition, job insecurity, and wage austerity wrapped in a share ownership which challenged in practice the self-managed status and its protections.

As for the great mass of small peasants, the neoliberal programme brought them nothing; on the contrary, it threatened to suppress the social security and protections won under the Titoist regime.

There remains the urban middle layers and intellectuals and the bureaucracy of the party/state. The neoliberal project of privatisation, far from rallying them on a Yugoslav basis, would on the contrary differentiate them - each seeking from the state of "its" community protections or "clientelist" guarantees of privatisation which were more credible than those available on the Yugoslav scale. The absence of real Yugoslav bureaucratic unity also produced bourgeois aspirants of all nationalities and an initial uncertainty at the territorial level of the state which would manage the transformation of ownership.

Although conserving a certain "Yugoslavism" and a "socialist" label, the regime of Slobodan Milosevic was not the bearer of any programme, or orientation which could yield a progressive alternative which would be attractive to the peoples of the various nationalities. And this is not only an effect of external "propaganda" demonising him, no more than his fall was the product of external actions waged against his regime - contrary to what has been claimed by many: on the contrary, international sanctions against Serbia and the NATO strengthened Milosevic and postponed his fall. The latter, in September 2000, was not the product of a revolutionary uprising (although there were real mobilisations of youth and popular mass demonstrations to confirm his electoral defeat), nor the victory of his discredited neoliberal and pro-NATO adversaries. Much more ambiguous and opaque than these propaganda images, the fall of Milosevic illustrates first the discredit of his corrupt and clientelist regime which had won a relative majority in various elections only because of massive abstention and an opposition which appeared not only divided but often worse than him.

It was the appearance of a "credible" candidate (discovered by polling!) [3] that changed the situation - with the decision of the opposition to support him by forming a front with nothing else in common than being "anti-Milosevic", whereas the popularity of Kostunica stemmed from three factors: he had not been corrupted either by the clientelism of the regime or by that of his western-funded adversaries; he had radically criticised the NATO war; and he had reproached Milosevic not for his Greater Serbia orientation but for having in his eyes betrayed, in Croatia, Bosnia and Kosovo by signing the Western peace plans. We are very far from the explanations founded on the apparent image of a NATO "victory" opening an era of "progress". But this new "Yugoslav" president no

longer had a country (the rump Yugoslavia gave way to the state of Serbia-Montenegro, on the verge of breaking up) ; he no longer had any coherent socio-economic political programme to offer in resistance to the neoliberal policies that his erstwhile allies would radicalise. The effects of these policies explain the difficulties in building political majorities and the rise of the vote for the nationalist right.

Slobodan Milosevic was not the cause of all the evils and that is why his fall has resolved nothing. He embodied an eclectic politics and ideology, in evolution and thus differing, indeed in rivalry and in part in conflict with the systematic orientation of a Greater Serbia and of his adversaries/allies - and that is why he was a point of support for the great powers in their peace plans. But he was not a progressive alternative -he buried Titoism in promoting as in the rest of Yugoslavia the statisation/privatisation of ownership and the dismantling of national rights - and thus he could not be a response either to neoliberalism or Great Serb nationalism with which he not only flirted, but incorporated into his "Yugoslav" past.

This composite reality is at the source of the incoherency of the theses of the prosecutor Carla del Ponte, as well as those who have presented the Milosevic regime as an adversary of the world order and the great powers. It alone allows us to understand why the Milosevic regime has been perceived in a contradictory fashion. We can clarify this by retuning to the inegalitarian recomposition of the nation states emerging from the crisis of the Titoist system.

II- From the dismantling of Titoism (social ownership and multinational federation) to the recomposition of dominant/dominated nation states

The general causes, internal and external of the crisis of Titoist Yugoslavia do not exhaust the debate because they do not necessarily imply war. If we reject the theses of fatal interethnic hatreds, we must examine the political actors in the disintegration, and the manner in which the ownership rights and national rights which accounted for the popularity of Titoist Yugoslavia - unlike the first Yugoslavia of the interwar period [4] - gave way to a decomposition without end.

The equation of all nationalisms, while having a partial basis, founders on the relations of power and domination. But in the decomposition of Titoist Yugoslavia we should bring out the dominant role of the governments in position in Slovenia, Serbia and Croatia, who imposed their choices on others.

1) Statism as a form of challenge to the socio economic system and the multinational federation

The transformation of the states as regimes taking decisions on ownership and national rights is of central importance to the "Yugoslav transition". These regimes have of course used history, memory, media propaganda, traumas and fear

But in the context of multidimensional crisis, debt and inflation of the 1980s the neoliberal precepts had to deal with an essential question to which they had not responded in advance what state was going to privatise the resources and wealth embodied in social ownership, on what territory, with what "citizenship" and "historic" legitimation?

a) Towards the territorialisation of ownership

On the socio-economic level, it was necessary to "prevaricate" over the rights of self-management to challenge "from above" and in opacity [5] - in complete constitutional illegality - the constitution of 1974 avoided tendencies to interpret and manage social ownership like that of the state, or again

like that of the “groups:” workplace collectives, technocrats, bankers and so on), the law imposed a societal and self-management based approach. That obviously did not give a simple answer as to how to articulate “society” in its power of management and control. But it legally forbade the “sale” of this ownership to private interests, without democratic consultation affecting the whole of society. Yet that is what all the new states - Serbia included - would do, primarily for their own profit.

The logic of privatisation advanced without speaking its name and without respecting any kind of societal “constituent” procedure, although it amounted to a challenge to the Yugoslav constitution. Behind the scenes of a federation which was increasingly paralysed and racked by corruption, three figure hyperinflation and debt, a certain “Milosevic commission” in May 1988, had made initial proposals, drawn up by neoliberal economists and directly drawn from the IMF recipe book, notes Susan Woodward [6]. The last Yugoslav government of Ante Markovic introduced a “shock therapy” of neoliberal inspiration against “inflation” (in reality against the self-management rights resistant to the market) in 1989. The new laws on “social ownership” were voted through by the federal institutions in which Slobodan Milosevic participated along with his Croat, Slovene and other colleagues. Statisation and share ownership would squeeze, as in a vice, the societal logic (shares were initially to be distributed free to the workers, to sweeten the pill).

The federal laws were then prolonged after the break up of the federation (Slovene and Croat secessions in June 1991) by the new independent states. Even in Slovenia, where there was no war and international sanctions to slow the pace of privatisation, social ownership was far from easy to “bury”. it flourished in all the laws of Slovene as of Serb privatisation [7] in the early years of the “transition”.

But everywhere, state territorialisation and commodification of property rights was radically modifying the status of workers, now dismissible [8].

b) Towards the territorialisation of “nations”

The “states” (republics), without being artificial realities on the historic level, had not set up the federation it is the latter which had made them emerge, recognised or consolidated, articulating a dual notion avoiding both the normative crystallisation and the narrow territorialisation of “nations” Titoist Yugoslavia, distinguished citizenship - an objective notion defining civic rights and duties across the territory as a whole - and “nation” or “peoples” treated in subjective fashion and open to evolving individual choices (one could declare oneself “undifferentiated” at the national level)

- The Slav “peoples” were recognised as such everywhere where they were found independently of their percentage, and in a non-territorialized manner

- Yugoslavia was then not only a multinational federation, but based on republics which, in general, were also thus.

Resistance and defiance towards the possibility of the emergence of a “Yugoslavian-ness” - which the first Yugoslavia had wished to impose in a unitary fashion - had not stopped the spontaneous emergence in the censuses of a national category of “Yugoslavs” based on mixed marriages and cultural osmosis.

Croatia was in this context defined at the level of its constitution as the state of the Croatian people and of the Serbian people (12% of the population) because both were historic, secular, evolving components in their mixes and distinctions. This recognition of the Serbs of Croatia as a people was essential after the traumas of the Second World War It functioned as a protection of living together which did not imply a separate “territorialisation”, but a rejection of the policies of ethnic cleansing

waged by the Croat Ustashi against the Serbs in the name of “Croatness” which rejected the Jews, the Serbs, the Roma - but incorporated the Muslims (and thus the territory) of Bosnia.

The case of Bosnia-Herzegovina (BH) was both similar and different. The treatment of the “peoples” of Bosnia was the same - no territorialisation or recognition of the multinational reality dependent on some percentage (there was moreover no absolute majority in Bosnia, the Muslims (in the “national” sense of Titosm, distinct from citizenship) [9] - called Bosnians since 1994 - formed the relative majority of around 40%; against around 1/3 of Serbs and some 18% of Croats. Bosnia was then the state of its three peoples; but this notion had a subjective, historic, cultural sense integrating religion, with a freely determined choice in censuses, and not territorialised; all being at the same time citizens of Bosnia and of Yugoslavia. But this also protected everyone against the “historic” desires of Serb and Croat nationalism, each with their project of forced assimilation of the Muslim Slavs [10] of Bosnia: BH belonged neither to one nor the other, but to those who lived with the black and white pages of their own history and conflicts, mixed and neighbouring, their identities evolving, so magnificently recounted by the Nobel prize-winner Ivo Andric or by Mesa Selimovic in this “Death and the Dervish”.

However, the non Slav communities were not a “people” -because of the idea that they had an external state of reference (with the exception of the Roma, an ethnic national community without a state)

Thus, for example, the Albanians of Yugoslavia (who represented half of all Albanians, and who were much more numerous than the Montenegrins) were not recognised as a “people” in Kosovo and in Yugoslavia. Nonetheless, to avoid the status, perceived as discriminatory indeed threatened with assimilation, of a “minority”, Titoism had invented the notion of “nationality” (narodnost), without right to self determination and thus distinct from “nation” (narod), but capable of having similar rights. Notably that of a locally official language Or representation in the federal bodies similar to other communities (in the rotation of the presidency, for example, each year attributed to another community, the Albanians counted as Slav peoples) The transformation of Kosovo into a quasi-republic, itself multinational, reflected this “Titoist” tendency towards a greater recognition of the diversity of the peoples of the federation

The growing confederalisation of the system from the mid 1960s crystallised in the Constitution of 1974 which gave the republican units and provinces increased rights, transforming them into basic actors of the system (in the control of taxes and external revenues as well as the nomination of cadres in the congresses which henceforth took place at the level of republics in autonomous fashion, allowing an “ethnicisation” of the composition of the institutions).

But in becoming key actors of the system, they tended to be bearers of a right of self-determination rivalling that which was recognised at the constitutional level to the “peoples”. From another viewpoint, the procedure of dissolution of the common state also concerned the social actors, self-management, in that the outcome of the labour of each and the common patrimony belonged to everyone.

Globally, with the crisis of the 1990s all the underpinnings of Titosm tended then to be challenged under a “statist” form.

2) New relations of domination

But three big blocs were distinguished at the level of the leaders in position, the first two playing in fact a dominant role imposing their choices on others - bypassing any really concerted procedure of dissolution.

First bloc: the new powers of Croatia and Slovenia, emerging from the first free elections of 1990, choosing to leave the sinking ship.

But Slovenia, together with Slobodan Milosevic, modified its constitution unilaterally to affirm the right of self-determination as right of the Slovene people, which coincided as it happens with the state [11].

Serbian nationalism acted as a foil in Slovenia as in Croatia - with a reciprocal game of mirrors in Serbia against the "anti-Serb" peoples. But the real adversary, whose policies were boycotted, was in Slovenia, Croatia as in Serbia, Ante Markovic who sought to build a neoliberal project of privatisation on the Yugoslav scale - with the support of the IMF and the main western powers (except, then, Germany, Austria and the Vatican).

The solidarity affirmed for a time in Slovenia with the Albanians of Kosovo in 1989 (in fact to weaken Belgrade) was very relative and rapidly forgotten: the rich republics were no longer interested in funding federal development or the resources which went to Kosovo. The few intellectuals who, with the Croat economist Branko Horvat, fervent defender of Yugoslav self-management, launched a petition in favour of a "Yugoslav initiative" to manage the constitutional conflicts on Kosovo were rapidly marginalized in their respective republics. In Croatia Ustashi symbols reappeared, as did the Croat nationalist discourse embodied in Tudjman who prepared the unilateral modification of the Croat constitution suppressing its multinational Titoist dimension.

Second bloc: Slobodan Milosevic and his allies of the "Serbian bloc", made up of representatives from Montenegro, the Vojvodine and Kosovo taken back at the end of the 1980s by the constitutional changes challenging the rights won under Titoism: the ambiguities of the 1974 constitution making these provinces quasi-republics were suppressed by clearly re-establishing the subordinate status of the provinces to Belgrade. This logic can be characterised as "Great Serbian" (as Lenin spoke of the Great Russian behaviour of Stalin in Georgia and elsewhere), a major regression in relation to the rights won under Titoism but in synch with French and international law in relation to "minorities"...

It was not then a policy of genocide, nor of ethnic cleansing (Kosovo, with around 2 million people, is 80% Albanian) - moreover Milosevic has not even been indicted on the question of Kosovo concerning the whole period of the 1990s - and until the turning point of 1998-1999 this was a situation of "Neither war nor peace" dominated by the peaceful resistance of Ibrahim Rugova. There was on the contrary a desire for political, cultural and socio-ethnic "re-Serbification" of the province (blockage of sale of Serbian lands, encouragement of the employment of Serbs instead of Albanians in the public sector or with Albanians being massively laid off for not respecting new laws, encouragement of the return of Serbs to the province, notably those fleeing the conflicts in other republics).

Beyond that, the reincorporation of Kosovo was, for the master of Belgrade, not part of a project of a "Greater Serbia" but of a Serb-dominated Yugoslavia incorporating all the Serbs, centralist on a federal (and not confederal) mode, applying a majoritarian principle to the benefit of the Serbs (and no longer a confederal Yugoslavia where the federal bodies functioned by consensus - thus independently of the numerical force of the national communities).

Milosevic's break with Titoism took place then on the two levels invoked: it began at the end of 1989 on the level of property rights, it continued with the challenge to the status of autonomy acquired by Kosovo in the constitution of 1974; the whole being translated by the suppression of the reference to socialism with the establishment of the 3rd and last rump Yugoslavia (Serbia-Montenegro) - all of this, which touches on the fundamental constitutional rights of the people, being done without any popular consultation.

Third bloc: Macedonia and Bosnia Herzegovina, which Titoist Yugoslavia had transformed and consolidated [12], treated as “artificial creations” of Tito by their neighbours. These two republics were rendered particularly fragile by the crisis of the federation, as much in their relations with their now threatening neighbours as on the internal plane, because of the diversity of their populations, polarised between several “solutions “ in the defence of their rights. We should first look at the entanglements and conflicts through their eyes.

At the turning point of the 1990s, the leaders of the two republics tried desperately to contain a Yugoslav framework, against Croat and Slovene separatism: on the socio-economic level, as less developed republics, they were favourable to a more redistributive and federative logic than Serbia defended against the richer republics, but they fought at the same time against the departure of Slovenia and Croatia before the fear of finding themselves politically in a Yugoslavia dominated by a Serb nationalist renewal. Their proposal was an asymmetric compromise, so as to maintain together all the republics, with more confederal rights for republics who wanted them and the maintenance of a common framework...

This formula was rejected both by the Croat and Slovene leaders and by Slobodan Milosevic: they would determine and impose their conception of the right of self-determination, each in their own way.

- The self-determination of the people and of the Slovene state were superimposed, except that it was not supposed to be unilaterally determined, without a procedure of consultation with the other peoples of the federation, without discussion on the management and sharing of the heritage, of the common “patrimony”, on the Yugoslav scale - it was nonetheless in the framework of the federation that Slovenia had won its rights as a state, consolidated its language and its national rights. But the Slovene constitution was transformed to affirm the right to a unilateral choice.

- Self-determination was interpreted by Franjo Tudjman as self-determination of the Croat state (through a majority in a referendum of citizens) to smother any right as a “people” for the Serbs of Croatia; the new constitution adjusted the law and Croatia was defined as the state of the Croat people and other citizens and minorities. But the logic of the negotiations in Bosnia was to there demand a right as “ people” for the Croats by seeking to territorialize it in the direction of a state-based separatism.

- In Serbia, the regime of Slobodan Milosevic would also play on two levels but in coming closer to the French model: Kosovo was reintegrated in the Serbian state, Serbianness being defined as republican and universal on the territory - the Albanians having the full right to be Serbs. The status of minority was codified in this framework, but it is the right of a Serb “people” which was advanced at the beginning of the 1990s in Croatia and in Bosnia, tending to territorialize it according to a state-based separatist logic (hence the self-proclamation of Serb autonomous republics): which was rejected by the Serbs - the status of minority, or dissolution - was imposed on the Albanians

Placed before a dilemma (a menacing independence or insertion in a Serbo-slavia) the leaders of Macedonia and BH would decide to proceed to referendums on self-determination towards independence, under the pressure of international diplomacy: these procedures were supposed to reflect a democratic choice and independence would, it was said, prevent war.

None of this was true.

3) The majoritarian referendums - denials of democracy trapping all the minorities

Procedures uniquely based on “citizenship” and involving a majority vote, taken on a republic-by-

republic basis, when the national questions remained sensitive and intertwined were denials of real democracy. They produced a generalisation of the crisis of “minorities”, of their fears, and of the use of these latter in war-based strategies.

- The Serbs boycotted this type of referendum in a Croatia which suppressed their status as people - but they were also propelled towards violence against their neighbours by militias coming from Belgrade inciting the proclamation of the “autonomous Serbian republics” within a separatist logic.

- The Albanians of Kosovo boycotted the elections and institutions imposed in the new constitutional framework by Serbia in the province and unilaterally proclaimed the autonomous republic of Kosovo, electing a parliament and a president, Ibrahim Rugova: they would peacefully organise separate school and health institutions until 1998.

- The Albanians who represented around 25% of Macedonia also boycotted the referendum in this new state whose 1991 constitution only recognised one people (Slavo-Macedonian) and its official language. But the measures taken by the Macedonian President Gligorov of association of Albanian minorities with the government helped postpone the outbreak of violence. However, the inequality of status of Albanians, and notably of their language, would render them necessarily receptive to the evolution of the situation in Kosovo. The Ohrid accords of 2003, after the violent explosions which ravaged the “FYROM” (Former Yugoslav Republic of Macedonia - a name used to placate Greek nationalism), would modify the constitution, suppressing any reference to a Slavo-Macedonian people, but also introducing rights and procedures of collective decision, and strengthened the status of the Albanian language. In other words it went in the direction of recognition of a multinational state.

- In Bosnia-Herzegovina, the status of the three peoples was not changed following the pluralist elections of December 1990, and the three nationalist parties promised to govern together to win over the protest vote. The president of the collegial presidency was to be a Muslim - Alija Izetbegovic. And, conscious of the danger for Bosnia of the break up of the federation, it was the latter who had, with the Macedonian president Gligorov, defended until the end the maintenance of a Yugoslav logic. Independence would disturb the fragile equilibrium, under the pressure of the transformations and orientations of the neighbouring states - Serbia and Croatia.

War of aggression or civil war? The war which ravaged BH was both. And we cannot understand it in its breadth and violence or the part of the Muslim victims without considering the Milosevic-Tudjman alliance, and the links between Bosno-Serb and Bosno-Croat nationalisms using the fear of an “Islamist danger”.

III - The false thesis of the single aggressor: from the Milosevic-Tudjman alliance to Dayton - black hole and test of the dominant analyses and the ICTY

1) From the gelatinisation of the differences between the two regimes to their mirror game

We know well today what the “socialist” label was worth in Eastern Europe and in the world. The fact that Milosevic’s party bore it has been a catastrophic trap for the Yugoslav left. We have stressed the major ruptures that he had inaugurated with the best elements of Titoism. And at the international level, the lucid and critical analysis of those who pursued rightist policies with left, worse still “socialist” labels, is imposed with an essential vigilance on all those who wish to restore meaning to words and to choices.

Some have also favourably contrasted the Yugoslavism of Milosevic with the nationalism of Tudjman.

But that is to forget that Serbian nationalism dominated the first Yugoslavia in a dictatorial fashion and that a unitary “Yugoslavism” is another nationalism. In short, one can be “nationalist” in various ways on various territorial scales. Indeed we have already stressed that the Yugoslavism of Milosevic was at the ideological and political level (in his programme and alliances) oriented towards Serb domination in Kosovo, and a logic connected on many points with the first Yugoslavia against the gains of the second.

On the other hand the national questions and national rights should be distinguished from “nationalism” as a chauvinist ideology imposed on the backs of others. . But when it is about cultures in the broadest sense (linked to history, religion, language - without any unique and normative genesis), the rights of peoples to sovereignty - that is to say responsibility, dignity and legal status - the collective defence of national rights is legitimate and necessary. Self-determination in this sense does not imply any uniform or universal response, rights can be defended and realised in pluri-national state frameworks. But the correct treatment of national rights imposes reciprocity, equivalence of rights and status.

The defence of the rights of Serbs against fears and real threats in Croatia was completely legitimate if it did not become transformed into violent aggression against the Croat neighbours, imposed by militias coming from Belgrade - and if it involves equivalent recognition of status and of rights for the Albanian communities.

More substantially, for a “socialist”, the question of social ownership and social rights independent of nationality would involve a major difference with the “Yugoslav” orientation of Milosevic.

Both the regime of Slobodan Milosevic and that of Franjo Tudjman had the same approach to social ownership, with its clientelism (and nepotism) in the later privatisations; the same aggressive degradation of the national rights won under Titoism by the minority communities of each regime - Kosovo would remain a “Serbian internal affair” while the Krajina remained an “internal Croatian affair”; both combined the action of paramilitary forces behind the scenes with a parliamentary and pluralist regime (sufficiently pluralist, moreover, for both to be in the minority in certain regions or towns of their respective republics); both adopted a profile of victim rather than warmonger; and both sought compromises making them interlocutors of the great powers who were more “moderate” than their far right; both considered Bosnia-Herzegovina and the rights consolidated there as artificial creations of Tito.

The Serbo-Croat alliance of 1939 for the establishment of a Croat Banovina in the framework of the first Yugoslavia on the basis of a carve-up of Bosnia-Herzegovina was certainly at the heart of the Milosevic Tudjman meeting of 1991. Each regime had paid lip service to the integrality of Bosnia - and the recognition of the independence of Bosnia by Tudjman’s HDZ reflected this. But the ethnic division of Bosnia was within the “logic” of the break-up of Yugoslavia - in Belgrade it was argued that Bosnia was a “mini-Yugoslavia” and that if the frontiers of the one were challenged, why should those of the other remain intact? And when the Western world rejoiced in the destruction of the federation and the Titoist system, why then maintain this “Titoist creation” - the republic of Bosnia-Herzegovina? Better still, we know how much in France and beyond the notion of “Muslim” in the ethnic-national sense was not understood - this is moreover why it was replaced by that of “Bosnians”. The “genesis” of the nations in the Balkans had been structured largely by religions - which organised social functions, education and justice in the former Ottoman millets; and this had been and remained one of the “cultural” and historic components, in the broad sense, of the Croat people (predominantly Catholic) and the Serb people (predominantly Orthodox).

But with the end of Titoist Yugoslavia, it was possible to adapt the strategy of ethnic division of Bosnia. With Bosnia being a state of its three peoples, Belgrade and Zagreb pushed the line that

“Muslim” = terrorist; and basting themselves on the reality of the known Islamic convictions of Alija Izetbegovic, worked for a “self-determination” of the two other peoples, on territorialised bases. The reality, the meaning of the war in Bosnia-Herzegovina was there.

There was a mirror game between the two regimes and the predominant propaganda opposing the two regimes - either demonising exclusively the Serbo-Communist aggressor; or extolling it exclusively as the only progressive regime which resisted the great powers and NATO.

Tudjman’s policy was all the more hidden and exonerated because it was denounced in Belgrade.

And reciprocally, the reactionary reality of the Tudjman regime blinded the defenders of the Milosevic regime (or led them into a culpable silence) to the dirty work being carried out by the regime’s militias and its mercenary Arkan or/and by the militias of the Serb nationalist allies of the Socialist Party in the early 1990s, in Kosovo, Croatia and Bosnia.

2) The false thesis of the single aggressor - the ICTY tested

The thesis of the Serbo-Communist single aggressor and propagator of policies of ethnic cleansing and genocide is false from four points of view:

- it conceals the importance and mendacious aspects of the campaign of the international Croat lobby whitewashing the Tudjman regime of Greater Croatia;
- it conceals what the leaders in Belgrade and Zagreb had in common in these years of “transition”, the alliance on the backs of the minorities of their states which lay at the heart of the drama of Bosnia’s Muslims;
- it does not characterise correctly the Milosevic regime; the thesis hides its composite and evolving reality - the “simplification” hinders the critique of Serbian nationalism and the “Greater Serbia” policy;
- it conceals the real-politik of the great powers and the relationship of Milosevic to the great powers.

a) Again on Greater Croatia - first silence of the ICTY

The anti-Serb and anti-Semitic discourse of Tudjman, the return of the Ustachi symbols and militias, incorporated in the official Croat army, the demonisation of “Serbo-Communism” to prettify the Croat pseudo “democrats”, the rehabilitation of a fascist past and leaders were all denounced in Belgrade and largely hidden or minimised in the mainstream media: Croat nationalism was, it was said, uniquely “defensive”

It is essential to distinguish the violence of the aggressors from the legitimate defence of those attacked. Yet is it necessary to verify that those who are victims here are not aggressors there. Serb nationalism borrowed a lot from Zionist propaganda - the genocide of yesterday committed by the Ustachi covering and legitimising the revanchist policies of ethnic cleansing today Alain Finkielkraut, rightly indignant at this use of past genocides to justify aggression today, unhappily fell into a total blindness on the reactionary Croat ideology and policies [13].

Indeed the objective of “Greater Croatia” had an institutional, ideological and military power which was “visible” to whoever wanted to see it [14], with two aspects:

- on the internal level, the reconstruction of a selective “Croatness” as the basis of the new

constitution and modification of the status of the Serbs to return them to the status of "minority". To "consolidate" this regression, a violent ethnic cleansing was necessary which reduced their percentage from 12% to less than 5% with the military operation of summer 1995 which expelled several hundred thousand Serbs.

- The logic of Greater Croatia was extended on the external level towards Bosnia. At first hypocritically: with the right to vote in Croatia accorded to the Croats of Bosnia anticipating an incorporation in the same single state; but also from 1991, when the sovereignty of BH was recognised, by the implementation in practice of a policy of territorial expansion. There are several variants: one, advocated by the Ustachi troops, sought to aggregate the whole of Bosnia and Croatia - thus "respecting" publicly the integrity of BH. The other, more "moderate" line defended by Tudjman's party (HDZ), worked for the territorialisation of the Croats of BH in Herceg-Bosna, next to Croatia, with its "capital", Mostar - so as to be able to demand the "self-determination" of the Croat people.

The thesis of the "sole Serb aggressor" was supported by the discourse from Sarajevo at the beginning of the war. To struggle on two fronts and denounce those that the United States supported was certainly difficult: the resistance of the Armija of Sarajevo, multiethnic and not only "Muslim" needed weapons. Croatia and Herceg-Bosna were on the road for the delivery of all aid sent to the resistance - and were also the only possible "rearguard" for the Muslim refugees. But it was a dangerous rearguard, a hostage taking which muzzled discourse in a disastrous fashion [15]. Inside the solidarity movement against ethnic cleansing, Croat pressures to designate only one aggressor - and one ethnic type of "rapist" - were terrible - the feminist movement knew it, notably Rada Ivekovic, a Croat feminist denounced as a "witch" because she had dared to say that the rapists were also Croat [16].

But after the anti-Serb ethnic cleansing, Herzeg-Bosna was ravaged in 1992-1994 by a policy of ethnic cleansing of Muslims by the Croat nationalist troops, with the razing of all the Muslim neighbourhoods of Mostar, in the shadow of the symmetrical policy carried out by the Serb militias.

The involvement in this violence of the Croat army under the control of Minister of Defence Gojko Susak was direct. Under pressure from the US - fearing the creation of a Muslim rump state, martyr and destabiliser at the heart of Bosnia, an orientation also rejected by the majority of Bosnian Muslims - a third variant emerged in the attempt to unify the Croat majority regions with the Muslim majority regions in the "Croat-Muslim federation". This "reconciliation" to coalesce against the Serb militias has bequeathed a "federation" which remains fragile to this day.

In these two dimensions, internal and external, the Croat regime was not as it claims a simple "victim" of Serb aggression, still less a friend of the Muslims, whose refugees were real hostages. It was known about and written about at the time. But today the publication of the Croat archives [17] witnesses to it in all clarity.

The silence or minimisation of these realities - on the political level or that of the "justice" of the ICTY is unacceptable and counterproductive as to the possibility of combating the blindness of what was Milosevic's policy: the hundreds of thousands of Serb refugees in Serbia and their lives are sufficient to undermine the thesis of a single aggressor nationalism.

b) The alliance of Serb and Croat nationalisms against the "Islamist danger" at the heart of the war in Bosnia: what does the ICTY say about it?

The Milosevic-Tudjman meeting of 1991 was certainly decisive in the implementation of the political-military discourse and strategies. The regimes in Belgrade and Zagreb - but also the Bosno-Serb and

Bosno-Croat parties, presented themselves on the international and internal level as a “rampart against the Islamist danger” - and the internal separatism relied on such a “danger” to justify the carve-up of Bosnia-Herzegovina, legitimised in its turn by the “right of self-determination” of peoples.

They would use the Islamic declaration drawn up in; 1970 by Alija Izetbegovic and reproduced at the beginning of the 1990s to identify a false equation: majority of Muslims (in the sense of people) equals Islamic or Islamist majority (with all the ambiguities in the meaning of the word, quickly assimilated to Islamist terrorism).

The thesis had “self-realising” dimensions: squeezed between two aggressor nationalisms the Muslims would supply some 70% of the 100,000 victims of ethnic cleansing, and when you are attacked for being “Muslim”, you have plenty of reasons to affirm yourself as such. The legitimate solidarity of the Muslim world and the arrival in Bosnia of Mujahidin would increase the concerns manipulated by Belgrade and Zagreb.

Alija Izetbegovic, for his part, oscillated between an Islamic project (sometimes ready to accept a “Muslim state”, even a rump one, in the “peace” negotiations) and Bosnian Muslim nationalism, stressing first the maintenance of the frontiers of BH; and he was in conflict, even inside the Bosnian Muslims, with the orientation of a resistance built around secularism and a mixed Bosnia [18].

Because it was mainly in the Muslim majority regions like Tuzla, that “citizen” parties would make the most impact, contradicting the equation evoked later. The SDA, the party of Alija Izetbegovic was itself traversed by numerous currents and splits distanced from Muslim fundamentalism. The project of a Muslim state was not attractive in the Bosnian context - including for those who wished to propagate a religious renewal in protecting it from the clientélist behaviour and corrupt practices which arose from integration in the government - visible in the movement of Alija Izetbegovic, as in the practise ce of the other parties in power.

If there were various Islamist currents it was then false to claim that BH had broken up because threatened by an “Islamist danger” - and if this latter was to grow, it was in the first place in reaction to the aggression suffered by the Muslim peoples.

The neighbours of yesterday were not, in general, the direct protagonists of violence [19] - and wished massively to return to live in their places of origin, with a great nostalgia for the past, But the ethnic cleansing functioned in the form of communicating vessels: people who had suffered ethnic cleansing were encouraged to come and live in the houses of others who had themselves been attacked and had fled their homes. The leaders in Belgrade and Zagreb, relayed by the Bosno-Serb and Bosno-Croat regimes would propagate fear through their media; while on the ground the militias propagated violence and hate to separate those who lived together.

Any ethnic map of Bosnia of 1989 shows that no part of BH was “homogeneous” ethnically. But Herceg-Bosna was next to Croatia and the Croat population was relatively concentrated there, although the towns - like Mostar - were not homogeneous; the Serb population was nearly twice as numerous as the Croats (around 33% against 18%) and much more dispersed in the territories which were mixed and far from Serbia: the project of building a Serbian state - the republika srpska - that the constitution of Dayton recognised as and “entity” of BH was then organically a bearer of greater violence.

But everywhere where the towns were mixed, there was ethnic cleansing with the goal of building states that “held” to expel the populations unsympathetic to the project of linking up to the big neighbours.

The instability of successive “peace plans” up until Dayton was fundamentally linked to the progress on the ground of these state projects: “the Islamist danger” as point of departure and arrival (with evocation of the presence of Bin Laden in Bosnia) - from which he fears and the will for secession; this latter attached to a right of self-determination as “people” - without discussing the fashion in which the “choices” have been established, the origin of the violence is seen in the appeal to resist of Alija Izetbegovic who is, in this “optic” the real “warmonger” [20].

Radovan Karadzic and Ratko Mladic at the head of the Bosno-Serb nationalist militias and Mate Boban at the head of the Bosno-Croat nationalist militias were associated with the negotiation of the “peace plans” up until Dayton. They met at Graz in Austria and on the ground they worked together around Sarajevo besieged by a “sole aggressor”. The first had received the weapons and infrastructure of the Yugoslav popular army, withdrawing from BH; the second were directly aided by the Croat army. This is the central cause of the wars of ethnic cleansing and the reason why the Muslim population (less than 45% of the population) accounted for around 70% of the victims.

It should be repeated: to see and condemn one without seeing and condemning the other is criminal, unjust and stupid - leading to the Serbs, themselves victims of ethnic cleansing, having the deep feeling of suffering from an international “anti-Serb” conspiracy. Which can only lead to their own blindness to the crimes committed in their name.

c) the evolving Yugo-Serb policy of Milosevic, another test for the ICTY

If the “anti-Serb” media campaign was mendacious and counter-productive, the criticisms of Milosevic were not “only” lies. There was certainly a “Yugo-Serb” orientation from the Belgrade government, using, until the end of the 1980s the fears of the Serb minorities in Kosovo, Croatia and Bosnia; certainly a policy of Serb domination was reaffirmed towards the Albanians of Kosovo in an aggressive fashion by the constitutional changes in Serbia; there was also, at the beginning of the 1990s the decomposition/purge of the Yugoslav popular army (the JNA) and the collapse of what remained behind the Belgrade government as rearguard of the Serb militias in the operations led in Croatia; and there was certainly an alliance of Milosevic with the Great Serb nationalist far right of the Radical Party of Vojislav Seselj giving this latter the resources for his aggressive policy with its relays in Croatia and Bosnia.

But this alliance was interrupted for some years, then renewed under the NATO bombs.

Because from 1991, Slobodan Milosevic would meet Franjo Tudjman to negotiate the essence on the backs of the populations concerned : the ethnic division of Bosnia. The political choice of Milosevic was also to attempt to reinsert himself in the international “accord”, in return for approval of the UN peace plans in Croatia, then in Bosnia - thus his reversal of alliance. Namely the renunciation of the logic of secession, less open and short term.

It was then that Milosevic renounced his alliance with the Serb leader in Croatia Milan Babic who killed himself in the Hague some days before the death of Milosevic. If Babic had been convinced by the prosecutor Carla del Ponte to testify against Milosevic in return for a reduction in sentence, he was in the days to come supposed to be called back to the court by Milosevic in his phase of defence. Certainly, this “hostile witness” was able to underline how much Belgrade “knew” of what happened, and allowed the nationalist militias freedom of action, or relied on its own mercenaries in the dirty work of ethnic cleansing. The uprising of Serbs of Croatia was both reaction and résistance to the multiple aggressions inflicted by the regime of Tudjman and anti-Croat ethnic cleansing perpetrated in a logic of secession. But Milan Babic should have also witnessed to the fact that Slobodan Milosevic used his weight to arrest this logic and supported the UN plans provisionally freezing the situation, against Babic himself who rejected them!

Also the Bosno-Serb leader Biljana Plavcic was to be another “hostile witness” that prosecutor Carla del Ponte wanted to use against Milosevic. She did not call him, although it is not known why. The fact is that Milosevic was, from 1991, the point of support for the various peace plans from the UN and the Europeans in Bosnia against his former allies Karadzic, Mladic, and Biljana Plavcic. The opposition to Milosevic reproached him for this! We have even seen the photos of Zoran Djindjic alongside Bosno-Serbian leaders today still sought by the ICTY, criticising the “treason” by Milosevic!

The impasses of the thesis of Carla del Ponte lie there., In the opposite sense, the defenders of Milosevic have a certain difficulty in explaining the Milosevic-Tudjman alliance and Milosevic’s support for the peace plans.

Dayton is at the heart of these contradictions - because this was also the moment of a turning point in US policy towards Milosevic.

d) the great powers, Milosevic and Dayton

US diplomacy, initially sidelined from direct management of the Yugoslav crisis, took up and propagated the thesis of an aggressive Serbo-Communism in criticising the UN and EU “peace plans” in Bosnia. Which allowed the US to kill a number of birds with one stone: to present themselves as friends to the Muslims (Albanians and Bosnians) against Serbo-Communism - making up for its policy in Iraq and its silence on Chechnya; to begin to emphasise NATO rather than the UN; and to ridicule the attempts at an autonomous European policy.

Whatever the hidden intentions of Washington, “peace plans” confirming the advances of the war were effectively hypocritical impasses. And such was the deep and sincere source in the solidarity movement of an appeal to interventionism from the great powers : visibly, arguing “you can’t fight war with war” none of the western governments were ready to lose men on the ground to defend human lives, principles or rights (there was no oil in Bosnia, it was said in the solidarity movement, to explain the cynicism of the great powers and the lack of assistance to people in danger). Against the illusion of protection by bombings or foreign troops, some in the movement called rather for the lifting of the arms embargo which raised the right of legitimate defence. But pushing forward a debate on the meaning, form, organisation of the struggle in relation to a multi-ethnic future.

The games of internal politics in the US and in the world were the essence. For Clinton, it was about reinserting the US in the diplomatic game in Bosnia, with the European partners.

The European governments had themselves privileged “their common construction” over their disagreements: they were aligned behind Germany in the recognition of the independence of Croatia and BH, to save the façade of a EU “foreign policy” without really uniting their choices of privileged alliance - France and Britain seeking to balance on the side of Belgrade the support given by Germany to Zagreb.

The Croat-Muslim war undoubtedly opened eyes in the US, but did not lead to any change of discourse. But the bases for a new united real-politik were going to be posed: the search for a stabilisation of the Balkans by support for an understanding between the strong states of the region - Serbia and Croatia, sidelining the more radical nationalist forces.

The end of the war in Dayton was obtained on the basis of two sets of conditions - NATO bombs against Bosnian Serb targets playing totally at the margin, and in order to make this acceptable in the US, the passage from a discourse demonising Milosevic to one which valued and consolidated him.

a) at the military level : the US pushed by all means for the end of fighting between Croats and Muslims and the unification of their two armies, then refloated, to bring about an equilibrium of relations of military force on the ground. It was imposed to ratify the "ethnic" territorial division which had been negotiated: 51% for the "federation" (Croat-Muslim) and 49% for the second "entity" (the republika srpska) recognised at Dayton.

b) As Richard Holbrook stressed, the political aspect of the agreement was global -regional, precisely in the hope of overall stabilisation.

- The political-military agreement allowing the ceasefire was without winners or losers - and thus eminently contradictory : the Bosnian president signed because the frontiers of BH were maintained; the others because the ethnic cleansing had been ratified and links of confederation between each "entity" and the neighbouring states remained possible.

- Alija Izetbegovic could remain president of a BH declared sovereign;

- but Franjo Tudjman, signing in the name of the Croats and Slobodan Milosevic in the name of the Serbs signed because both were consolidated by this signature, on the international level, in BH and in their country.

That means questions for the great powers and the ICTY (and the defenders of Milosevic):

- Franjo Tudjman agreed to be a signatory at Dayton only when the "Serb question" had been "settled" by ethnic cleansing of several hundred thousands of Serbs over the summer of 1995 - in the sight of and in the knowledge of the great powers and of the ICTY, as well as Milosevic;

- The massacres of Srebrenica also took place just before Dayton. Mladic and Karadzic were indicted by the ICTY, notably for their direct responsibility in this massacre - and it is that which allowed them to be sidelined at the Dayton negotiations. Some dare to say, as an "excuse", that the leaders of the Bosno-Serb militias (Mladic and Karadzic) fell into a trap because they believed that the combatants of the Sarajevo army were going to defend the enclave, whereas they had abandoned it without warning [21]. It is undoubtedly true that the enclave was abandoned by Sarajevo - as Vukovar was undoubtedly sacrificed by Zagreb. The archives will speak one day. It is above all true that the enclave should have been protected by the forces of the UN and of NATO - and that it was not.

If these Srebrenica massacres are part of a genocide - as one of the ICTY cases against general Krsticahs concluded, and if we condemn the military leaders like Krstic not, as was stipulated in the appeal, for having desired such a massacre or genocide, but for not having intervened to stop it, Milosevic would undoubtedly have been condemned on similar bases to Krstic - but the great powers should have been also.

- The opponents of Milosevic, including Zoran Djidjic who would then become the point of support of the US and NATO or Vojislav Kostunica, who would be the victor over Milosevic in September 2000 would reproach the latter with having betrayed the Serbs of Croatia and Bosnia at Dayton. And if they were called to the bar at the Hague, they could only confirm the fact that they were hostile to the international plan unlike Milosevic at the time of Dayton.

- Slobodan Milosevic accepted this "final solution" on the backs of the Serbs of Croatia, for it won him international recognition at Dayton, and won silence on Kosovo. Belgrade tried moreover to channel the Serbs fleeing Croatia towards the Repukika Srpska and Kosovo to consolidate the Serb ethnic presence there. He also won out over his former Bosno-Serb allies: on the eve of the Dayton

accords, Ratko Mladic and Radovan Karadzic, directly responsible for the massacres at Srebrenica were indicted by the ICTY. And it is this which allowed Milosevic to sign the Dayton accords in their place - "in the name of all Serbs" Does it need to be said that he could only do so with a certain legitimacy among the Serbs of Bosnia, because the Republika Srpska, produced by ethnic cleansing, was recognised as one of the two entities of BH. Dayton set up not only a "ceasefire" but also a constitution, without consultation of the populations, ratifying ethnic cleansing as basis of citizenship in the various entities.

An unviable set-up, it is said today.

Finally, as collateral effect of these "arrangements", the Albanian peaceful resistance led by Ibrahim Rugova lost any hope of international recognition at Dayton - and the activity of the Kosovo Liberation Army (UCK) began from this point, seeking to internationalise by violence the conflict in Kosovo.

IV) Again on NATO's war in Kosovo and on the ICTY

Dayton signified then the consolidation of the strong powers of the region. The hope for international recognition of the self-proclaimed republic in Kosovo was buried.

Criticism then surged of the strategy of peaceful resistance pursued by Ibrahim Rugova and his LDK (Democratic League of Kosovo) party, since the constitutional changes imposed by Belgrade in 1989. From the balance sheet of Dayton was born an alternative strategy of resistance for independence, seeking the internationalisation of the conflict by violence. The Kosovo Liberation Army (UCK) was born in 1995 with heterogeneous ideological bases. Its actions began in deployment against the Serb police apparatus - provoking reprisals all the more disproportionate as the frontier of resistance went well beyond the UCK and whole families, notably in the villages, solidarised with their members who were involved: the more the UCK was repressed, the more its struggle became popular - although marginal, extremely sectarian in its behaviour including within the community and incapable then of challenging the popularity of its political adversary Ibrahim Rugova.

Between 1996 and 1998 this latter was "classed" as a "terrorist", not only by Belgrade, but also by all Western diplomacies including the US, who demanded only of Belgrade certain "moderation". Towards the end of 1998, the level of violence convinced the US that they could draw some geo-strategic advantages from the situation - extending those won at Dayton by Richard Holbrooke.

Globally, it amounted henceforth to using the conflicts of Kosovo in the goal of confirming and extending the redefinition of NATO and its deployment towards eastern Europe, establishing US military bases in this region and notably in the strategic zone of the Balkans, with access to the sea in Albania and Romania; working for the integration of European construction in an Atlanticist framework, against any autonomous EU policy.

The will to use the UCK was reflected by the demand to treat it as a political interlocutor - no longer terrorist but without supporting its pro-independence logic (for fear that the independence of Kosovo would destabilise Macedonia and Bosnia-Herzegovina, producing new conflagrations).

US diplomacy relied on a triptych: substantial autonomy - but not independence for Kosovo - thus domination by Belgrade and frontiers maintained (terms discussed with Belgrade and de facto acceptable for the Serb party), to gain acceptance on the main issue : NATO. Belgrade did not wish to hear about it but "Milosevic-Hitler" had already, from the accords negotiated in 1998, accepted the presence in Kosovo of observers from the OSCE.

France and Britain wanted to make Kosovo the Dayton of EU “foreign policy”, Hubert Védrine and Robin Cook took in hand the negotiations at Rambouillet, on the basis of the project of substantial autonomy; the question of NATO was sidelined but not the presence of an international military force from the application of the agreement. But the “worst” happened for the diplomats: in February 1999, two weeks of negotiations not between Albanians and Serbs, but between separate diplomats and delegations, would conclude with a refusal of the Kosovars to sign this draft - accepted by Belgrade - because it buried the independence of Kosovo. The military wing remained suspended.

The form and content of the negotiation (with a status for Kosovo written and imposed by the great powers, the US at the head), had been denounced by the leader of the UCK, Adem Demaci who advocated a boycott and had been sidelined from the delegation: the renunciation of the armed struggle for independence was considered as a capitulation.

Madeleine Albright tried to continue the process, in vain. This defeat for the first phase of Rambouillet at the end of February was commented on by Jean-Michel Demetz in *l'Express* under the headline : “Double setback for Madeleine : in Kosovo, neither agreement, nor strikes : the US secretary of State is disappointed” [22].

A new time limit was given- with the decision to resume negotiations on March 23. Meanwhile, the UCK was convinced by Madeleine Albright to sign the autonomy agreement, in return for an oral commitment to a NATO presence on the ground, rapid elections and a consultation of the population after three years.

Since the goal was NATO - it “sufficed” to impose it as integral part of the accord, and “punish” by bombings Belgrade’s expected refusal to have NATO troops on its territory [23]. A few strikes were supposed to suffice, to make Milosevic back off, “as at Dayton”, it was said in superficial journalistic commentaries.

The Dayton accords had, quite simply, brought satisfaction to their signatories - and it is hard to see what Milosevic had lost there. There was no war in Kosovo, but the change in rights and massive dismissals of those who did not accept submission to Belgrade, then a muscular police repression of the pro-independence armed struggle whereas the great powers legitimated in substance this repression and the maintenance of the existing frontiers, The more the US asked Belgrade to repress the Albanians “not much” under pain of bombing, the more they logically incited the UCK to provoke the military and police forces of Belgrade in hoping for the bombardment of Belgrade.

On March 25, 1999, *Le Monde* headlined [24]: « Bill Clinton invokes Churchill against Hitler to justify intervention” with the subheading: “The US president wants to limit the Serbian ability to continue their “genocide” »

And on the NATO website [25], we find a text entitled “Fight against ethnic cleansing in Kosovo” which presented thus the action of NATO :

“NATO launched an air campaign, Operation Allied Force, in March 1999 so as to put an end to the humanitarian catastrophe which was then taking place in Kosovo” [26].

The nature of the conflict and the negotiations, or what blocked them - the question of independence, on the side of the Kosovo Albanians, and of NATO on the Serb side, are not mentioned in this presentation.

Yet, Patrice de Beer (*Le Monde*, 25/04/1999) evokes the criticisms formulated in the US by the Brookings Institution analyst, Ivo Daalder, on the eve of these bombings: “In Kosovo we have been incapable of offering anything other than this horrible and predictable choice between the end of

NATO or a war with Serbia”..

The “air campaign” degenerated into war - without any UN mandate. The principal success of NATO was to avoid breaking up [27]. It was manifest that the bombings had catalysed a catastrophe in Kosovo - 800,000 Albanians fled the province; a civilian population was taken as target, either by error - given the “height” of the strikes - or voluntarily (the US command hoped that the Serb population would turn against Milosevic). And, visibly, the opposite happened, patriotism in the face of bombs perceived as unjust, immediately strengthening Milosevic and trapping his opposition [28]: the Belgrade journalist Stanko Cerovic, a declared adversary of Milosevic, analysed it bitterly [29].

On May 22, 1999 - during the war itself - the Canadian magistrate Louise Arbour, prosecutor of the ICTY, took the decision to indict Slobodan Milosevic, then president of the FRY and several other political and military leaders of the regime for “crimes against humanity and violations of the laws or customs of war”. The indictment related to the period from January 1, 1999 (when the controversial massacre of Racak which led to around 45 deaths took place) to the end of the war in June 1999. According to Pierre Hazan [30], such a decision was taken in a “preventive” fashion by the Canadian magistrate [31], out of defiance towards the great powers rather than under their pressure: she feared, according to this thesis, that confronted with a war which turned into a veritable fiasco for NATO, the governments of the Alliance had sought an agreement at any price with the leader in Belgrade. One can on the contrary note that the indictment of Milosevic went in the exact sense of NATO’s propaganda to legitimate its action [32] - but we can admit that Louise Arbour (like Carla del Ponte) was herself victim of this propaganda.

The indictment of Milosevic for genocide in Kosovo was then predicted : hundreds of mass graves, dozens of Srebrenicas, tens if not hundreds of thousands of deaths from the genocide predicted by Clinton - and justifying the war [33].

To ensure Germany’s military commitment which was no small thing especially for the Greens, the German Defence Minister could only play on a “never again” which evoked the anti-Jewish genocide. Rudolf Scharping affirmed the existence of a plan for “deportation” of Albanians on April 9, 1999, claiming that this had been implemented from November 1998 in Kosovo.

Except that ...

- the plan proved a fraud of which the ICTY no longer speaks;
- from the end of the war international observers were sent on the ground to the supposed mass graves (see. *El Pais*, 23/11/1999) with all the means of investigation of a protectorate under a NATO presence supposed moreover to protect all communities. According to the report of Human rights watch in 2001 [34], the mass expulsion of Albanians during the NATO war could serve in reality several objectives: a modification of Kosovo’s ethnic composition; a negotiation on the territorial division of Kosovo; but also objectives inextricably linked to the NATO war itself - to destabilise the neighbouring states and make an intervention on the ground more difficult. The report evokes the balance sheet of the bodies exhumed by the ICTY after two years of enquiries, as of July 2001: 4,300 Albanians killed by the Serb and Yugoslav forces - less than in some hours at Srebrenica.
- While Joska Fisher, German Foreign Minister justified the NATO war by a “humanitarian catastrophe” evoking a genocide, an official report of the German security services, estimated on January 12, 1999 : “The East of Kosovo is still not involved in an armed conflict”. Public life in towns like Pristina, Urosevic, Gnjilan, and so on continued on relatively normal bases during the whole of the period of conflicts. The actions of the security forces (were not) directed against the Albano-Kosovars as ethnic group, but against a military adversary [the UCK] and its real or supposed

partisans » [35].

- Finally, on September 6, 2001, the Supreme Court of Kosovo, in Pristina, concluded, after enquiry that there was no genocide in Kosovo during the period incriminated (see AFP dispatch of September 7).

What did the European parliamentarians, or the US Congress know about it? What did “republican” France, which refuses to recognise the status of people to the Corsicans, and has declined to adopt the Council of Europe’s Minority Languages Charter, say about it? What balance sheet did they draw of it? What accounts have the European parliaments and the US Congress demanded of a war which would be a precedent heavy with negative consequences?

In the absence of a genocide in Kosovo, the indictment was enlarged to include the two other big file : on Croatia (1991-1995) then in Bosnia (1992-1995) united in a sole trial to signify the coherence of a sole policy of Greater Serbia, propagating ethnic cleansing. But the trial stopped there

- The ICTY was silent on the policy of Tudjman and the Milosevic-Tudjman alliance
- The ICTY was silent on the policy of the great powers.

It would take some time and means to draw the specific balance sheet of the ICTY. Several approaches should be employed [36] - legal, obviously [37], but also historic, political and sociological. Against the tendency to hide the political questions behind an international law used in an arbitrary fashion by the great powers [38] imposing if not a right of the victors (there was not that much “clarity” in the ICTY) a law of the dominant.

It would be necessary to consider the genesis and evolution of this ad hoc tribunal ; analyse its dependency on the choices of real-politik of the governments that have created it; its evolving and limited possibility of collaborating with the new states and legal apparatuses emerging from the Yugoslav crisis; its perception by the various peoples concerned, with sometimes the hope that it would prevent impunity but also disillusionment and defiance - the distance also of a Tribunal based in the Hague. It would be necessary finally to analyse what its own magistrates wanted to do with it as well as the attitude of the main accused, who rejected the legitimacy of the ICTY but decided to use it as a tribune and defend himself there. The trial was far from being a simple show trial, even if one considers it that it could not be a bringer of real justice [39].

Milosevic’s defenders are in their turn confronted with a major contradiction of their thesis: Milosevic was the point of support for all the Western peace plans since 1991, and the ally of he who committed the worst crimes against the Serb populations, and borrowed from the US, for his defence, the discourse of the “war against terror”.

To restore meaning to words - when the opposition to Milosevic is turned towards the right, leaving him the monopoly of calling himself “left”, worse “socialist”. To restore to the peoples concerned the right to appropriate their history, as actors and not as victims - instead of confiding it to the great powers who cynically use their fears and conflicts for their own egoist ends and who destroy any policy of real social solidarity in the name of “modernity” and “civilisation”.

To shed light on all the crimes committed in the wars of ethnic cleansing as well as that of NATO - without accepting the one as the alibi for the other [40] - is a prerequisite to the future reconciliation that can lead to a progressive future. It is a prerequisite to any real “self-determination” (in the sense of the sovereign choice of peoples, in their history, their diversity and their mixtures) without accepting that “self-determination” of the one can be achieved on the backs of any other people. It is

a prerequisite to finding, inventing (against the arrogance of those who claim to impose “models” nowhere validated) just solutions to the intertwined social, national and political questions of the Balkans - in a Balkanised world,

That will take time. But it is a political task to take on against all the mendacious propaganda - including that of NATO.

The International Criminal Tribunal for the Former Yugoslavia

- The UN Security Council created the International Criminal Tribunal for the Former Yugoslavia - ICTY - in 1993 to deal with war crimes or crimes against humanity on the territory of the former Yugoslavia from 1991 onwards. It is based in The Hague.

- Before the establishment of a quasi-protectorate in BH after the Dayton-Paris Accords (1995), the ICTY had practically no means (financial and military-police)to function and obtain arrests. after Dayton, its financial resources were increased the US decided to partially pay their debt to the UN - which is the main source ; but 14% of its resources are private, notably via the financier Soros). Its capacity to arrest criminals depends always on the good will of western governments having troops on the ground and on the cooperation of the states emerging from the former -Yugoslavia. Non-public procedures of indictment were introduced to facilitate the arrests. Just before the Dayton accords (signed by Serb president Milosevic, Croat president Tudjman and Bosnian president Izetbegovic), the Bosno-Serb nationalist leaders Rastko Mocnic and Radovan Karadzic were indicted notably for the crimes committed in Srebrenica, later characterised by the ICTY as genocide - and have not to this day been arrested.

- On May 22, 1999 ,during the NATO war on Kosovo, the Canadian magistrate Louise Arbour, then prosecutor of the ICTY, indicted Slobodan Milosevic for crimes against humanity and war crimes (accusation relating to Kosovo between January and June 1999). The Swiss magistrate Carla del Ponte succeeded Arbour in September 1999.

- The NATO war (which lasted from March to June 1999) ended with the signature of resolution 1244 of the UN Security Council by Milosevic, then Yugoslav president, establishing a UN protectorate with a NATO presence in Kosovo -but in the framework of the existing frontiers of the Yugoslav Federal Republic (RFY) of which Kosovo was to remain a province

- Milosevic was beaten at the elections of December 2000 by Vojislav Kostunica (reproaching Milosevic for having betrayed the Serbs in Bosnia and Kosovo and criticism of the NATO war) -and not by the liberal pro-NATO opposition led by Zoran Djindjic. Under pressure from Montenegro, the FRY was dissolved, and provisionally replaced by the state of Serbia - Montenegro (in the new constitution, Kosovo is a province of Serbia ; being still a protectorate of the UN its final status is currently being debated).

- On April 1, 2001 Milosevic, indicted by the minister of the interior for misappropriation of funds, handed himself over to Serbian justice. On June 28, 2001 he was transferred to The Hague. In September the accusation brought against him was extended to Croatia (August 1991-June 1992), and on November 12, 2001 Carla del Ponte filed a third indictment for crimes committed in Bosnia between 1991 and 1995. The Prosecutors demanded the consideration of three indictments in a single trial, which Judge Richard May refused. But the Chamber of Appeal accepted the demand for

a single trial on February 1, 2002 -a demand supported by the accused, who pleaded not guilty and wished to defend himself.

- The trial began on February 12, 2002, (see *Le Monde diplomatique*, April 2002) on the basis of Anglo-Saxon procedures. The first part of the trial finished in summer 2004.

- The site of the ICTY: <http://www.icty.org/>.

P.S.

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Footnotes

[1] See notably Diane Masson, *L'utilisation de la guerre dans la construction des systèmes politiques en Serbie et en Croatie -1989-1995*, L'Harmattan 2002 ; and Marina Glamocak, *La transition guerrière yougoslave*, L'Harmattan, 2002.

[2] Initially supported also by the Vatican. But John Paul II, to the great joy of the Serbs of Croatia, explicitly distanced himself from the Croat propaganda notably during his 1997 visit and in Sarajevo.

[3] See *Le monde diplomatique*, November 2000.

[4] The "Kingdom of Serbs, Slovenes and Croats" emerged from the dismemberment of the Ottoman empire and that of Austri-Hungary after the First World War. Dominated by the Serb dynasty, it took the name of Yugoslavia in 1929 in the framework of a dictatorial regime. It remained 80% rural and in the "periphery" of western capitalism, dependent on foreign capital, incapable of industrialising the major part of its territory. It broke up under the invasion of a forces coalescing around Nazi Germany during the Second World War. The second Yugoslavia was born out of the armed resistance of the "Partisans" to this occupation, led on federative bases by the Yugoslav Communist Party, whose leader Josip Broz (Tito), died in 1980. After a decade of socio-economic and political crisis which paralysed the system in the 1980s, the federation broke up with the Slovene and Croat declarations of independence in June 1991.

[5] It is not possible to develop this point here. I have made an analysis comparing the transformations of ownership, state and social relations in "Réinsérer la Serbie dans l'analyse de la transition", *Revue d'études comparatives Est/Ouest*, vol.35 - March-June 2004, n°1-2, CNRS, pp. 116-156.

[6] Susan Woodward, *Balkan tragedy, Chaos and dissolution after the cold war*, Washington DC, the Brookings institutions, 1995, pp 106-107.

[7] And it has been attacked head on in Slovenia (which of all the new members of the EU did least during the 1990s to destroy its past social gains and apply neoliberal precepts). See. note 5.

[8] Unemployment existed under the Titoist regime, but it was the product of an insufficient creation of jobs notably in the face of a rural exodus, and not because of layoffs : one of the real powers of the self-management collectives was precisely over employment including hiring of directors - which would bequeath, in some cases, as in Slovenia, specific links between these latter and the workforce.

[9] In the first post-war censuses, Muslims could declare themselves to be Serbs, Croats or indeterminate - and they opted for the latter, when the possibility was offered to them in the 1960s to say they were Muslims (with a capital M, in the secularised ethno-national sense), they took it, massively. Religion had been a component of their history - like Orthodoxy for the Serbs and Catholicism for the Croats. That does not imply any evolution or fixed "identity", contrary to the nationalist collapses of the 1990s where one was obliged to "prove" who one was on "objective" criteria.

[10] See "Mouvante identité des musulmans"; on Bosnia-Herzegovina read notably Xavier Bougarel, *Anatomie d'un conflit*, La découverte, 1996.

[11] I cannot develop here an important point concerning the ambiguities of the right to self-determination in the Yugoslav context. I have dealt with this question in "Autodétermination, le cas yougoslave", in *La justice et la guerre/Justice and war*, document bilingue, Dialogue, *Revue internationale d'Arts et de Sciences*, vol. n°8, n°31/32, Autumn/winter 1999.

[12] The first unitary Yugoslavia had no republics and had initially recognised as constitutive peoples only the Slovenes, Serbs and Croats. Macedonia was considered as "south Serbia" by Serb nationalism, as "Bulgar" (in its language and national reality) by Bulgar nationalism -and as historically Greek land by the third neighbours.

[13] In recent radio broadcasts he "stigmatises" me for taking "pro-Serb" positions - a category of analysis that I reject precisely, since it is not "pro-Serb" to say that Serb nationalism is not alone in being guilty of crimes.

[14] *Le monde diplomatique*, August 1992 : "la dérive d'une Croatie 'ethniquement pure'"

[15] In Sarajevo in December 1992 I had direct contact with Alija Izetbegovic's advisors who spoke explicitly of the double aggression suffered - but the choice was not to fight on two fronts at once. The following year they were confronted with the explicit offensive of ethnic cleansing of the Muslims in Herceg-Bosna. The US pressures to establish the alliance with the Croats and the political choice of Alija Izetbegovic - unfavourable to a real multiethnic mobilisation which might rebound on him - rested on a simplistic public propaganda.

[16] The use of the women's cause and women's associations in this war, as in others, would nonetheless meet major resistance. In 1980s Belgrade some Serb female lawyers denounced a mendacious propaganda against Albanian rapists of Serb women in Kosovo; during the Bosnia war, Tudjman sought to control an international feminist conference blocking the arrival of the "women in black", Serb feminists demonstrating regularly against the war in Belgrade. But its

operation was thwarted.

[17] See the publication in May and June 2005 of 36 stenogrammes on these meetings by the weekly Feral Tribune (Croatia) and the magazine *Dani* (Bosnia) and the commentary of Andrej Nikolaidis in the monthly *Monitor* (Montenegro) of July 2005.

[18] See. Xavier Bougarel, "L'Islam bosniaque, entre identité culturelle et idéologie politique", in *Le Nouvel islam balkanique. Les musulmans acteurs du post-communisme 1990-2000*, Maisonneuve & Larose, Paris, 2001.

[19] See Svetlana Broz (granddaughter of Josep Broz, known as Tito), *Des gens de bien au temps du mal. Témoignages sur le conflit bosniaque (19921-1995)*, Lavauzelle, Paris, 2005.

[20] The book by Diana Johnstone presents "objectively" this thesis, simply by evoking the "discourses" adhered to inside the Serb population, without evoking any argument contradicting it ; however, she cites abundantly the Islamist Declaration and evokes the presence of Bin Laden ; the whole proceeds from a basic analogy with the policy of the sorcerers apprentice of the US supporting Bin Laden against the USSR in Afghanistan, confirming the basis of Serb fears, without evoking the role of propaganda and Serb nationalist militias and armies "The fool's crusade", Pluto Press, London.

[21] This is the thesis put forward in Johnstone's book.

[22] See the dossier of *l'Express*.

[23] Which the US has now obtained. See. *Le monde diplomatique* January 2006.

[24] Patrice de Beer , *Le Monde* March 25 1999.

[25] The text came to light in February 2005.

[26] The text, in spite of the fact that it is supposed to have been updated in February 2005, dares to conclude by: "If it first intervened in Kosovo so as to protect the Albanian speakers against ethnic cleansing, NATO has shown itself just as determined to protectt he Serbs of the province against a similar fate, since the deployment of the KFOR in the province in June 1999". Both these "protections" have been just as unreal in fact.

[27] During a television broadcast on the BBC on August 20, the US Under-Secretary of State, Strobe Talbott, said that the divergences inside NATO were so pronounced "that it would have been very hard to preserve the unity and resolution of the 'Alliance" without the agreement concluded with Yugoslav president Slobodan Milosevic in early June. See www.wsws.org.

[28] And, when more than a year later, after having vainly hoped for popular uprisings, the West looked to elections to finish off Milosevic - a paradox when he was compared to Hitler - they detected by poll who could beat Milosevic : not Zoran Djindjic, devoted to NATO, but Vojislav Kostunica, more nationalist than Milosevic (he reproached him for having abandoned the Serbs of Croatia and Bosnia following those of Kosovo) radically hostile to the NATO bombings, and not corrupt.

[29] Stanko Cerovic, *Dans les griffes des humanistes*, ed. Climats, 2001.

[30] Pierre Hazan, *La justice face à la guerre. De Nuremberg à la Haye*, Stock, Paris 2000.

[31] Read “Serbie, Louise Arbour : frappe préventive” (Institute for War & Peace Reporting), 29-05-99, Archives, Courrier des Balkans.

[32] The “political” ‘image of the ICTY has been on the contrary strengthened by the indictment and by the fact that Carla del Ponte considered that there was no basis to pursue NATO for the complaints brought against it. Amnesty International and Human rights watch of 2001 (see note 34) have however estimated that in striking civilian targets and using fragmentation bombs, NATO has not respected international humanitarian agreements.

[33] See *L’opinion, ça se travaille... Les médias & les « guerres justes” Du Kosovo à l’Afghanista*, Serge Halimi and Dominique Vidal, Ed. Agone, Coll. Contre feux.

[34] <http://www.hrw.org/reports/2001/kos...> This report also establishes the balance sheet of the aggressions committed by the members of the UCK against Serbs or Albanians or minorities “collaborating “ with the Serbs in 1998 and after the war.

[35] Intelligence report, German Foreign Office, 12 January 1999, cited by Michel Chossudovsky on 02/10/2000.

[36] Mark Osiel has implemented such a multi disciplinary approach in a study on other big international trials, which should be extended, with its specificities on the Milosevic trial : *Juger les crimes de masse* Edition du seuil, February 2006. Original title *Mass Atrocity, Collective Memory and the Law*, 1997. See. Also Olivier Corten and Barbara Delcourt, *Droit, légitimation et politique extérieure : l’Europe et la guerre du Kosovo*, Ed. Bruylant , éditions de l’Université de Bruxelles, 2001, collection de droit international : droit international, politique et idéologies, 1998. See also *Le monde diplomatique*, February 2002.

[37] See notably the reflections of Stéphanie Mauras, in *Le monde* 24-03 2006 (“ICTY : un bilan en demi-teinte”), on the Anglo-Saxon procedure and its tendencies to a “Manichean vision” of history. On the major stakes of the “ responsibilities of command” in the various massacres, see balkans.courriers.info.

[38] Beyond their practices at Guantanamo, we know that the US exerted pressure on all the candidates to the EU, in ex-Yugoslavia and eastern Europe, to refuse to collaborate with the International Criminal Court in Rome concerning US citizens at the very time that they “demanded” that Belgrade collaborate with the ICTY. That has not helped the credibility of the ICTY in Serbia.

[39] The extract of the trial published in documents by the defenders of Slobodan Milosevic witness that it was often possible to destabilise the Prosecutor, in other words, paradoxically for those who wish to purely denigrate the ICTY, they show that it was far from the show trials of the Stalinist type. But they also highlight a major dimension of the defence of Milosevic : not opposition to the world order, but the desire to be a point of support in the “fight against terrorism”... See. Patrick Barriot, Eve Crépin, *Le procès Milosevic ou l’inculpation du peuple serbe*, L’âge d’homme, Lausanne, 2005.

[40] Such was the meaning of an appeal launched at the end of March with Pierre Bourdieu, where we rejected the NATO bombings in stressing at the same time “self-determination” - against a status of Kosovo imposed either by Belgrade, or by the great powers We rejected the

false “choice” between NATO and Milosevic. *Le Monde* published the text under the signature of Bourdieu on March 30, 1999. The appeal then became European.