

**Statement of Shirley Cloyes DioGuardi
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**House Committee on Foreign Affairs
Subcommittee on Europe, Eurasia, and Emerging Threats**

“Kosovo and Serbia: The Pathway to Peace”

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Thank you, Mr. Chairman. I want to thank you for your leadership in calling this hearing to explore a pathway to peace between Serbia and Kosova.

I also want to note that it is primarily in this hearing room, among all of the governmental bodies in the West, that the hard questions about the Balkan conflict were asked over two decades. Under former Chairman Ben Gilman, Henry Hyde, and Tom Lantos, the serious effort was made to reveal and explore the realities on the ground in South Central Europe during Serbian dictator Slobodan Milosevic’s ten-year occupation of Kosova and genocidal march across the Balkans that ultimately claimed 200,000 lives and left four million displaced. It was here that Chairman Gilman held a hearing calling on the Clinton administration to send US ground troops to halt the Serbian military and paramilitary forces after they invaded Kosova in February 1998.

It was here that a vote was cast to support American-initiated NATO airstrikes against Serbia, which took place on March 24, 1999, and which after 78 days ended the Balkan wars of the 1990s.

It was here that Chairman Henry Hyde and Ranking Member Tom Lantos challenged our State Department for nine years to recognize Kosova’s independence, ultimately leading to President George W. Bush’s recognition of Kosova as a sovereign state in February 2008.

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Mr. Chairman, it cannot be more timely that it is again the US Congress—through your Subcommittee on Europe—that is raising questions about the resolution of the Balkan conflict, just days after Baroness Catherine Ashton, the European Union’s High Representative for Foreign Policy and Security, heralded a successful outcome to ten rounds of talks over the past year and a half between Belgrade and Prishtina. If the outcome were genuinely successful, this hearing would not be necessary. But, unfortunately, the initialed agreement between Serbian Prime Minister Ivica Dacic and Kosova Prime Minister Hashim Thaci is a quick fix. It does not amount to a comprehensive and effective agreement that will establish neighborly relations between Kosova and Serbia and bring lasting peace and stability to the region.

That will only happen when Serbia recognizes Kosova’s sovereignty and its admission to international institutions, grants equal civil and human rights to the Albanians in the Presheva Valley (on a par with the rights that are currently enjoyed by Serbs in Kosova), relinquishes its parallel structures in northern Kosova, and focuses on the economic and political development of Serbia. Once that happens, Kosova’s government will need to focus on the establishment of genuine democracy and rule of law—something that it has failed to do due to its lack of sovereignty and the corruption of many of its government officials.

The agreement of April 19, 2013, does not, as Baroness Catherine Ashton has declared “amount to a step closer to Europe for both Serbia and Kosova.” As the EU meeting scheduled for June undoubtedly will confirm, it only represents a step closer to Europe for Serbia. In fact, it reminds me so much of what happened last year, in

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February 2012, when the “technical talks” between Belgrade and Prishtina that began in March 2011, culminated in EU and US pressure on Kosova to agree to delete the word “Republic” in front of its name and to have UN 1244 referenced as a “footnote,” in exchange for its admission to the meetings of regional bodies—an admission that subsequently never happened. In the end, Serbia will be admitted to the European Union through a false demonstration of “neighborly relations” with Kosova (a requirement for admission to the EU), while simultaneously achieving what has always been its primary goal: the denial of Kosova’s sovereignty and the acquisition of northern Kosova. To support these assertions, I want to reflect on the past proceedings of this body in the 2000s.

Both Congressmen Hyde and Lantos insisted (as you, Chairman Rohrabacher, also did) that the only way to bring lasting peace and stability to the region after the Balkan wars of the 1990s was to recognize Kosova’s independence, and that the ongoing failure to do so after NATO intervened to end the war in Kosova in June 1999 was exacting a heavy price in both Kosova and Serbia. In May 2005, the last hearing in this body on the status and future of Kosova, the Ranking Member Lantos said:

“The current status quo of limbo is not sustainable. Unless it is changed and changed clearly and resolutely, we will have renewed ethnic violence and the integration of Kosovo into the Europe will be further delayed.”

Lantos went on to describe the severe problems of massive unemployment, increasing the likelihood of Kosovars, 50 percent of whom are under the age of 25, entering criminal networks or other countries to find work (I would add, illegally, because they are not

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allowed to enter the rest of Europe without visas). He cited a statement that Chairman Henry Hyde had made three years earlier: “There will be no jobs without peace and stability in Kosova, but there will no peace and stability without jobs.”

And, it was you, Chairman Rohrabacher, who said at the 2005 hearing, that “We are stealing the lives of the Kosovars.” I would add that we have been stealing the lives of both Albanians and Serbs, who in Kosova are roughly five percent of the population. Kosova Serbs who live in the north have been blocked by Belgrade from integrating into Kosova’s political and economic life. Belgrade’s concentration on holding onto Kosova at all costs has also diminished the lives of its citizens in Serbia. By using Kosova’s Serbs as pawns, Serbia has been able to sidestep dismantling the xenophobic system created by former dictator and indicted war criminal Slobodan Milosevic. Recent polls indicate that most Serbs do not care about Kosova; instead they care about their lack of jobs in a downward-spiraling Serbian economy.

In the six years between the end of the war and the 2005 hearing, there was no serious discussion of Kosova and Serbia on the international stage because it was the aim of our State Department and the EU to delay the resolution of Kosova’s final status. I should hasten to add that before and after the Balkan wars, there were State Department officials, especially at the desk level, who called for more active engagement. I am thinking especially of the five junior officials who ultimately resigned in 1993 after the media revealed the existence of concentration camps in Bosnia in the summer of 1992. Nevertheless, the State Department’s overarching policy has been one of joining Europe in insuring stability and security over and above the institution of genuine democracy and

human rights.

Three interconnected patterns emerged in the postwar period that I would argue still continue thirteen years after the war—namely, delaying the resolution of Kosova’s final status (its declaration of independence in 2008, notwithstanding) due to a misguided Western foreign policy approach that has as its centerpiece appeasing Serbia; successive US administrations taking a backseat to Europe when it comes to policy in the Balkans; and Belgrade’s efforts to destabilize Kosova with the goal of making the *de facto* partition of northern Kosova a *de jure* reality.

When more than one million Albanians were driven out of Kosova by Milosevic’s forces at war’s end in June 1999, the Clinton administration and the European Union could have recognized Kosova’s inevitable independence; informed Belgrade that it had forfeited its legitimacy to govern Kosova; and set Serbia on a path to democratization. But, as we know, it did not. Instead Kosova was made a protectorate of the United Nations. And because a large number of member states in the UN General Assembly have yet to recognize Kosova’s sovereignty (thus far 98 out of 192), and because five EU member states (Spain, Cyprus, Greece, Romania, and Slovakia) still refuse to do so, Kosova’s political, economic, and social progress, like Bosnia’s, has been stymied.

For the past thirteen years, we have witnessed a foreign policy approach in the US State Department that, instead of being prevention-oriented and making human rights the center of *realpolitik*, has constructed policy frameworks to delay the resolution of Kosova’s final status and admission to the EU, NATO, the UN and other regional and international institutions. The other federal members of the former Yugoslavia—

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Slovenia, Croatia, Macedonia, Bosnia-Herzegovina, Macedonia, and Serbia—never had to submit to the same treatment.

For the purposes of this testimony, I want to review a policy prescription that epitomizes the EU and US approach to postwar Kosova: “Standards before Status.” This policy, presented in the spring of 2002 by then UN Secretary General’s Special Representative in Kosovo, Michael Steiner, included eight benchmarks that had to be achieved before Kosova’s final status could even be discussed. Meeting these benchmarks was supposed to ensure that Kosova would become a stable, functioning democracy with a viable economy.

However, at the May 21, 2003, hearing before the full House Committee on International Relations, Congressman Lantos insisted that, “Those who argue that we must put standards before status in the case of Kosova are themselves applying a double standard. Kosova deserves independence for the same reasons as did the other constituent, autonomous parts of the former Yugoslav Republic.”

The US State Department was represented at the 2003 hearing on Kosova by Janet Bogue, then Deputy Assistant Secretary for Europe and Eurasia. She said that “Kosovo needs to meet the benchmarks so that its institutions have the ability to deal with the challenges posed by unemployment and by organized crime. Kosovo needs to meet the benchmarks to be in a cooperative relationship with others in the region.”

Clearly the State Department did not see that without independence, a functioning democracy and economy could not be achieved in Kosova. On the contrary, Bogue stated that “a decision today on final status would destabilize Kosovo in the

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broader region,” and that “it would inflame those in the region who seek violent solutions.”

In response to Bogue’s assertions, Congressman Lantos said that:

“In my judgment, no parent was every ready for parenthood, and no nation was ever ready for nationhood, and Kosovo is no exception. So it seems that we have to go beyond the artificial criteria of establishing a perfect set of standards and measurements that we expect Kosovo to reach before the Administration will support nationhood for Kosovo.”

Lantos then proceeded to read a list of twelve countries that were full-fledged members of the United Nations—countries such as Andorra, Dominica, Lichtenstein, and Monaco—all of which had one thing in common: a population of less than 100,000, in contrast to Kosova, with a population of almost 2 million. He also cited East Timor as a very small and poor country whose independence the United States had supported and established an embassy in its capital. Again, he cited the lack of equal treatment by the administration and their “establishing utterly unreasonable criteria for Kosovo.”

Lantos concluded his remarks by asking Deputy Assistant Secretary Bogue for an approximate time line that the State Department believed Kosova would need to complete the eight criteria in “Standards before Status.” “1 year? 5 years? 10 years? More?” he asked. Bogue responded that neither she nor Michael Steiner could answer his question.

Chairman Rohrabacher, you also questioned Deputy Assistant Secretary Bogue about the benchmarks, and you made the now famous statement that if the United States had had to meet all of the State Department’s criteria, “we would still not be independent

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from the British.” You concluded that “What we have as a government policy reflects our over concern for Serbia and for our European allies and not for the rights of these people who have every right like the rest of us to organize and...control their own destiny through the ballot box.”

From the time that Slobodan Milosevic invaded Slovenia and Croatia, successive U.S. administrations have let Europe take the lead in the Balkans. When the administration of George H.W. Bush refused to support the breakup of the former Yugoslavia in 1991, Secretary of State James Baker said that, “It was time to make the Europeans step up to the plate and show that they could act as a unified power” (p. 637 in *The Politics of Diplomacy: Revolution, War, and Peace, 1989-1992*, New York: G.P. Putnam’s Sons, 1995). And when the administration refused to stop the conflict in 1992 through military force, Secretary Baker made his now famous statement that, “We do not have a dog in this fight”), and Milosevic began his “ethnic cleansing” of Bosnia.

Only when it was politically difficult for the United States to remain unengaged in the Balkan wars of the 1990s did our government exercise its influence, and always after pressure from the House and Senate Committees on Foreign Affairs. And so, for example, it was not until the Serbian shelling of Sarajevo in August 1995, that the Clinton administration finally took steps to end Milosevic’s genocidal war against Bosnians by developing the Dayton Peace Accords. Of course with Kosova off the table and Milosevic cast in the role of a peacemaker at Dayton, the signing of the Accords only forced the Serbian military out of Bosnia, but it did not resolve the Balkan conflict. Instead, it set the stage for Milosevic’s ethnic cleansing campaign in Kosova.

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In 1999, because the onset of another Bosnia could not be denied, and because the Committee on International Relations under Chairman Gilman got Ambassador Robert Gelbard to admit that the Kosova Liberation Army had not been put on the State Department's list of terrorist groups, the Clinton administration came to the fore to stop Milosevic's drive to exterminate Kosovar Albanians—first by leading negotiations at Rambouillet and then by bombing Serbia. And in February 2008, the administration of George W. Bush recognized the independence of Kosova because the potential for social unrest and renewed conflict loomed large after nine years of economic and political deterioration in Kosova due to lack of sovereignty. But since five member states in the European Union refused to recognize Kosova's independence and since the independence was to be “supervised,” according to the Ahtisaari plan (the final status plan named after its creator, Finish Ambassador Marti Ahtisaari) that made recognition possible in the first place, the final status of Kosova was still not resolved.

“Supervised independence” ultimately meant that Kosova was independent in name only. The United Nations, which under the Ahtisaari plan was supposed to turn over its mandate to the European Union, responded to Serbian pressure and the fears of some member nations. By the end of 2008, instead of allowing the unconditional deployment of the European Union Rule of Law Mission in Kosovo (EULEX) to northern Kosova to supervise the police and the judiciary, it placed EULEX under the UN, turned it into a “status neutral entity, called for new negotiations between Belgrade and Prishtina and reinvoked UN Resolution 1244—a resolution that recognizes Kosova not as an independent state, but as a “province” of Serbia. This marked the retrenchment of the

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West to pre-independence policy, permitting Belgrade to have a say in Kosova's political and economic future. And this is where I believe we find ourselves today.

It seems that we have yet to learn that it does not serve the United States to distance itself from the resolution of the Balkan conflict by deeming it "Europe's problem."

Whenever the United States has taken a backseat to Europe, the situation in the region has deteriorated because the European Union's diverse 27- member states have not been able to coalesce around a common foreign policy apart from America's political and military leadership. The Obama administration has been publicly holding the line that the *de facto* partition of northern Kosova should not become *de jure*, but they have taken no action to back up this position, and there is a disagreement about this within the US State Department.

Burdened by the economic recession, which began in September 2008, and wars in Iraq and Afghanistan, the Obama administration has expected the European Union to shoulder the burden of resolving the Serbian-Albanian conflict by continuing to be the primary sponsor of the talks that began two years ago and speeding up the integration of the Western Balkans into the European Union. Should there be any question about this, on March 3, 2011, Mary Warlick, the US Ambassador to Serbia, stated that the United States will "observe the dialogue between Belgrade and Prishtina; it will help in every way; but the European Union has the leading role" (Warlick, 2011). This is a kind of distortion of the "in together, out-together" diplomatic strategy embraced by the United States and the European Union at the end of the Balkan wars. For more than two decades, Belgrade has been able to move into the vacuum created by the lack of unity

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and lack of resolve among the EU member nations and between the European Union and the United States, and all the more so because the guiding principal of EU (and therefore US) policy has been the appeasement of Serbia.

Serbia's goal has always been to achieve its expansionist aims in Kosova "diplomatically" by legalizing the partition of northern Kosova, just as it achieved its expansionist aims in Bosnia by force when, at the end of the Bosnian war in 1995, it was awarded with the artificially created "Republika Srpska." Ever since the war in Kosova ended in June 1999, Serbia has pursued its quest for "Greater Serbia," by working to destabilize northern Kosova, with its Serb majority population, in the hope of securing its partition.

Now in a final push to resolve the conflict between Belgrade and Prishtina in order to achieve its principal objective—to exit the region—the European Union, with the support of the U.S. government, has proclaimed an agreement that papers over the root causes of the conflict and the realities on the ground. It specifically obfuscates the status of northern Kosova. Stability, peace, economic development, and rule of law cannot be brought to the region with an ever-more weakened Kosova, unable to progress due to lack of sovereignty, since Belgrade, under the accord, will still control institutions in the north and has refused to approve Kosova's membership in international institutions. As Blerim Shala, the deputy leader of the Alliance for the Future of Kosova, one of Kosova's opposition parties, observed in an interview with Radio Free Europe in June 2011, "The most dangerous part of the negotiating process could be a middle ground between the idea of partition and the 'Ahtisaari package': the road of creating a Serb

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entity that would be an ‘Ahtisaari plus’ or a ‘Serb Republic minus’.” Should this be the end result, then the de jure partition of the north will be complete, and Belgrade will have been rewarded for its expansionist aims, just as it was with the creation of Republika Srpska, which continues to block the central government of Bosnia from functioning for the benefit of all of its citizens. This has ramifications not just for the Albanian majority and the Serbian minority in Kosova, but for the future of Europe.

The Balkans are again at risk because the current “agreement” does not solve the Serbian-Albanian conflict over the sovereignty of Kosova. It does not end the sources of regional turmoil. The Albanian majority population in Kosova, as I stated earlier, is trapped in an economic and political limbo. The unemployment rate is more than 40 percent, and the country is dependent on international aid and remittances from Kosovars living abroad. Foreign investment is minimal as a result of rampant corruption, lack of a steady supply of energy, and Belgrade’s destabilization of the north through the creation and financing of illegal parallel structures for the Serb majority population there and supporting extremists, who on the day after Kosova declared its independence burned Kosova’s border crossing, customs checkpoints, and courthouses in the north.

As I stated earlier, Kosova’s future is jeopardized by the failure of a large number of member states in the UN General Assembly to recognize its sovereignty and the threat of a Russian veto in the UN Security Council. And Kosova has no ability to become a candidate for admission to the European Union as long as five member states refuse to recognize it and, consequently, no way to participate in the visa liberalization system and other EU benefits that have been conferred on other countries in the Balkans.

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Meanwhile, Serbia, which is being invited into the European Union, has an economy that is on the verge of collapse. It does not serve the United States, the European Union, or the Balkans to have a weakened Kosova and an economically crippled Serbia—one that has also failed to meet the human rights criteria for entrance into the European Union.

The heart of the problem is the lack of transparency in the deliberations between the European Union, the United States, Serbia, and Kosova, and a failure over two decades to grapple with the roots of the Balkan conflict in an effort to carve out a real solution. The time has come to ask the US government, the European Union, and Serbia what they really want. Will Belgrade struggle to retain Kosova at all costs, or will Serbia become part of Europe? The current “Accord” enables Belgrade to enter into membership talks with the European Union, but without dismantling its parallel structures in northern Kosova, without recognizing Kosova’s sovereignty, and without acknowledging Kosova’s right to enter regional and international bodies. Will the United States and Europe decide what they really want—a whole, undivided, peaceful, democratic, and prosperous European Union, or a periphery of failed, aid-dependent societies that saddle it with economic and law enforcement responsibilities?

To prevent a costly and potentially deadly conflict going forward, the West will have to rethink its diplomatic strategy. We need a new paradigm for how we handle foreign policy in the Balkans and elsewhere, again one that emphasizes conflict prevention and human rights, not stability at all costs.

The principal threat to democracy, peace, and stability in the Balkans is not the threat

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of a “Greater Albania,” as Serbian propaganda over twenty years has promulgated, but the ongoing quest for a “Greater Serbia” and Serbia’s refusal to recognize Kosova’s sovereignty. As long as these factors are allowed to persist, all of the peoples in Serbia and Kosova will suffer. The former Yugoslavia dissolved because it did not represent the solution to the national questions of all the ethnic groups that constituted it, and certainly because Milosevic and his henchmen destroyed the human rights of all non-Serbs and committed genocide in Bosnia and Kosova. As long as Kosovar Albanians are denied the recognition that every other ethnic majority in the Former Yugoslavia has been granted, and as long as there is no change in the status quo of Western foreign policy, the Balkan conflict will not be resolved.

The West “should champion a new 21st century political process that is neither orchestrated nor manipulated by Belgrade. Instead of appeasing Serbia, the United States and the European Union should change course by promoting mutual coexistence, human rights, and economic development throughout Southeast Europe. The way forward should entail making human rights, anti-racism, and rule of law the linchpin of international involvement in Southeast Europe.