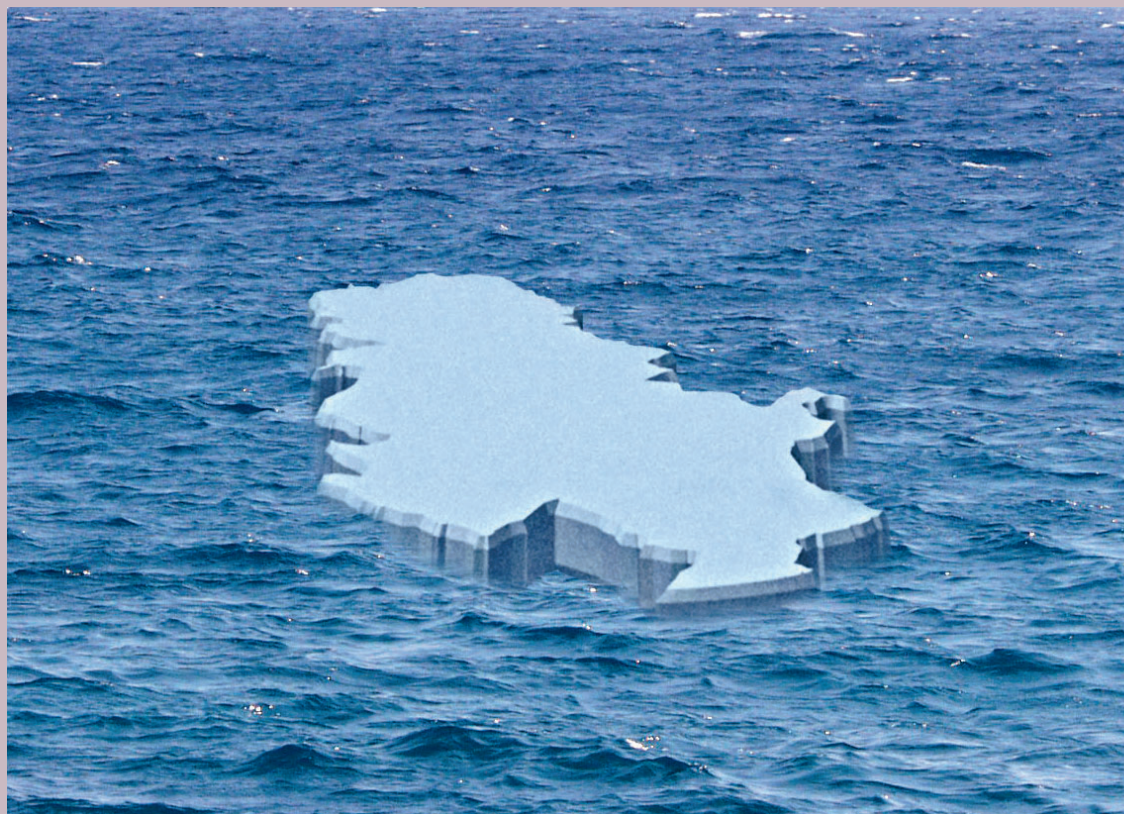


HELSINKI COMMITTEE FOR HUMAN RIGHTS IN SERBIA

annual report : SERBIA 2007



**SELF-ISOLATION**  
reality and the goal



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Annual Report : Serbia 2007

# **SELF-ISOLATION** the reality and the goal

BELGRADE, 2008

Serbia 2007

SELF-ISOLATION: THE REALITY AND THE GOAL

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*Longstanding bondage and bad governance  
may so perplex and twist a nation's perception  
to turn its common sense and sound judgment thin  
and weak, and totally distorted.*

— IVO ANDRIĆ





# Conclusions and Recommendations

The Serbian leadership's response to Kosovo's independence declaration showed that radical nationalism has deeply scarred the nation's social and moral tissue, and that its consequences continually threaten regional security and the nation's democratic consolidation. The Serbian political class once again demonstrated its inability to give up the Greater Serbia project and curb nationalistic metastases. Moreover, the fierce rightist rhetoric and orchestrated destruction of Western embassies and LDP offices throughout Serbia, as well as the intensified backlash against NGOs totally laid bare anti-West and anti-Europe nature of the Serbian ruling elite. Not even eight *years after Milošević's* ouster had Serbia made so much needed democratic breakthrough or reached a political consensus on its (European) future.

Permanent political and media anti-West campaign resulted in massive skepticism about the so-called foreign values and in glorification of the so-called autochthonous, Serbian Orthodox values. Those predominant pictures of the past formed a new identity matrix. According to this matrix, the Serb nation is historically just: it has never waged an aggressive war; it has always been on the right side and thus maintained its historical innocence. Such self-perception a priori secures moral and other impunity, since the aura of "historical pureness" amnesties not only the past but also any possible future "wrongdoing."

Separated from the reality, such self-perception brought the nation into permanent conflict with the region and the world. Denial of national frustration makes a psychological reservoir of arrogance and aggression – a potential that can always be harnessed for revenge and war. Serb nationalism devastated the social tissue and almost totally destroyed the country's potential for democratic transition and modernity. Inability to take stock of the past and unwillingness to punish was criminals continually hamper the energy for change.

Frustration – either induced or objective – and insistence on Greater Serbia objects generate radicalism. At the same time, radicalism is a reflection of poverty and citizens' bitter disappointment after the assassination of Zoran Đinđić: their expectations were high and what they got was almost nothing. A situation as such unavoidable leads to social radicalism. The public support to the Serbian Radical Party has been steadily growing ever since Zoran Đinđić's murder. Moreover, younger generations – people deprived of prospects and more or less in the dark about the true character of the Serbian Radical Party – have been turning into its adherents.

The fact that Serbia still searches for its identity and place in the Balkans just adds to the overall frustration. The dilemma about its course is still open. Is Serbia a European country or shall it be neutral and rely on Russia? Vojislav Koštunica's premiership (as of 2004) defined Serbia as a neutral country. A change of the predominant cultural matrix – as the short-lived liberal elite indicated back in 1970s – implies a serious strategy and time. At the times calling for far-reaching social and economic change, such a development will heavily depend on intellectual innovation and enlightened leadership. The murder of Zoran Đinđić, a proven reformer, left a void in the Serbian political scene that badly needs a leader with a vision. Of course, Serbia is not the only one with such a problem, but Serbia more than other countries needs not only a leader but also a leader with greatness. Vojislav Koštunica's premiership does not foster a climate of leadership – it brutally marginalizes the liberal elite, civil society and the free media.

The international community, as time went by, became a crucial factor in the settlement of the ex-Yugoslav crisis – it either mediated peace negotiations, provided humanitarian aid, built institutions and created frames for democratic transformation or resorted to military intervention. Though it was undergoing transformation itself, the European Union played a key part in creating a frame for democratic transformation, defining an action plan for fundamental reforms and integrating the Balkans into European structures.

However, the fact that the process of creating a democratic frame is at the very beginning in Serbia, that it took eight years after NATO inter-

vention to settle the Kosovo issue and that Serbia has not yet mapped its European future (or would not map it), makes Serbia a *sui generis* case in the Balkans.

## Recommendations to the International Community

The international strategy for Serbia – crucially determining developments in Serbia and in this part of Europe – must be more focused and comprehensive. It must cope not only with Serbia ruling elite's destructive expansion but also encourage social recuperation and a change of the value system in an archaic creation unable to constitute a modern state. The EU – and other organizations as well – have rather neglected these aspects so far. That would be a new, hard, longstanding and, in the international context, insufficiently defined task of nation-building and reconstructing of a failed state: in Europe this time.

It goes without saying that changes in Serbia need to be supported from 'within.' The assistance coming from abroad, from the EU in the first place, must be considerable and well-thought-out, continual and channeled towards all liberal forces, parties, civil society, independent media, small businesses, trade unions, student and youth organizations. The society's weak democratic forces need assistance that would enable them to open up new avenues of Europeanization and democratization. Only when it reaches critical mass, the new intellectual and cultural elite will create conditions propitious to a real change – like the one in 1980s but this time by a democratic matrix.

Therefore, the EU should seriously take into account the potential of the civil society, especially the part of the civil society that already acts by the value matrix that determines it as pro-European. The civil society – or at least a part of it (the media, youth and student organizations, small and medium-size enterprises, trade unions, professional organizations, smaller political parties, minority associations and parties, etc.) – could

significantly contribute to the climate favorable for shaping a new value system and Serbia's Europeanization and democratization. Greater potential of the civil society would also reduce the political elite's monopoly on Serbia's accession to the EU.

To revitalize Serbia's social and moral tissue at this crucial moment, the EU should:

- Help the establishment of "Coalition for Europe" that would include representatives of all strata of the society; such a coalition is most important in this pre-election period;
- Include the civil sector in the political dialogue with Serbia;
- Establish a regional *task force* for the West Balkan's European future;
- Assist an alternative educational system that promotes European values;
- Foster partnership with human rights organizations in the establishment of a new cultural model;
- Promote a variety of student exchange programs in the region and in EU member-states, and encourage Serbia's youth to integrate into European educational system rather than to suspend visa regime;
- Organize as many as possible courses of training for young professionals in the European Commission so as to prepare younger generations for Serbia's membership of the EU;
- Encourage closer ties between young political leaders in the region and in the EU;
- Enable access to EU funds to civil sector organizations;
- Organize regional post-graduate courses in international law;
- Assist local independent media through courses of professional training for young journalists;
- Intensify the civil sector's communication with the European parliament, as well as communication between parliaments, trade unions and citizens in the region.

## Recommendations to the Future Government of Serbia

Messages that Serbia can be a partner of the EU only “as a whole” question its commitment to European integration. Accusations against US and NATO of fomenting Serbia’s fragmentation and creating “a false state,” resistance to the EU mission in Kosovo, withdrawal of ambassadors from the states that have recognized Kosovo, praise of the police after the scandalous rally in Belgrade and failure to strongly condemn violence and looting lead to dangerous polarization of the society and cannot but make minority communities and liberal citizens feel uneasy.

The strong wave of conservatism culminating with Zoran Đinđić assassination on March 12, 2003, enters a final stage with Kosovo’s independence declaration. Conservative elites play on Kosovo in the attempt to decisively influence the society, suppress and marginalize pro-European forces, redefine foreign policy and redirect the country from the EU and NATO to Russia. Such policies not only incite conflicts in the country with the great majority of citizens opting for accession to the EU, but also undermine immaterial resources and moral values (such as solidarity in the readmission issue) crucial for the state’s efficient functioning.

In the Helsinki Committee’s view, the new government should, therefore:

- Resume the level of diplomatic relations with the world that used to be in place before Kosovo’s independence declaration;
- As soon as possible stabilize the political climate so as to restore trust of foreign investors and banks;
- Immediately resume SAA negotiations with the EU so as to open access to the EU funds necessary for the country’s economic and social renewal;
- Finalize privatization of public companies as soon as possible;
- Pursue policies that motivate small and medium-size enterprises;
- Fully cooperate with the ICTY and extradite all the indictees hiding in Serbia;

- Reform the educational system in accordance with the Bologna Declaration and the spirit of the times – this is imperative for building human resources for structural changes in the society and economy;
- Create a positive climate for opening of a social debate about Milošević's legacy so as to take stock of the two-decade failed policy and create conditions for the discussion of alternative options for Serbia's future;
- Curb absolute rule of political parties and enable professionalization of the state administration and all governmental agencies and institutions;
- Create the atmosphere propitious to the concept of human rights and develop a policy of equal opportunities for minorities' inclusion into political, social and economic life;
- Secure sensibility of governmental agencies for socially vulnerable groups of population such as children, elderly people, persons with disabilities, etc.

# INTRODUCTION





# A Wasted Year

The international community's intervention put an end to two decades of massive violation of human rights (genocide, war crimes, persecution, torture, etc.) in the Balkans. The international community also set up the International Criminal Tribunal for the Former Yugoslavia to impose non-impunity and justice. Unfortunately, the end of massive and brutal violation of human rights did not result in adequate punishment of crimes. The process of establishment of a legal frame that would incorporate relevant international human rights documents is slow-paced and meets a number of obstacles – from both local and international players.

Almost ten years after the intervention, it is still disputable whether the endeavor to protect human rights has actually promoted the human rights concept as imperative for a modern, democracy-oriented society. Serbia's experience – but also that of neighboring countries – clearly indicates that such an ambitious plan necessitates decades of commitment. Some progress has been made in Serbia that – under the pressure from the international community but also from domestic actors – had to sign all relevant international conventions and regulate the domain of human rights under the Constitution and a number of laws.

Human rights are the products of historical processes in individual communities. Serbia is at the very beginning of that process. Today's political and social context shows that human rights are not the ultimate object of Serbia's political class. On the contrary, Serbia's political class strains to defame the very ideal by pressurizing and marginalizing human rights defenders. Serbian elites do not support the concept of human and minority rights but still work on the Serbian national project, which, at this stage, aims at establishing an ethnic state with the smallest possible percentage of minorities (8 would be an ideal percentage for Serbian nationalists). Minorities make 18 percent of Serbia's population (without Kosovo). This percentage would be much higher was not the last census (2003) politically manipulated.

By arguing for specificity of Serbian culture, tradition, identity and religion, Serbian elites basically deny the universality of human rights. Their argumentation backs the concept of ethnic state that, by definition, negates human and minority rights. The Serbian Orthodox Church is among the loudest advocates of Serbian specificity and the concept of ethnic state. The Serbian society's overwhelming criminality – that used to be in the service of the Greater Serbia project – additionally hampers the exercise of human rights. Human rights and their implementation are, therefore, in permanent conflict with the policy of “patriotism” generating massive violation of human rights in 1990s.

The nature of political changes in Serbia in October 2000 and later, in December 2003 (after the assassination of Premier Zoran Đinđić), could not have secured a consensus on the basis tenets of the modern world, human rights included, that should make the foundation of the Serbian society. This is reflected in the public discourse and predominant arguments about “threatened Serbhood” and “world conspiracy” against the Serbs because of their dedication to justice. In this context, denial of any responsibility for crimes and massive violation of human rights is nothing but a natural outcome Serbian elites' strategy for preventing a social dialogue on the recent past.

By accepting (though unwillingly and incompletely) the international law – that will significantly motivate the protection of human rights in the long run – Serbia obtained a frame necessary for the advocacy of the human rights concept. However, in 2007, the same as in preceding years, Serbia failed to fully cooperate with The Hague Tribunal. Moreover, the cooperation almost came to a standstill, while extradition of Ratko Mladić and other three fugitives was taken off public agenda. Speculation in the media about Ratko Mladić's whereabouts and former Prosecutor Carla del Ponte's blind belief in the possibility to convince the Serbian Premier to extradite Mladić banalized and marginalized this crucial topic.

Generally speaking, stability and “the war on terror” prioritized after September 11, 2001, dealt a blow to the concept of human rights. This new approach – promoted by the Bush administration, but the EU as well – affected the behavior of most countries in transition, including Serbia.

By placing the “war on terror” on the top of the list of its priorities, the US reduced support to human rights movements worldwide and thus left them without “a moral torchbearer.” Serbian authorities have been profiting from this situation ever since – for two years now, they have been playing on the case of a group of Sandžak Vehabits and thus intensively spinning the threat of Islamic fundamentalism.

Settlement of the Kosovo status resumed the belligerent rhetoric in the public discourse. The advocates of the 1990s warring policy again dominate the public scene. Actually, the war is now waged by other means – by creating state of emergency climate either in the parliament or government. Even church dignitaries such as Bishop Artemije have joined in. Artemije suggested that all reservists from Serbia should be mobilized under the pretext of “checking combat readiness and three-day education.” “Maneuvers should be organized in the areas bordering on Kosovo with the participation of observers from the Shanghai Organization for Cooperation,” said Artemije<sup>1</sup>. Once the Kosovo issue was placed on the international agenda, repression against any stand on Kosovo, alternative to the governmental ensued. A number of incidents registered in this context actually stand for restriction of free movement, freedom of thought and critical opinion. The ban on the *Peščanik* launch in Arandelovac was a case study of such practice. Organized ‘mob’ managed to ban the launch despite the presence of a number of policemen. The police just ‘advised’ five panelists to leave. Human rights defenders are demonized in the media and stigmatized domestic enemies. Maintenance of the atmosphere of permanent danger of domestic/foreign enemies justifies repressive measures against “treason” and undermining of “constitutional order.” Whoever argues for an independent Kosovo allegedly undermines Serbia’s constitutional order.

In the shade of Kosovo status settlement, uniformity and national homogenization, uniform values, and unity of nation and religion are advocated through the media and from the parliamentary rostrum. In parallel with the rhetorical defense of Kosovo, the media blame “domestic traitors” for the overall situation and the loss of Kosovo, thus turning them into “scapegoats.”

1 *Danas*, December 8-9, 2007.

Apart from political and social obstacles to the advancement of human rights, the situation of the judiciary and fundamental ignorance of the European Convention of Human Rights more and more often put Serbia in the dock of the European Court of Justice. The proceedings against the “protected persons” of the Milošević era and after his ouster usually end as barred under the statutes of limitations. On the other hand, courts of law are more than efficient whenever human rights defenders and advocates of alternative policies stand trial.

Dilemmas and controversies about the character of the state and the forms of its institutional arrangement, and about the implementation of human and minority rights, as well as declarative and inconsistent feigning of their protection, round off the picture of Serbia: the picture of the state and the society that have failed to reach a consensus on basic values of today’s world. Besides, fundamental human rights are meaningless unless political elites work in public interest and for general well-being. The state of Serbia still treats the concept of human rights as if it is instrumental in destroying Serbian identity and the state itself.

## Political and Social Context

Even after hundreds of thousand killed and a million of displaced persons in the territory of ex-Yugoslavia, the first NATO intervention in Europe and almost 20 years of the international factor’s engagement, Serbian radical nationalism was not defeated. Solution of the “national question” through territorial expansion – as defined by Slobodan Milošević and the 1986 *Memorandum* of the Serbian Academy of Arts and Sciences – is still its priority. And it still stands in the way of a modern Serbian state, that could not be established legally so far – of which the Đinđić case testifies. Radicalism is still the main generator of crises in the Balkans and a threat to peace and stability of Bosnia-Herzegovina, Kosovo and the entire South Eastern Europe.

Aware of Serbia’s crucial significance for peace and stability in the Balkans, the international community and, in particular, the European

Union have practiced a kind of appeasement of Serbia since the onset of ex-Yugoslav crisis. That was more than evident after Premier Đinđić was gunned down. However, as the time went by this policy became inefficient. Unlike other countries in the region that mobilized all their potential for European paths, Serbia was displaying no interest in genuine movement towards the EU.

Despite Serbia's European image since 2000, its conservative political class has never been willing to seriously work on the country's Europeanization. True, it was welcoming all financial assistance sustaining its political life. Though opinion polls show that 70 percent of population wants closer ties with the EU, the political class opted against Europe, the same as throughout history. It turned to traditional, patriarchal, conservative and Eastern Orthodox values instead.

The year 2007 was yet another wasted year for Serbia in the search of identity and vision. For, nationalism has remained its predominant political option without a respectable alternative. The Serbian political class and elites have not given up territorial aspirations even though the settlement of the Kosovo status marked the final stage of ex-Yugoslavia's disintegration. Serbia could not have become a functional and modern state given that the state question (territorial expansion) has always been prioritized at the detriment of civil values, citizens' sovereignty and participative democracy.

With Serbia thorn between the West and the East, between democracy and chaos, conservative forces managed to block the country's European course<sup>2</sup>. The entire year was wasted on confrontation between two options, two blocs. The attitude of the Democratic Party, President Boris Tadić in the first place, further weakened the anyway feeble European option. Despite the fact that he sees "Serbia's future in the EU" and that his party enabled the country's membership of the Partnership for Peace, Boris Tadić failed to clearly shape the European option. His messages were confusing and his stance on Kosovo hardly different from those of Tomislav Nikolić

2 European orientation in this report relates to adoption of fundamental values of democracy and its standards. Serbia has not yet reached a political consensus in this sense.

(SRS) and Vojislav Koštunica (DSS). By profiting from the shortcomings of DS and DSS, and their respective leaders Tadić and Koštunica in particular, Tomislav Nikolić, the Radicals' acting leader, managed to develop a strong anti-European policy. The Kosovo status was the main topic of domestic agenda, determining all other crucial issues, including the EU policy. Serbia's East-West dilemma is nothing new. It has been practically a vertical of Serbia's political history in the past two centuries.

Under present circumstances – when wars, war crimes and crime still heavily weight the entire society – Serbia can hardly manifest more willingness to adopt democracy, the rule of law and tolerance as fundamental values. Two-thirds of Serbia's population looks forward to Europe. They actually look forward to economic prosperity, safety and peace. But Serbia is far from meeting the EU criteria for new member-states. Serbia has not developed *a stable democracy* and democratic institutions (including the rule of law, human rights, minority protection, etc.), *a sustainable economy* and the *ability to assume the rights and duties* of the EU membership, and its objects have not been *adjusted to the objectives* of the political, economic and monetary union.

Besides, most of the political class and elites are themselves involved in crime and opening to the world can hardly be in their best interest. The Serbian Radical Party probably best mirrors Serbia's mindset. Since "the EU will institutionally seize Kosmet," Tomislav Nikolić would never opt for it. Instead he announces rallies and rioting against "all those who are to blame" for Kosovo's independence.<sup>3</sup> However, not only the SRS and some extremely rightist parties make up the anti-European front. Along with the "patriotic" rights, clericals and Russophiles, it includes all those who can only operate in a legal chaos – tycoons, bureaucrats and the rest dreading regulations and non-impunity.

Readiness for facing up the recent past is non-existent, the same as for making a clear break with Milošević's policy. His project is being justified with much energy. As time goes by, Milošević himself is being conferred quite a different aura. SPS, SRS and DSS are the fieriest critics of Zoran Đinđić's reformist policy. For them, it equals "losing identity and dignity."

3 Tomislav Nikolić in an interview with the *NIN* weekly, November 22, 2007.

In this sense even President Boris Tadić is perceived as a pro-Western politician, the more so since he had signed an agreement with NATO. Serbia is even more unwilling to take stock of its defeated policy. And this considerably hinders reforms as well, since non-impunity is a major instrument of changes.

The defeat is being rationalized. The “tactics of chores”<sup>4</sup> is supposed to keep up Serbia until the change in international constellation in which Serbian national interest would get a different treatment. The Serbian academic elite<sup>5</sup> fervently advocates “Serbia’s confederal unification with Russia.”<sup>6</sup> Serbia needs “a path constructively parallel with European integration, which is utterly hostile to Serbs,” say the *Memorandum* academicians.<sup>7</sup> Denial of the European course is at the same time a way to keep up the Serbian national project regardless of its catastrophic effects on the region, but on the Serbian nation as well. For Veselin Đuretić, confederation with Russia means “opening of a new road – the road to a constructive future.” A confederation with Russia would “certainly restitute Montenegro, Macedonia, Republika Srpska, the tragic Srpska Krajina and then, in due time, Mohammedan Serbs from Bosnia-Herzegovina and Catholic Serbs from Dubrovnik, Dalmatia and Slavonia under the aegis of Serbhood,” takes Đuretić. With Russian giant in the Balkans, “all retrograde, separatist processes of the 20<sup>th</sup> century will be annulled, and Yugoslav nations will be united on ethno-linguistic grounds.”<sup>8</sup> Equaling Serbian national interest with a defeated project indicates fundamental problems facing Serbia’s transition.

Serbian intellectual and cultural elites are the staunchest advocates of anti-European sentiments. As such, they are omnipresent in the media. Books and various magazines proliferate their stands. To justify their animosity for the West – EU and US in the first place – they underline that the West has perceived the Balkans in a negative light for two centuries. “The

4 Prof. Dr. Dragan Nedeljković

5 Academicians who have promoted *Memorandum* in the first place.

6 Prof. Dr. Veselin Đuretić in an interview with *Pravda*, January 5-7, 2008.

7 *Ibid*

8 *Ibid.*

Balkans has become even guiltier when Balkan nations, resistant and intent to protect their specific interests, turned to Russia,” says Dragan Simeunovic. According to him, “reliance on Russia, even should it be a must, would augment that guilt.” “Serbs’ alleged collective guilt” is also interpreted by realpolitik. “Because of their specific political aspirations and specific national interests, Serbs have manifested unrealistic ambitions and interests that directly contradict the interests of those who are realistically the strongest,” say those academicians. And because it opposed Kosovo’s independence Serbia “will be punished with long-term isolation, subjugation and total fragmentation.”<sup>9</sup>

Such stands are meant to obstruct Serbia’s movement towards the EU and, in that context, signing of the *Stabilization and Association Agreement / SAA*. They also fuel the tendency of self-isolation and xenophobia. The Serbian Orthodox Church, conservative structures in the army (retired generals active in various associations) and tycoons backed the idea of Serbia’s neutrality and reliance on Russia despite the fact that the great majority of population supports Serbia’s EU path.<sup>10</sup> Newspapers manipulate public opinion with “letters to editor” sending messages such as “By voting for the EU, i.e. for NATO, we vote for our own disaster... Only Russia can save us.”<sup>11</sup> Staunch defense of a single viewpoint, fatal to Serbia, is nothing but defense of one’s own role over the past two decades. Plebiscitary support to Milošević and his policy brought about a criminalized and demoralized society. Defense of Milošević’s “state concept” (absolute centralization) now dangerously threatens Serbia itself and its relations with neighbors and the world. The reality clashed against the failed state concept leads to complete deinstitutionalization of the state and social chaos. And arrogance of Russia – using Serbia for its own interests vis-à-vis EU and US – only fuels servility and undermines the state’s dignity and credibility.

9 Dragan Simeunovic, *Srpska kolektivna krivica /Serbian Collective Guilt/*, Nolit, Belgrade, 2007

10 The survey conducted by the Office for Accession to the EU shows that some 70 percent of citizens favor Serbia’s joining the EU; however, only 33 percent of citizens would attend in-service or other courses of training in the event Serbia becomes a member-state.

11 Quote from a letter by a group of citizens from Novi Sad, *Pravda*, January 8, 2008.



Constitutional democracy should be an ideal for transitional countries such as Serbia. For, it aims at establishing a new democratic order, re-defining the past and shaping the future. This ultimate goal considerably depends on the character and quality of changes. October 5, 2000 attained a minimum in Serbia – it removed Slobodan Milošević from political arena but failed to reach a consensus on Serbia's European future despite the EU's benevolence. The tragic end of the reformist premier, Zoran Đinđić, further hindered the movement towards constitutional democracy. Serbia's Constitution proclaimed in late 2006 also mirrors an anti-modern trend in the perception of a contemporary state.<sup>12</sup>

Stronger commitment to the European option is the only way to mobilize Serbia for modern values prevalent in its neighborhood. Therefore, only signing of SAA with the EU might guarantee adoption of contemporary Europe's standards and norms. SAA would assist Serbia's efforts to strengthen democracy and the rule of law, and will contribute to its political, economic and institutional stability, as well as that of the region; it would provide an appropriate frame for political dialogue and assist Serbia to develop economic cooperation with the world; it would help Serbia finalize the transition into functional market economy, advance harmonious economic relations and encourage regional cooperation.

International and comparative standards qualify Serbia as an electoral or minimal democracy with free and fair elections, and a democracy with a problematic horizontal consolidation; namely, as a democracy with inoperative "fourth branch of power" – a system of control and regulatory agencies that "disempower" the executive power, take over a part of its authority and place it under control.<sup>13</sup> The Serbian political class veils

12 See the Chapter on Constitution, Annual Report 2006, Helsinki Committee for Human Rights in Serbia, Belgrade, 2007.

13 Control and regulatory agencies have been developed in Europe in the past decades as counterbalances to executive power. For, as it turned out, a parliament supposed to control a government was unable to properly perform its controlling function due to excessive influence of political parties. The said agencies include a permanent electoral commission, financial control agencies (state auditor), anti-corruption agencies, Ombudsman, administrative and constitutional courts, commissions for the protection

its inability and unreadiness for speedier democratic processes with most conservative interpretation of national interest.

The media play a significant part in the maintenance of such selective interpretation of national interest. The media actually serve the interests of the political class and elites, which would not open the country to neighbors and Europe, and particularly not to competition.

In the study *Freedom of the Press 2007*, Freedom House classifies Serbia among the countries with partially free media. The study concludes that the 2006 Constitution guarantees free press but that “government, media owners, local officials and businessmen continue to exert pressure on journalists.” Libel is treated as a crime. Libel is maximally punished by 12,000 Euro fine and never by imprisonment. Journalists often resort to self-censorship, and some topics (such as Kosovo) are almost never open to public debate. The media do not investigate murders of journalists in 1990s or frequent assaults on journalists reassumed in early 2007. The study is most critical about the Republican Broadcasting Agency established in 2003 with a view to regulate relations in the domain of broadcast media. It is also critical about the amendments the parliament adopted in 2006, whereby the Agency became financially and politically dependent on the government.<sup>14</sup>

Economic nationalism is being promoted in the domain of economy. Economic nationalism manifests unwillingness to adopt market mechanisms, and unwillingness to consequently democratize the political system, says Vladimir Gligorov.<sup>15</sup> Economic patriotism has brought about an oligarchic economic system.

The section on Serbia of the European Commission’s report on the West Balkan countries (issued on November 6, 2007) quotes that “nationalistic rhetoric still predominates and negatively affects political climate in Serbia.” It underlines the necessity to “strengthen democracy and the rule

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of human rights, commissions for stocks and shares, national banks, etc.

14 *Ekonomist*, October 29, 2007.

15 Vladimir Gligorov, „State and National Interest,” ed. Dragica Vujadinović and Vladimir Goati, CEDET, Belgrade, FES.

of law” and says that “the parliamentary work is blocked by the political situation.”

All indicators show that Serbia has been stagnating since 2003 and that it is about an irreversible trend. This is because elites are not ready for political changes that would give impetus to the society as a whole. Insistence on neutrality and reliance on Russia takes Serbia away from a democratic ideal, as it lacks the potential for establishing a needed legal frame and build institutions by itself.

## Facing the Past

The issue of recent past remains a huge obstacle to Serbia’s relationship with neighboring countries, and blocks its energy for European course. The Serbian elite interprets defeat as resistance to the neo-imperialistic America and the Western conspiracy against “the small, freedom-loving Serbia.” Serbia has no potential for a hard mental exercise, which preconditions a genuine process of confronting the recent past. For Serbia’s elite, any attempt at educational reform and change of the cultural model is the biggest threat of all. The Premier Đinđić cabinet has made a breakthrough in educational reform. When he came to power, Vojislav Koštunica immediately recalled everything he thought fatal to Serbian identity. Nationalism is now the only ideology in Serbia. Any attempt – from the “outside” or “inside” – to raise public awareness about the necessity to make a clear break with nationalism and its consequences is perceived as an attempt against Serbian identity. “Nazism has never spent a night in Serbia,” says writer Danko Popović.<sup>16</sup> Anyone who knows Serbia and knows about Nazism, he adds, “must know that Serbs are incapable for Nazism by their character and mindset.” For Danko Popović, non-governmental organizations dealing with facing the past are actually the “organizations of Serb-haters” that work with all their might on “self-destruction and generation

16 Popović is known for his cult book “Knjiga o Milutinu” /The Book about Milutin/ that played a significant part in the mobilization of Serbian nationalism in 1980s.

of the identity crisis." Their imaginary de-nazification is nothing but a cover for denationalization, says Popović.<sup>17</sup>

The Srebrenica massacre verified both by the International Criminal Tribunal for the Former Yugoslavia and the International Court of Justice is a litmus test for the denial of Serbian crimes and their relativization. Numerous TV programs, newspaper articles and scholarly editions have been focusing the problem. Writer Miroslav Toholj, once a close associate of Radovan Karadžić, says, "The construct of Srebrenica was construed even before the village itself was liberated." According to him, "the alleged massive crime was meant to serve as a valid alibi for deployment of the Western military alliance for the first time in its history outside the zone of its responsibility, and at the point when people were being expelled from Krajina." "Srebrenica was chosen because it borders on Serbia and was handy for punishing Serbia," he says and adds, "The self-inflicted Srebrenica wound threatens with gangrene of the entire national tissue." Toholj trusts fewer and fewer people believe in "the black tale of Srebrenica" because Srebrenica itself "becomes a burden on its alleged victims."<sup>18</sup> In the meantime a campaign for "ethnic balancing" of victims in Sarajevo – where 12,000 citizens were killed in the war – was launched from Republika Srpska. At the initiative of the Alliance of Concentration Camp Prisoners of Republika Srpska and the families of missing soldiers and civilians, a memorial honoring 5,860 Serbs killed in Sarajevo will be erected in the East New Sarajevo municipality.

According to Professor Svetozar Radišić, "Srebrenica not only associates the foul plays and frame-ups in Dubrovnik, Markale, Racak, etc., but also shows that ordinary people have been so brainwashed that now they even don't try to understand what is going on." "The loop called Srebrenica must be taken off the Serbian neck for the sake of future and generations to come. Only then can Serbia become an oasis of freedom for other nations the unscrupulous globalists have been subjugating all the time and by all means," said Radišić.<sup>19</sup>

17 Danko Popović in an interview with *Ogledalo*, November 7, 2007.

18 *Ogledalo*, October 3, 2007

19 *Ogledalo*, June 6, 2007.

The Serbian government has not institutionally valorized the sentences passed by the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Court of Justice or incorporated them in the educational system. For instance, the Belgrade Law School does not acknowledge the ICTY and, consequently, provides no relevant instruction to students. The attempt to adjust Serbia's educational system to the Bologna Convention failed for several reasons. Apart from resistance coming from professors and teachers, the main problem is fundamental denial of such an approach to education. In the opinion of Professor Danilo Z. Marković, the Đinđić cabinet "failed to take into account our specificity and our educational tradition" by accepting the Bologna Convention.<sup>20</sup> In his book "The Culture of Defeat" Wolfgang Zivelbush underlines, "As long as a losing nation commands its national identity, it will stubbornly refuse to obey winners' demands for moral and spiritual surrender." This thesis rather precisely reflects Serbian elite's attitude towards any attempt for a change in the educational system. This can be explained by the fact that the majority of cultural and intellectual elite has a hand in the mobilization of Serbian nationalism.

## Security Aspects

The Balkans' stability has consolidated in the past years despite neuralgic points that may easily restore violence in the region. Partnership with NATO – in the forms of full-fledged membership or *Partnership for Peace agreement* – and with the EU crucially contributed to consolidation, and resulted in considerable military and financial investment in the Balkan region.<sup>21</sup> The army is probably the only institution in Serbia that, in the past two-three years, made a progress in terms of adjustment to contemporary needs. Signing of the *Partnership for Peace* was a breakthrough

<sup>20</sup> Ibid.

<sup>21</sup> At the Salonika Summit in 2003, the EU decided to open up the prospects for accession to all Balkan countries.

in this regard. It goes without saying that the conservative bloc has been trying to obstruct this “silent” reform in the army. Moreover, the danger of stalling or annulling this new trend is still in the air. Russia’s entry at the Balkan scene just fueled the expectation of conservative circles in the Academia, the Church and the Army that the process of Serbia’s Europeanization would halt.

The Kosovo status and Belgrade’s expectation to compensate Kosovo’s independence for Republika Srpska are the two neuralgic points that could question the Balkans’ security architecture.

The official Belgrade will be undermining Kosovo’s independence as long as it could. Statements by the Radicals’ leader, Tomislav Nikolić, are most indicative in this sense. Nikolić announced that Serbia would use all available means against Kosovo’s unilaterally declared independence. Some of those measures are included in the Serbian cabinet’s so-called action plan that has never been brought to public eye. Tomislav Nikolić also announced the possibility for Russia to establish a military base in South Serbia to counterbalance NATO base in Kosovo. He called the EU mission in Kosovo, EULEX, illegitimate. “We should cautiously move towards the EU, but quite openheartedly towards Russia,” said Nikolić.<sup>22</sup>

Kosovo Serbs also pose a security problem, particularly those in Central Kosovo, south of the Ibar. However, it is Belgrade’s policy of preventing their integration into Kosovo institutions that is responsible the most for their security. On the one hand, the international community failed to integrate Serbs into the Kosovo society and, on the other, the official Belgrade did everything in its power to prevent any progress in this regard. Belgrade’s strategy – partition of Kosovo along ethnic lines – threatens the Balkans’ stability in the long run. In Serbia proper there are three neuralgic points where the same scenario could be applicable – South Serbia, Sandžak and North Vojvodina – but it could also be applied to Macedonia and Bosnia-Herzegovina. Any partition would be a defeat for the entire region: it would not only mean a victory of Milošević’s logic of ethnic separation, but would also further dissolve the region’s social tissue. Even under Ahtisaari plan “decentralization” actually boils down to partition

22 <http://home.eircom.net/content/irelandcom/topstories>, December 20, 2007.

along ethnic lines, which could result in massive displacement of Serbs from enclaves. This is why it is imperative to sustain multiethnic societies: they should exist not only for security reasons, but also because they correspond with the spirit of the times.

The report the director of the Security-Information Agency /BIA/ submitted to the parliamentary Committee for Defense and Security underlines that “the security situation is stable, except for Kosovo, but there are risks that might jeopardize stability.” Major security threats, according to BIA chief Rade Bulatović, are “Albanian separatists” in South Serbia, Islamic movements in the Raska region /Sandžak/, “extremists from minority communities” and organized crime. “The safeguard of sovereignty in Kosovo” tops the list of his priorities. In his report, Bulatović also announced the possibility of riots in the event of Kosovo’s unilaterally declared independence, and even armed conflicts between Serbs and Albanians.

Referring to South Serbia, BIA Director said the illegal organization ANA (Albanian National Army) was the main destabilizing factor in the region. According to him, BIA has tracked down its strongholds and found out its raised combat readiness, provision of arms and recruitment of new members. As for operation of Islamic movements, Bulatović called Vehabits in the Raska region the biggest threat. His report also referred to the tensions inside the Islamic Religious Community, extremism of some members of minority communities and actions by neo-Nazi and rightist groups.<sup>23</sup>

## Playing on Kosovo

Kosovo has been the hottest political topic in Serbia ever since it was placed on the international agenda. However, the Serbian cabinet did not adequately partake in the Vienna negotiations, moderated by Martii Ahtisaari. Since negotiations ended without a compromise solution, the mediating troika’s report to the Security Council served as grounds for subsequent recognition of Kosovo’s independence.

<sup>23</sup> [www.b92.net](http://www.b92.net) November 1, 2007.

Belgrade elite's reaction to Kosovo's independence declaration was expected the same as independence itself. The media revived the stereotypes about Albanians and other nations (those that have recognized Kosovo's independence) marking early 1990s. This indicates that eight years after Milošević's ouster the value matrix of the Greater Serbia policy remained the same. The political class's behavior after Kosovo's independence declaration took Serbia back to isolationism. The government withdrew all ambassadors to the countries recognizing independent Kosovo, and stopped communicating with their ambassadors to Serbia.

The anti-European bloc played on Kosovo to pose a precondition for Serbia's movement towards Europe: Serbia in the EU but only as a whole. When Premier Koštunica's plan for a new parliamentary resolution on Kosovo failed, early parliamentary elections were called for May 2008. In the final stage of ex-Yugoslavia's disintegration Kosovo became an instrument in partisan confrontation over Serbia's orientation.

## Rule of Law

Serbia does not recognize modern instruments of governance: citizens' participation, democratic politics, free media, rule of law and independent judiciary. In his first and second term of office Premier Koštunica endeavored to restore centralism – in politics, in the media and in the economy. Such policy resulted in a kind of nihilism that can be overcome only through a system of legal education in schools, universities and the media.

According to the survey Transparency International conducted on the occasion of the International anti-Corruption Day (December 9), citizens of Serbia see political parties and the parliament as prone to corruption the most, while religious communities and communal services the least. Every fifth respondent said he or she had to bribe some public servant. The police and healthcare were mostly referred to in this context. The representative of the UN anti-narcotics and anti-crime office, Tom Robson, said that combating corruption necessitated political will. "Anti-



corruption agencies should not be louder than others to help the society build the integrity and prevent corruption. The government must secure independence of such agencies and provide them with resources so that they could say ‘no’ to corruption more frequently,” said Robson.<sup>24</sup>

## Attitude towards ICTY and Ruling of the International Court of Justice

The Hague Tribunal practically disappeared from public discourse – the tribunal was only referred to during occasional visits by Prosecutor Carla Del Ponte. The relations with the ICTY aggravated and cooperation almost stopped when it became evident that the arrest of Ratko Mladić was imperative to signing the SAA. The stalled cooperation played into the hands of the anti-European bloc in the Serbian cabinet. Under the pretext that “Serbia is constantly under pressure” it all but ignored the state’s obligations.

Carla Del Ponte’s departure from the office of the main prosecutor ended a chapter in the history of Serbia’s cooperation with the ICTY – the chapter marked by her polemicizing with Belgrade via the media. Despite the fact that it extradited a number of indictees, Belgrade’s “exit strategy” (buying time) considerably undermined the ICTY effects. Belgrade was not only uncooperative – particularly when it came to opening state archives to ICTY investigators – but also managed to water down some cases such as the one of the Vukovar Troika. Belgrade prevented the International Court of Justice from having insight into confidential military documents that could have influenced its final ruling in the case Bosnia-Herzegovina vs. Serbia-Montenegro. And its cunning media campaign hindered any major impact of the ICTY on the Serbian society. The books by Carla Del Ponte and her associate, Florance Hartman, lay bare how much cooperation with Serbia frustrated the ICTY. Sided by all relevant domestic factors, the Vojislav Koštunica cabinet watered down the ICTY significance – and in

<sup>24</sup> *www.b92.net*, December 6, 2007.

doing this it only played along the lines of the defined state priority. Political consensus on the issue was also reflected in the character of the trials before domestic courts. Those trials fit into the state strategy – to avoid any possibility of having Serbia called to account for crimes.

## Elections and the Parliament

The parliamentary elections in 2007 entrenched the Serbian Radical Party /SRS/ as an individually strongest party at Serbian political scene. The SRS actually took over the Socialists' electorate. The two parties have almost identical programs – though the Socialists are somewhat more modern than the Radicals. The Serbian Radical Party is the oldest and the only authentic party in Serbia with a clear-cut ideology: social egalitarianism and Greater Serbia nationalism. It has always heavily relied on Russia regardless of regimes in power in Russia. On the other hand, the elections strengthened the democratic bloc but not enough to form a government by itself. Only several months after it emerged in Serbia, the Liberal Democratic Party /LDP/ won 5.3 percent of the vote and thus entered the parliament as the first political alternative since introduction of multi-party system. LDP leader, Cedomir Jovanović, and his coalition partners had unified the entire anti-war opposition of huge moral credibility. That was the credibility, which in 2000 immediately recommended Premier Zoran Đinđić to the international community. However, the democratic bloc, the Democratic Party in the first place, has not crystallized its stance on the issues of recent past and the Greater Serbia project. The consensus of three leading parties (SRS, DSS and DS) on national question blocked social processes and threatens to disintegrate Serbia.

It took months to form a government since Vojislav Koštunica's Democratic Party of Serbia /DSS/ insisted on premiership. Due to his "coalition potential" Koštunica was appointed Premier with large authority. As such he was blocking the government at the time the EU resumed negotiations on the Stabilization and Association Agreement with Serbia. Koštunica also blocked up any possibility for meeting the Hague tribunal's basic

precondition – the arrest of Ratko Mladić. He never wanted Mladić arrested but profited from the failure to obstruct the negotiations with the EU and helm Serbia towards Russia.

With the Kosovo issue on the international agenda the situation in Serbia crystallized soon. Strengthening of the Radicals and Tomislav Nikolić gave a formal standing to the party that has been a major ally of DSS for four years. Informal coalition between SRS and DSS testified of predominance of the radical right and Serbia's façade democracy. The months of futile DS-DSS negotiations on the government – and, in particular, on its crucial reins such as the police and the army – clearly mirrored confrontation between two concepts: European and anti-European. Slobodan Milošević's "anti-bureaucratic revolution" in 1989 had laid bare the Europe/anti-Europe dilemma marking the entire 20<sup>th</sup> century in Serbia. Therefore, it was unrealistic to expect Serbia – after 20 years of radical nationalism and wars – to adopt the European option overnight, or the day after October 5, 2000.

Vojislav Koštunica played on his extortionary position in all moments crucial to Serbia's international relations. When Tomislav Nikolić was elected parliamentary speaker (the office he occupied for five days only) that was a logical outcome of the political climate Vojislav Koštunica had nourished. Here, one should take into account informal circles that have been supporting for long the Radicals as the only party capable of the "safeguard" of Serbia's sovereignty and territorial integrity. And one should take into account the role of Russia that has been the pillar of Vojislav Koštunica's policy ever since October 5, 2000. With the Democrats hesitant or unwilling to take a more resolute stance on Đinđić's assassins and with Tadić-Koštunica four-year cohabitation, the Democratic Party was considerably undermined and plagued by inside tensions.

The outcome of the presidential election in February 2008 (and despite the razor-thin victory of the so-called democratic bloc's candidate) laid bare not only Serbia's political scene but also social mindset. Even two decades after Milošević came to power, Serbia was choosing between a candidate of the party the leader of which stands trial in The Hague for war crimes and war incitement, and a weak candidate under the influence

of the gray area of Serbian politics (the Serbian Academy of Arts and Sciences in the first place). The real reasons behind the murder of Serbia's first reformist premier, Zoran Đinđić, are still taboo despite the fact that the trial of his assassins closed.

Ever since the Đinđić assassination – firstly with caution and then more and more openly – Serbian political class and intellectual elite have been resuming nationalistic sources and models. Tomislav Nikolić, acting leader of the party with a program incorporating the Greater Serbia concept, lost presidential race against Boris Tadić by a thin margin. Boris Tadić won 50.4 percent of the vote mostly thanks to citizens' fear of 1990s repeat. Boris Tadić failed to consolidate pro-European potential of the Serbian society – the same potential on which his predecessor, Zoran Đinđić, relied in his vision of a transitional Serbia. Always in the shade of Vojislav Koštunica and his Democratic Party of Serbia, ideologically close to the Radicals and the most conservative, “populistic” parts of the Serbian elite (embedded in the Academy, the Church, etc.), Tadić turned out too weak to clearly chart Serbia's path to Europe and too hesitant to unify like-minded political and social forces on that course.

## Minorities: A Measure of Democracy

In 2007, protection of minority rights boiled down to a simulation and inconsequent minority policies. This was evident in minorities' social and political status. The demographics of Serbia – with a population of 7,498,000 million by the 2002 census (without Kosovo) or 82.86 percent of Serbs – indicate that it falls under the category of nationally consolidated states. Nevertheless, the Serbian elite has a negative attitude towards minorities and still considers them a factor of disturbance. Given that Serbia is a highly centralized state, the question of bigger and territorially concentrated minorities such as Albanians in the South, Bosniaks in Sandžak and Hungarians in Vojvodina remains open. In Serbia, any demand for regionalization and decentralization coming from minority communities is seen as secessionism and, in this context, insistence on autonomy treated

as an act against the state. Unless Serbia endorses the spirit of the times, centrifugal forces within it will be growing stronger and stronger.

## Religion and the State

The course the Serbian Orthodox Church has taken since the change of October 2000 considerably impaired its reputation. Its attempt to imbue the political and social vacuum with the values corresponding to the Middle Ages resulted in its atrophy. The planned clericalization of the society – amply supported by Premier Vojislav Koštunica – has definitely damaged the Church’s constructive potential. Besides, corruption among the clergy, numerous scandals and excessive interference into political developments just add to the Church’s negative image. The identity problem facing the Serbian society cannot be solved through the Church only – instead, it necessitates genuine engagement of political, cultural and intellectual elites.

Due to international circumstances and Serbia’s inability as the state, the Serbian Orthodox Church is among major pillars of the Greater Serbia project, notably in Bosnia-Herzegovina. Official Belgrade and the Church strongly oppose any attempt of the international community to unblock Bosnia turned inefficient under the Dayton Accords. In a letter to the EU Special Representative in B-H, Bishop Grigorije writes, “Two entities in Bosnia-Herzegovina resulted from the attempt to annul the warring resentment in these areas through legally imposed reconciliation and partition of this ex-Yugoslav republic. Therefore, the role of the Special Representative could not have been other than that of a provisional custodian of the territories where the peoples that have been at war until recently live side by side.”<sup>25</sup>

25 Bishop Grigorije’s open letter to EU Special Representative in Bosnia-Herzegovina Miroslav Lajcak, *Pravoslavlje*, No. 975, December 1, 2007.

## Vojvodina and Sandžak: Regional Challenges

The concept of conventional state, advocated by the Serbian political elite, is obviously in crisis. Based on the “unity of a nation and a state,” a conventional state sacrifices its citizens for any political adventure. The Serbian elite failed to recognize the predominant process of decentralization and regionalization in today’s world, in Europe in the first place. All misunderstandings with the world, the region and with regionalization demands from “within” are the products of that failure. Demands for Serbia’s regionalization have historical background, primarily in Vojvodina and Sandžak. Those demands have intensified recently because of the inefficiency of the authoritarian and centralistic governance. The Đinđić cabinet had made a breakthrough in the model of majority democracy (characteristic of the Milošević era) by including representatives of minority parties in the government. The then cabinet’s inclusive approach was renounced in 2004 when the electoral threshold was raised to 5 percent of the vote. This change undermined minority parties’ chances for participation in the country’s political life. However, the electoral threshold of 3 percent for minority parties was restored later. Serbia’s political class strongly opposes the European regionalization model that presupposes a European Serbia. “Vojvodina’s autonomy is not the matter of separatism or separation of the regions from the state of Serbia. The European *modus operandi* indicates the way to harmonize differences and synergistically augment all resources, including economic, security, cultural and informational,” says Jovan Komsic, sociologist of politics.<sup>26</sup>

26 *Danas*, “Authoritarian State Is a Flunked Adventure,” February 16-17, 2008.

## Serbia and the World

When Kosovo was placed on the international agenda and Washington announced recognition of Kosovo's independence, the anti-American, anti-NATO and anti-West campaign of Premier Vojislav Koštunica and the entire populist bloc he personifies came in full view. Daily anti-West campaigning aggravated Serbia's relations with leading states, but also with its neighbors. The stalled cooperation with the ICTY and failure to extradite Ratko Mladić additionally embittered some EU member-states (the Netherlands and Belgium) vis-à-vis Stabilization and Association Agreement with Serbia. Unwilling to fulfill Serbia's international obligations, Premier Vojislav Koštunica plays on radicalized relations with the international community, US and NATO in particular. The new wave of xenophobia and isolationism is visible the most in Serbia's relations with its neighbors. Kosovo considerably influenced the dynamics of relations with ex-Yugoslav republics. Actually, Premier Koštunica uses the international community's demands to hibernate Serbia and channel it towards Russia. Koštunica's rhetorical defense of Kosovo imposed it as "a key state and national issue" meant to veil his political defeat but also to prevent the Democratic Party and Boris Tadić from taking over the helm of the so-called democratic bloc.

Self-isolation permanently brings the nation into the conflict with the region and the world. Denial of national frustration created a psychological reservoir of arrogance and aggression, a potential that can always be activated for revenge and war. Nationalism has devastated Serbia's social tissue and almost totally destroyed its position in the region and the world. Serbia has wasted two decades – it failed to become a part of the regional network and to develop genuine partnership with leading states, particularly those in the West.





I

Elite and alternative



# New Elites and National ideology

Policy of Vojislav Koštunica, and the incumbent coalition, in the past five years (since 2003) dead-ended Serbia with respect to the country's EU future and vision of its strategy. Prime Minister Vojislav Koštunica deftly transposed the country's lack of readiness for changes to the issue of Kosovo, by promoting it as the "mother of all issues". Hence his blocking of the signing of the Stabilization and Association Agreement with EU was only logical. Moreover, he depicted that document as "an indecent attempt at a trade-off for a Kosovo grab". Because of an extensive media marketing of that thesis, the political scene has become saturated with the Kosovo myth, which in turn has blocked and "imprisoned" the energy of the whole society. The executive, in adequate doses, and also by dint of the mass media marketed the ideas about the threat to survival of the state and possibility of introduction of the state of emergency in case of declaration of independence of the province. Such a policy resulted in an ideology of "a nation in jeopardy", which in turn became the basis for "justification of the process of heightened national awareness in which dark sides of the past are suppressed, hushed up or covered up".<sup>27</sup> That ideology of the threatened nation represents an important element of the political struggle, for if we are indeed in jeopardy, then our attention must be focused on those who threaten us ("Shiptari", foreigners, domestic traitors) and reforms become a secondary thing, or are totally sidelined.

This particular blueprint dates back to the 80's of the 20th century, when the Serb general public, through the Kosovo myth revival was conditioned to effect a passage from the international, socialist set of values, to the nationalistic and ethnicity-minded one. The Serb elite insisted on the feeling of threat from the democratic changes being heralded in other, former Yugoslav republics and nations. The foregoing caused the

<sup>27</sup> Todor Kuljić, *Overcoming the past*, Helsinki Committee for Human Rights, Belgrade, 2002, page 451.

resurgence of the national, "Slavophilic" current, which has always been present, as an undertow, in the Serb political culture. On that both old and new model the two generations were raised. Hence their anti-Western, anti-European and anti-market stands, and above all rejection of the very concepts of human rights, pluralism, tolerance and diversity.

Full-throttle political and media campaign against Europe and the West led to the mass scepticism about so-called foreign values and in parallel glorification of so-called, original, Serb, Christian Orthodox values. Through those predominant pictures/images from the past, a new identity blueprint was shaped. According to that blueprint the Serb nation is historically innocent and blameless: it has never waged the wars of conquest, it has always been on the rights side of history, it has retained its historical innocence. Such a self-created perception ensures an a priori moral and any other irresponsibility, for by giving to Serbia the halo of "historical purity", it liberates it both from the past and –future "wrongdoings".<sup>28</sup> Because of such a mind-set the nation was set on a permanent collision course with the whole world. That model was devised by the most prominent members of the Serb elite, from Academy, University, cultural and media circles. In that job were engaged some former Praxis members, some prominent participants in the 68-Movement, and nationalists. Almost thirty years later at work is a new generation tasked with ensuring the continuity of that idea, and such a perception of the world. That blueprint, after all the wars, and in the post-5 October 2000 period, became even more conservative and at the same time militant, because it started relying on the values once promoted by the General Milan Nedić, and Dimitrije Ljotic, prominent members of the right-wing camp in the 40's of the 20th century. No wonder that in recent years the media promoted Nedić as a hero who allegedly had saved the Serb people from a great tragedy in WW2 (recently he was included in the list of the 100 most prominent Serbs).

The intelligentsia has always been a key element for vesting the incumbent authorities in- legitimacy. Today's intellectual elite in Serbia is predominantly composed of –converts. Thanks to an extensive expert discussion, contained in many publications, on the notion of conversion and

its forms, its basic pattern may be traced: the abandonment of the Communist internationalism, even before the collapse of the Socialist system, and a swing towards diverse forms of Liberalism and conservative nationalism. Such a swing entails a necessary revision of the past, and for some intellectuals-converts that means-demonization of Communism, or of their own past. Such a process of demonization is important for them, for it justifies their intellectual U-turn and their current activities. In that group or converts are many members of the former elite, embodied in the Serb Academy of Arts and Sciences (SAAS). Their contribution to contemporary history may be found in the strategic document, which shaped the idea of the Greater Serbia project-the SAAS Memorandum. That document was first made public in 1986, by daily *Večernje Novosti*. That ideological project since 1990 was implemented by Milošević (and other cadres) by dint of war devastation, in an attempt to re-tailor the ethnic borders.

The sad fact is that the aforementioned SAAS heritage is still promoted by its important intellectual strongholds. Commercial versions of ideas masterminded by "our" academics may be found in the magazine *Nova srpska politička misao*<sup>29</sup> (The New Serb Political Thought), whose editor-in-chief is Đorđe Vukadinović (assistant of the Belgrade's Philosophy Faculty, Department of Philosophy). A major role in the very same intellectual camp is played by Slobodan Antić (also professor of Belgrade's Philosophy Faculty, Department for Sociology). The latter's conversion may be described as a veritable U-turn from an impassioned detractor of Milošević, to undemocratic Liberal and finally-to an explicit far-right supporter. Both authors are prominent political analysts who exploit enormous media space given to them (they are columnists of the pro-regime daily *Politika*, omnipresent panelists in TV programs, and have their own web site [www.nspm.or.yu](http://www.nspm.or.yu)) to promote the "third way" policy, and urge acceptance of a "normalized"

29 The issue dating back to the year 1999 includes the texts of the most prominent academics: Dobrica Ćosić, Mihailo Marković, Vasilije Krestić, Milorad Ekmečić, Zoran Konstatinović, Miodrag Jovičić, Dragan Nedeljković. In the preamble they are called "our most respected contemporary social thinkers...who are re-appraising enormous temptations and challenges imposed externally and internally to the Serb people". *Srpska politička misao*, 1-2, 1999.

policy of the Serb Radical Party (notably in the second half of 2007 when a tacit cohabitation between the incumbent Prime Minister and that party was established). The ideas once spawned by the academics are currently also advocated by other authors of that magazine (Marinko M. Vučinić, politicalologist Saša Gajić, Zoran Grbić, Branko Radun), Miša Đurković from the *Institute for European Studies*, and renowned journalist, like Zoran Ćirjaković (a staffer of the nationalistic weekly *NIN*). Much influence in that circle is still wielded by Svetozar Stojanović (a retired university professor, better known as the adviser of writer Dobrica Ćosić and as President of the *Serb-US Centre* in Belgrade). In that camp are also intellectuals rallied in the Commission for the Truth and Reconciliation, established in 2001 by the then FRY President V. Koštunica. According to the then Justice Minister, Momčilo Grubač, the Commission's work aimed at bringing about "a moral catharsis of the whole nation", and not to act or operate as a legal body. If one establishes a link between the identity and profile of the commission's members<sup>30</sup> and the period of its founding (after the drafting of the Act on Co-operation with

30 Since the year 2001 members of that commission are: theologian Radovan Bigović, sociologists Mirjana Vasović i Radmila Nakarada (Faculty of Political Sciences in Belgrade), jurist Tibor Varadi, novelist Svetlana Velmar Janković, historian Mihajlo Vojvodić, professor of literature Đorđije Vuković, priest Sava, historian Ljubodrag Dimić, publicist Slavoljub Đukić, lawyer Aleksandar Lojpur, economist Boško Mijatović, doctor of pathology Zoran Stanković, philosopher Svetozar Stojanović, profesor of Oriental Studies, Darko Tanasković and psychologist Sulejman Hrnjica. Two members, Vojin Dimitrijević and Latinka Perović, have resigned. In a letter sent to the FRY President Latinka Perović said that she could not continue to work in a firmly institutionalized state commission, whose mandate, moreover, was not clear. Among the reasons stated for his resignation, Vojin Dimitrijević pointed out that "decisions of the commission composed exclusively of the FRY citizens, without a single member from Montenegro, shall most certainly seem biased, for they shall be related to events which have happened beyond the present FRY territory ([www.glas-javnosti.co.yu](http://www.glas-javnosti.co.yu))". New appointees to the Commission for the Truth and Reconciliation in late 2002 were: Emir Kusturica, film director, Ljiljana Smajlović, journalist of "Politika", Slobodan Reljic, editor-in-chief of weekly *NIN*, and imam of Belgrade mosque, Mustafa Jusufspahić. This was a clear manouvre, for some of them are of other nationalities, but basically supporters of the official Serb policy (some are even former promoters and propagandists of Milošević and Karadžić).

the Hague Tribunal), then it becomes clear that the Commission's objective was to "neutralize the effect of the ICTY" and to provide for "the Serb alibi" for the committed crimes.

What is a common characteristic of the aforementioned circles is their uncritical and the regime-guided revision of the past, as well as a production of the "selective collective memory". Nationalism which they promote has several common denominators: its guidelines are criticism of the Marxist internationalism, underscoring of the threat posed to a proper nation, weak criticism of conservative influences and values and overlooking of an interest-based rational, socio-economic dimension of social life."<sup>31</sup> In most direct correlation was prioritization of some elements of conservative line of thinking and the changing historical framework. What is most characteristic of nationalism in the current political situation is its marked anti-Western course.

## How "our" intellectual elite has mapped out its nationalism

The most general feature of "domestic" nationalism in the post-5 October changeover, when the state policy had the facing with recent past as its main problem, was its inability to distinguish between patriotism and chauvinism, and chauvinism-and fascism. To that end was promoted the idea of "benign" or "democratic" nationalism. That euphemism was intended to "normalize" or soften the Milošević-era undemocratic nationalism. In practice, as a subsequent analysis of texts published in the *New Serb Political Thought*, *Politika* and *NIN* shall show, such an attempt only produced a lethal relativization of the past and its intended spin-off- amnesty of the Serb war crimes.

31 Vladimir Ilić, *Forms of Criticism of Socialism*, City National Library "Žarko Zrenjanin", Zrenjanin, 1998. page. 279.

The most reliable indicator of the aforementioned relativization was an uniform response of our political and intellectual elite to the judgment of the International Court of Justice on the Bosnian-FRY dispute concerning alleged violations of the Convention on Punishment and Prevention of the Crime of Genocide. Though it was not convicted of genocide, Serbia was the first state in history to be accused of violation of the said Convention and the first state which was found guilty of “failing to prevent genocide and to hand-over its perpetrators.” However that judgment was met with a visible relief (if not with an outright jubilation) in Serbia, which subsequently gave rise to further institutionalized denial of that crime.<sup>32</sup> Thus academic Kosta Čavoški (President of the International Committee for the Truth about Radovan Karadžić and collaborator of clerical-Fascist organization “Obraz”) gloats over the fact that “the alleged Serb genocide over Muslims in Srebrenica was not proved....despite numerous false witnesses and numbers.” Đ. Vukadinović interprets the judgment in no less extreme manner: “We are more or less used to being in advance blamed for everything. We have also learnt that in our case the-worst-case scenarios always play out, and that our most eerie premonitions always prove to be true. Regardless of the fact that the Bosniak charges from the very start were illogical, ungrounded in facts, and mindless, the Serbs have in the most difficult way had the first-hand experience in the following scenario: logic and hard facts don’t matter and don’t help when one nation finds itself in the way of interests of a global super power. Hence this, clearly unpleasant, but essentially positive judgment surprised many, but in parallel seriously enraged and disappointed the others.”<sup>33</sup>

One of the most salient hallmarks of conservative nationalism of intellectual elite is its anti-Western stance. Such a stance is essentially linked to the conspiracy theory. Thus the West is perceived through the following

32 Nataša Kandić: “Domestic sentencing of Škorpioni comes after the judgement of the International Court of Justice. Belgrade judgment goes even a step further, for its totally denies any link between Škorpioni and Srebrenica genocide. In his reasoned opinion the judge said that the court did not have any evidence that the victims, 6 of them, executed in Godinske bare, were brought from Srebrenica”. [www.b92.net](http://www.b92.net)

33 *Politika*, 6 March 2007.



sintagms: “the Western-style arrogance and brutality of numerous international representatives”<sup>34</sup> or “Perhaps the EU accession condition shall not be our recognition of independence of Kosovo? Perhaps they shall leave us with an ounce of self-respect, perhaps they shall not compel us to humiliate ourselves further?”<sup>35</sup>. Such an overtly emotional rhetoric is typical of the present-day nationalism in Serbia (burdened by the avenger-style or suffering-style myths). On the other hand, such a rhetoric is seen as the most adequate instrument for propagation of that very nationalism.

Theory of conspiracy serves many to deny the guilt and responsibility/irresponsibility of the Serb people, and to apportion the blame among all the warring sides in recent wars. Myth of martyrdom has never been more popular, for its current framework, like the past one, is crafted by the Synod of the Serb Christian Orthodox Church with the backing of academic circles. Anti-Western stands are gaining on popularity. Their promotion is seen by the authorities as an ever “successful” mechanism for diverting the attention from social-economic problems and also as a good vehicle to steer away the public at large from requests for full implementation of the process of facing up to recent past. Thanks to such nationalistic propaganda the portrayal of the resolution of Kosovo status as a direct product of soured relations in the Russia-Brussels-the US triangle is boosted. All the while the Serb ministers and politicians keep reiterating that Kosovo was “amputated”, “grabbed from Serbia”, “the country is being carved up by foreign powers.”<sup>36</sup> It is also publicly implied that “Serbia shall not survive if the province gets independence.” Such a conservative, organicistic perception of society is continually espoused by the intellectual elite members. That perception tends to be reductionistic, for it fixes

34 Đorđe Vukadinović, *Politika*, 19 February 2007.

35 Slobodan Antičić, *Politika*, 12 April 2007.

36 During the marking of the Statehood Day in Orašac, the place in which the First

Serb Uprising began, Prime Minister Koštunica sent the following message:

“This is the first time in our history that those who have grabbed a part of our territory ask us to agree to that act, to accept it, to welcome in a slave-like fashion the wresting of Kosovo. They demand that we sign that something that has been ours for ages-is no longer ours. They want us to acknowledge that we are not from Kosovo, to renounce our age-old roots.” [www.b92.net/info/vesti](http://www.b92.net/info/vesti)

the national identity by giving priority to its natural character: "National identity is something rather immutable, or difficult-to-alter."<sup>37</sup>

Anti-Western stance is a good instrument for discrediting political enemies from both the government and non-governmental sectors. "Pro-European<sup>38</sup> and modernization-oriented media and minority parties (Radio Television B92, radio program "Peščanik" and the print media *Vreme*, *Danas*, *Helsinška povelja*, *Republika*, and the most-demonized Liberal Democratic Party) bear the brunt of that smear campaign. They are described as zombies: "Zombies are easily recognized. They don't use their own brain, and they tend to automatically reiterate the phrases "Let us be realistic" <sup>39</sup>, they are the "butchers" who walk around like robots and repeat identical explanations, accusations, and threats. If you oppose their explanations they immediately accuse you of being a nationalist, a fascist, a Nazi...and if you try to defend yourselves from their accusations they immediately launch a new threat: "You should be denazified, you should be lustrated or purged, you should face up to recent past".<sup>40</sup> Staffers of the aforementioned publications and members and leadership of the LDP are accused of an exclusively pro-Western rhetoric and leanings. But detractors of the aforementioned group in parallel fail to recognize that they themselves back a tunnel-vision or the one-sided vision of Serbia's foreign policy (predominantly Russophile one), embodied in activities and lethal moves of Democratic Party of Serbia and its leader and the Serb Prime Minister Vojislav Koštunica. At this point one must note identical stands of those Russophile intellectuals, notably those rallied around the magazine *New Serb Political Thought*, and Prime Minister's stands. The only difference lies in that fact that Koštunica simplified its public statements on Kosovo's

37 Slobodan Antičić, *Politika*, 5 April 2007.

38 It is noteworthy that the content of notions like "European values" , "Europeization" varies. Authors from the aforementioned circles tend to interpret them differently. They agree on the need for the respect of human rights as prescribed by the European Convention on Human Rights, but there are different or contrary ideas and opinions as regards Serbia's accession to NATO.

39 Slobodan Antičić, *Politika*, 14 December 2007.

40 *Ibid.*

status in the course of 2007 while those aforementioned backers elaborated his stands in detail. Regarding Democratic Party of Serbia and authors like Antić and Vukadinović it may be concluded that at play is a genuine intellectual-political cohabitation (in further analysis we shall show that Antoni openly backs the Serb Radical Party too).

Anti-Communism of today's nationalists is less their renunciation of the Socialist order, and more their renunciation of the former Yugoslav internationalism. That marked self-admitted and self-espoused anti-Communism, as mentioned in the early paragraphs of this text, is in fact driven by the need of former Communists/current converts to publicly disown their former stances in order to start convincingly advocating their new ones. In fact the right-wing Liberals, or conservative/chauvinistic nationalists see a "potential danger" in the vestiges of former internationalism, which they call "the prison of the Serb people". They are overtly concerned with the Yugoslav internationalism and they equal it to multiculturalism of the present-day states.<sup>41</sup> It is for example alleged that "the SFRY invented a new nationality, the Muslims" (Zoran Grbić). Institutional confirmation of such an interpretation of secondary (or non-extant) and primary peoples may be found in the very Constitution of the state, from which Serb patriots may always draw strength and inspiration. On the other hand, when highly politicized Russophilia is being promoted, then that very old state of the SFRY is being invoked, namely its high reputation and its non-aligned position. The foregoing best reflects a selective memory and instrumentalization of the state for the sake of the current political goals.

Fantastic allegations about the spectre of Communism also serve as a basis for attacks on liberal intellectuals, and notably, on the local NGOs

<sup>41</sup> And that stance is not quite well-founded, for the SFRY cherished so-called Yugoslav "nationalism" (until the mid-1980's it was maintained under the slogan of brotherhood and unity, and it succeeded in weakening nationalisms of various republics. However, after Tito's death, the role of the Communist Party of Yugoslavia was weakened too and with the Milošević power-grab the model of the pro-Serb Yugoslavism was put in place. That newly-emerged ideology urged survival of Yugoslavia, but of the Serb-dominated Yugoslavia). The policy of multiculturalism works inversely: it does not suppress ethnic differences, but rather encourages them, along with the promotion of ideas of religious, racial and ethnic tolerance.

representatives, for they are portrayed as “children estranged from their nation, and grandchildren of the Communist commissars and frontmen.”<sup>42</sup> The tradition-obsessed patriots also accuse the aforementioned “traitors” of being disrespectful of the national tradition. The foregoing is best seen in all debates on Fascism and anti-Fascism, in which a parallel is drawn with the Communist rule, and true collaborationists are not mentioned as –traitors.

## On patriotism and on why the homeland should be loved

We have repeatedly showed the difference between the ethnic perception of a nation as an ethnic descent-based community (typical of the right-wing ideas) and political understanding of a nation as –citizens (typical of the left-wing ideas).<sup>43</sup> Voices of those, differently-motivated theoreticians declaratively praising democratic states respectful of their citizens regardless of their cultural-ethnic identity, all the while endeavoring to disqualify those states and such ideas, are still omnipresent in Serbia. Thus, for example, Svetozar Stojanović<sup>44</sup> thinks that such a principle of the state

42 Đorđe Vukadinović, *Politika*, 19 June 2007

43 Todor Kuljić, *Prevailing the Pasi*, Helsinki Committee for Human Rights, Belgrade, 2002, page 118.

44 Stojanović, one of the Praxis members, is a detractor not only of the Socialist regime, but also of the problems faced by the post-communist countries undergoing transition. (many consider him “one of our most influential theoreticians in the realm of political philosophy”). However that long-standing dissident from the Socialist period to date, slid into the far-right nationalism, probably under the impact of his collaboration with Dobrica Ćosić. He is currently president of the *Serb-US Centre*, and a vocal advocate of concept of neutrality of Serbia and of his own plan of division of Kosovo: “Hence in the first stage of resolving (and not of settlement) of Kosmet problem I see a functional, and not a territorial division. That means that the Albanian-majority part of Kosmet, before the NATO troop deployment, should be placed under the EU Administration (but only in keeping

order or arrangement is very naive/ingenious, for we may suddenly find ourselves in a situation in which the representatives of the most numerous ethnic group in a multi-national society may urge introduction of a principle “one citizen-one vote”, which leads to the domination of the very same group. Thus a phenomenon of the “civic nationalism” may emerge. The former cannot be precluded (although in such a case we would face an ethnic, and not a civil state. Milošević himself advocated people’s self-determination, and not the right to self-determination of the republics), but one should have reservations about that analysis, for the author may have resorted to rationalization, while urging domination of an ethnicity (the Serb) people. That said, one must note that Stojanović criticizes the citizen-based nation, by attributing to it, in a manipulative way, something known in the Serb history as the anti-bureaucratic revolution, that is, as an attempt to amend the 1974 Constitution under the slogan “people have happened”.<sup>45</sup> And in fact it was an attempt at the expansion of the Serb side. Therefore one can say that by such misplacement of thesis, Stojanović in fact undeservedly attributes to Milošević policy the concept of citizenry.

Svetozar Stojanović, using similar argumentation, distorts the sense and idea of multi-culturalism. According to him a clear-cut model of the .....

with a new UN Security Council Resolution on transfer of Kosovo and Metohija from the UNMIK administration to the EU one, in full and continuing respect of the UN Resolution 1244. ) In parallel the Serb-majority part of Kosmet, before banishment and flight of Serbs, should be administered by Belgrade. That Albanian part would be in fact a supervised, but also broadened autonomy (until its morphing into a state)...but only on one condition: it should have only the police and not the army, for that is in the vital, security interest of Serbia too.”www.nspm.org.yu. “ That so-called division does not mean anything for Kosovo Albanians, for it not only fails to meet their most important objective, but also give large manoeuvring room to the Serb side, administered by Belgrade, and not by the international community. ”

45 The Serb Academy and authorities project made Dobrica Ćosić conclude that “the way-out of the Yugoslav existential crisis was a well-devised, decisive, fundamental democratic reform of the whole social, economic, and state order of Yugoslavia with a view to making an individual, a free citizen, and not the sovereign state in the shape of “bureaucratic kingdom”, our basic, political subject.” (Sonja Biserko, *Helsinki Charte*, no. .111-112, 2007).

state-territorial notion of nation is not characteristic of multiculturalism. Instead, in his opinion, “multiculturalists have embraced a maximalist perception of distinct cultures, as crystal-clear particularities, implied by a clear-cut cultural-ethnic notion of nation.” In this way multiculturalism is represented as a collection of ethnic extremes: “relations between those diverse groups are in fact relations leading potentially to a conflict, or war.”<sup>46</sup> When such an interpretation of multiculturalism is transposed to the realm of daily politics, we face the author’s stance that all theoreticians who have advocated establishment of civil state of Bosnia and Herzegovina have in fact committed violence against reality. The former “impossibility” is explained by the existence of the three ethnicities in Bosnia and Herzegovina, each of which, at the first multi-party elections before and after the war, voted in line with their ethnic origins. On the basis of the aforementioned one may only conclude that Stojanović intentionally instrumentalizes the pre-war state of affairs and a carefully dosed, but nonetheless virulent propaganda wars waged by the top republican leaderships from mid-80’s onwards and he also confuses causes and consequences. That said he fails to deal with the causes of ethnic tensions in Bosnia and Herzegovina. In fact he bypasses that point, for it in fact serves him to deny the guilt of the Serb side. In his mind the principal causes of the war were the voters’ orientations, though the latter was in fact just a consequence of the pre-war hysteria. But according to Stojanović that hysteria was a result of eternal conflicts between the three peoples. He thus comments the current state of affairs: “The statement of the German Ambassador to Bosnia and Herzegovina, Michael Schmunk, that ‘the most important goal of the constitutional reform should be a creation of the BH nation’, caused a veritable uproar in Serbia and Bosnia.” Stojanović has his doubts about the feasibility of such a proposition: “It is a well-known fact that in Bosnia and Herzegovina there are three nations? How do they propose to achieve that single nation? By an utopia-style rape of reality?”<sup>47</sup> Vukadinović also expresses his stiff resistance to a multi-ethnic character of Bosnia and Herzegovina: “The West” and its highest representatives

46 From the site [www.nspm.org.yu](http://www.nspm.org.yu)

47 Svetozar Stojanović, *Serbs and Dominant World Today*

are devoted to the suppression and elimination of all the state attributes of Republika Srpska, in a bid to create a fully unified state of Bosnia and Herzegovina"<sup>48</sup>. The above are only chauvinistic responses to the project of denationalization (the only constructive pathway to a peaceful cohabitation of the three peoples in the territory of Bosnia and Herzegovina) in an ethnically and religiously heterogeneous society.

Concerted efforts are made to foil attempts of some liberal circles to sideline both in Bosnia and Herzegovina and in Kosovo "the myth-prone" mind-set, or the tradition which is reduced to the cult of the "holy land" and blood ties between fellow-nationals. The same applies to attempts to remove those issues from the public discourse by relegating the Kosovo problem exclusively (that is, "our" problem) to the geo-political arena. Therefore a recent statement<sup>49</sup> of the Under Secretary of the US State Department, Nicholas Burns is interpreted as very spiteful: "What is most conspicuous is Burns' clearly stated support for the Kosovo separatists. The implied message may be that the new US stance is that Kosovo should be independent just because the US say so and fancy such a development."<sup>50</sup> The official strategy of denial is all-present and may be summed up as a total silence as regards the period before and during the year 1999: "Part of the post-Communist and post-war Serbian intellectual and political elite endeavours to define the last two decades, including the Milošević era, as a set of international circumstances which turned Serbia into a victim of an unprincipled Western policy."<sup>51</sup>

Svetozar Stojanović in his understanding of the problem of nation prioritizes the cultural-ethnic factor. He underscores that: "...category of nation, may encompass only akin ...big social groups..... In my mind the only necessary (although insufficient) identifiers of the nation are self-

48 *Politika*, 19 February 2007. Anti-Western stances in this criticism serve to divert attention from the Serb claims and aspirations to the RS territory.

49 N.Burns: „We strongly back the proposal of Kosovo's independence in 2007. That is an official stand of the US. We also strive to preserve Bosnia and Herzegovina as a whole, peaceful and united country.”

50 Svetozar Stojanović „Arrogance at Work”, 30 August 2007, [www.nspm.org.yu](http://www.nspm.org.yu)

51 See the Report of the Helsinki Committee for Human Rights for the year 2006, page 23.

identification by dint of the feeling of belonging and attachment to the continual-history group with its own name, and perception of itself as a distinct community.” Stojanović makes a distinction between the cultural-ethnic and state-territorial (civil) concept of the nation, but he does that by treating the latter as “incomplete and faulty” due to its individualistic basis and allegedly neutral stance on collective culture. However, the author denies that his understanding of the nation is an ethnic-based one, for he is well aware that such a stand of his may be easily and a priori stigmatized. On the other hand Stojanović’s rhetoric is clearly ethno-centric, notably when one takes into account the fact that today he views Serbia only through its name, origins and feeling of special, national belonging<sup>52</sup>: “And the state community should rest on a long-term interest, respect of the will of those from whom we originated”, or “as a Montenegrin, according to my mother’s lineage, I take additional liberty to speak thus openly” (the last statement was made in his capacity of Co-Chairman of the Forum for Dialogue of the now-defunct union between Serbia and Montenegro).<sup>53</sup>

In contrast to Svetozar Stojanović, journalist Zoran Ćirjaković does not predict preservation of Serbia’s territorial integrity and sovereignty, at least as regards Kosovo. His explanation thereof is extremely chauvinistic and full of hatred towards Albanians: “But since it is quite clear that no compromise is viable, there is at least one reason which should make us accept – despite all our rights, history, justice, honour, spite, pride and “patriotism” – that Kosovo can no longer be part of Kosovo. And that reason is related to the character of Kosovo Albanians. Albanians fight in such a way which compels their enemies-and their enemy, as they are inclined

52 This exclusive perception of any nation, indicates a markedly nationalistic position, the one prone to evolving into a virulent chauvinism. Everything is reduced to the theory of the Other, that is, to the violence against the other group, which is automatically viewed as a less important one, if “ours” is already considered as something very special. It bears underscoring that being distinct, or special is not the same as being different, and in those terms such an author’s position cannot be justified.

53 <http://arhiva.glas-javnosti.co.yu/arhiva/2001/01/28/srpski/101012702.shtml>



to admit is not Serbia, but, Serbs-to become animals.”<sup>54</sup> Ćirjaković also gives a gloomy prediction that “due to an ever-rising birth rate of Albanians, they are likely to rule Serbia in twenty years time”. He also shows his racist position on Albanians by saying that “Albanians are prone to effecting ethnic-cleansing of Christians, “they are the violence-obsessed people”, and “in the past it was Churchill who said that Albanians were ‘implacable enemies.’ And that fact is now admitted by Americans too”. The next line aims to relieve from any responsibility the Serb people: “In case of Serbs and Serbia the aggravating circumstance is their refusal to critically appraise inscrutable Albanians and to scrutinize their dirty “backyard”...and that refusal is due to the Serb self-imposed burdens of Milošević and Srebrenica. At this point it bears saying that all the Serb versions are rejected outright as a pretext or justification of war crimes and territorial aspirations of allegedly incorrigible Serbs”<sup>55</sup>

In his text “What would Jesus do with Kosovo?”, Zoran Ćirjaković discusses Evangelical religious communities in the United States and their impact through which they have allegedly ensured two electoral victories of George Bush. Leaders of those movements Jeffrey Fallwel and Pat Robertson, are notorious for their anti-Islamic stands: Fallwel stated that Mohammed was a terrorist, and Robertson demanded that Hugo Chavez be assassinated. The aforementioned stands clearly fit into Bush’s propaganda war on Islamic terrorism which in turn serves to justify the war in Iraq. But Ćirjaković sees those Evangelical preachers as “the frontmen of a genuine movement of support for Serbia ... against Albanians inclined towards ethnic-cleansing of Christians”.<sup>56</sup> However, the “problem” lies in the fact that those US movements are totally devoted to anti-abortion and lesbian weddings combat. In his text Ćirjaković also expresses hope (together with episcope Artemije, as he says) that in Serbia the church could engage more in the struggle for preservation of Kosovo. That means that such a retrograde religious tack urged by Ćirjaković could pave the way for further irresponsible statements and actions by the top cleric, Amfilohije

54 “Post-Kosovo Status Patriotism” 28 March 2007. [www.nspm.org.yu](http://www.nspm.org.yu)

55 Ibid.

56 *NIN*,

Radović. Namely Amfilohije Radović recently stated that he would curse all Montenegrins who would dare recognize independence of the province of Kosovo? The manner in which the Serb Orthodox Church exploits its monopoly over spiritual questions in the sphere of state diplomacy could result in justification of clerical nationalism and violence against Kosovo Albanians.

Miša Đurković, president of the European Studies Centre and adviser of the Serb National Party in Montenegro (headed by Andrija Mandić), discusses the perception of the right-wing ideas and conservatism in the post-Communist Serbia, motivated primarily by the idea of offering the only “correct” interpretation of the right-wing stances. The author in fact regrets the fact that liberal circles are the only ones discussing the Right, and moreover that they do it in a negative way. Paradoxically Đurković urges establishment of a liberal-democratic society, while in parallel demonizing globalization, protection of human rights and multiculturalism “popular mantras of the West”.<sup>57</sup> However, that paradox disappears when the author promotes “conservatism as a legitimate part of contemporary, liberal-democratic spectrum”.<sup>58</sup> It is clear that the author espouses the stands of conservative liberalism (with nationalist leanings), but in parallel he strives to give legitimacy to the present-day Right. The foregoing becomes evident when he endeavours to draw a distinction between the moderate parliamentary Right and radical Right (such an effort would be justified if we spoke about the territory unencumbered by the social mood in which the border line between the moderate and radical Rights has been always tilted more towards radicalization) .

According to him an equals sign may be put between “many interest groups in the mass media, some NGOs and some left-wing parties, who lived well off the Serb Fascism ...they are constantly looking for and finding signs of resurgent anti-Semitism, Fascism, xenophobia, racism in Serbia, which then they attribute to the moderate right-wing in a bid to equal

57 Miša Đurković, “The spectre of far-right and conservatism”, *Nova srpska politička misao*, vol. XI, no 1-4, 2005. page 9.

58 *Ibid.*, page 11.

it with the far-right".<sup>59</sup> Thus he strives to prove that xenophobia is being invented so that some mass media and NGOs would profit from such a phenomenon, for they "have only money on their mind." This kind of disqualification shows in fact the fear of today's moderate or far-right, for the proponents of both are compelled to condemn some media and NGO prime movers in order to cover up proliferation of radical chauvinistic currents and movements in our society.

The same trend of relativization is conspicuous in the position that the aforementioned "profit-minded groups project Fascism and conservatism", for example they endeavour "to attach to Ljotić's Rally and some writings of Nikolaj Velimirović, great importance, on the one hand, while trying to depict those phenomena as authentically Serb, and as deeply rooted in the Serb tradition, on the other hand".<sup>60</sup> The author forgets that Dimitrije Ljotić is glorified by many far-right organizations, notably Obraz. Even more interesting example is the cult of Nikolaj Velimirović whom the incumbent Prime Minister calls "our ever-present beacon and leader"<sup>61</sup> and whom Vladan Batić extolls as "an indisputable moral and intellectual authority"<sup>62</sup>. Membership of the clerical-fascist movement Zbor overlapped with that of movement Bogomoljci, who were controlled, in the pre-WWII period, by Velimirović.

Furthermore the author thinks that "the Communist spirit is still strong" and that it generates only "exclusivity and repression...manifested in an unwritten rule that everyone must either opt for the Hague Tribunal, human rights, globalization, democracy Clinton or for the nation and nationalism, war, bombs or Milošević." This is a discourse typical of conservative nationalists who not only underestimate the possibilities and interests of "ordinary man" to influence the essential social issues, but also totally disregard the possibility of citizens' more active involvement in the civil and political life. As regards his coinage "the Communist spirit", it

59 Ibid., page 17.

60 Ibid.,page 17.

61 Jovan Byford, *Suppression and Denial of anti-Semitism*, Helsinki Committee for Human Rights in Serbia, Belgrade, 2005, page 43.

62 Ibid.

probably applies to his political opponents, for exclusive, intolerant and repressive positions are blatantly attributed solely to them. The latter assertion is totally unfounded in view of that fact that every authoritarian regime, and not only the Communist one, abounds in such positions. They were also characteristic of Milošević regime, but the author chooses not to mention him. Such evasion entails another question: how come that the personality whose decade-long rule was marked by most terrible wars and devastation, now does not merit any appraisal or judgement?! It is necessary to take a stand on that regime, as well as on the Hague, for that recent past in fact dictates and shapes the current states of affairs in this country. Responsibility of those prime movers who had generated and shaped such a rule must be also examined and assessed. By and large by sticking to his anti-Communist stance, and claim that Communism is still alive, the author obviously tries to skip one period of history. His principle is the following: if I attack the Party, its inflexible positions, and victims of the Communist terror, then I am most surely a liberal with a Democratic hallmark, therefore don't ask me about the whys and wherefores of a continuing disrespect for human rights.

Slobodan Antičić is renowned for spawning the idea of "benign nationalism", akin to Vukadinović's idea of "elementary patriotism". We do not mark out the given sintagms as new ideologies, for they were primarily concocted to save the "old" ideology, that is Milošević's extreme nationalism. In view of the fact that during the 90's nationalism was totally compromised and over-exploited, for "ethnic-cleansing in practice justified by the chauvinistic patriotism" had shown "that there are no boundaries between the crime and patriotic act"<sup>63</sup>, its recycling and re-branding became necessary. In order to make a redefined and reshaped "benign" nationalism sustainable in the post-war general mood, "great intellectual forces were engaged". It was noticed that the set goal may be more easily attained if causes and consequences are permuted, and if it is maintained that nationalism, instead of being the ideology of politics of power in the name of the nation., is proclaimed the very identity of the nation. <sup>64</sup>

63 Todor Kuljić, *Prevailing the Past*, Helsinki Committee for Human Rights, Belgrade, 2002.

64 Olivera Milošavljević, "Benign Nationalism", [www.helsinki.org.yu](http://www.helsinki.org.yu)

That new-fangled construction became “a refuge for many, only apparently ideologically diverse members of intellectual and political elite.”<sup>65</sup> That refuge was apparently legitimized, in order to make it a more powerful vehicle in the struggle with its worst enemy-facing up to the past, that is, with those who urged that process, “the missionary intelligentsia.”<sup>66</sup> And according to AntoniĆ the said intelligentsia rallied around “dailies and publications *Danas, Republika and Helsinki Charter*”<sup>67</sup>, has two major goals: to impose to the domestic public opinion the commitment to acknowledge the Serb crimes, and to reject their own community! According to Vukadinović “they feel another city or country as their own spiritual homeland, while they experience the milieu in which they live as a foreign or alien environment.”<sup>68</sup> All those circles are stigmatized as “homeland-haters” and resented for dropping out of the model of “elementary patriotism”<sup>69</sup>, for that concept presupposes a strong allegiance to mandatory part of the national (Serb) identity which role is to mobilize the masses. Thus any estrangement from the kin, origins and community is- unpardonable.

But, one must wonder why these attacks on the aforementioned intellectual circles are seen as a bigger danger than the ones posed by, for example, international community or other ethnic groups in the country. The answer may be the following: at play is an offensive defence of the concept of “benign” nationalism. Therefore that concept, as mentioned earlier, does not serve only to provide a refuge to various Antonics and Vukadinovićs. Its main project is to prioritize and realized preservation of “national interests”

65 Ibid.

66 Slobodan AntoniĆ, “Missionary Intelligentsia in Present-Day Serbia”.

67 The targets of that smear campaign are: Ivan Torov, Gordana Logar, Nataša Odalović, Nebojša Popov, Sonja Biserko, Teofil Pančić etc.

68 Ibid.

69 “What gladdens us is the fact that elections in Serbia, like in any other country in the world, cannot be won without an elementary patriotism-based ticket. Added to that any serious contender must run on such a ticket. “*Politika*, “Only a contender running on a patriotic ticket may win”, 8 January 2007.

and “national unity”.<sup>70</sup> But by calling into question that “unity” those stigmatized intellectuals become indeed internal enemies.

National consensus on all the key issues, and on “the mother of all issues”, prompted S. Antonić and Đ. Vukadinović to analyze the political scene of Serbia at the time of the coalition government crisis. Thus Antonić took to task Boris Tadić in this rather biased piece of political criticism: “Democratic Party decided not to wait for spring months, regardless of the opinion of their coalition partner. Hence Dulić’s 12 December announcement of the start-up of presidential race. And that affected the confidence between the two partners. Moreover, on that day Democratic Party embarked upon a road which could be called a „pragmatic patriotism”. Democratic Party understood that secession of Kosovo was inevitable, but they also understood that the EU could not avoid taking on an unpopular role. So they concluded: “Let us save the salvagable. Serbia, though loathing the Kosovo grab, would fare better if it were inside the EU, than outside that union. So with clenched teeth let us join the club!” I don’t deem that stand unpatriotic. It is a question of political choice which history often imposed to Serbia. Such a choice was sometimes tragical, like in case of General Nedić. But it was nonetheless a legitimate effort at survival of the whole nation in the time of force and injustice”.<sup>71</sup>

But if we take into account the fact that “unbiased” or “independent” observing of political scene is in fact always mutable and guided by some interests (like the writing of these lines), then we should explain the character of those interests. Therefore the author’s goal in the first place was discreditation of the Democratic Party policy by its equalling with the classical Fascism. Arbitrary interpretation of Fascism is understandable if appears in the shape of sharp-worded insults or labelling, but for a sociologist it is not. The second goal of the author may be interpreted only in a broader context of instrumentalization and re-hashing of the past. General Milan Nedić is portrayed as a “patriot”, and as anti-Semite who with the National Salvation Government “legitimately” carried out the final solution relating to Jews and Romany in Serbia! By equalling proven Fas-

70 In support of Koštunica.

71 *Politika*, 10 January 2008.

cists and Quislings with “democrats”, the former are fully amnestied. And in that regard the term “democrats”, covers only Democratic Party of Serbia allegedly “the only consistent party, for it keeps putting up resistance, and showing its patriotic fighter’s spirit imbued with patriotism and based on universal laws and universal morale”.

Similar views are espoused by Vukadinović. He hints the following: “Democratic Party to a certain extent grew tired of patriotism”, while implying in the following lines the importance of that patriotism <sup>72</sup> in a genuine struggle for Kosovo: “One does not think that Tadić, after winning a new mandate, would “betray Kosovo idea”, as some radical detractors imply, but one wonders what he is REALLY ready to do and how far to go in opposing the intention of the majority of Western capitals to recognize independence of Kosovo, in a move tantamount to a flagrant breach of international law and the UN Security Resolution 1244.”<sup>73</sup> Vukadinović that underscores: “...there are many indications that at this moment of time *Tadić and Democratic Party are not ready to go too far* (Italic placed by HC author). Oaths like “I shall never sign independence of Kosovo” are superfluous, for no-one expects us to do that. But the West shall demand “co-operative attitude of Serbia”, *renunciation of threat of force*, our non-resorting to territorial disputes, and good-neighbourly relations with other EU members and candidates. And among those neighbours and potential candidates, various EU reports, already mention- Kosovo.”<sup>74</sup>

Vukadinović, like many other political commentators, perceives the army conduct as the biggest hurdle (unlike in the past, the army in recent Kosovo-related developments sat on the fence.) Thus he says: “Therefore recent statements of the Defense Secretary are inadequate....His pacifism, best seen in his words that boots of Serb soldiers shall not tread Kosovo

72 Those stands are identical with the DPS policy, or even more pronounced, for they even resort to explicit calls on violence in case of declaration of independence of Kosovo and Metohija. Now, after declaration of that independence on the 17th February, the principal question is to which extent that propaganda is close to the policy pursued by the Serb Radical Party and Democratic Party of Serbia.

73 Đorđe Vukadinović, *Politika*, 7 December 2007.

74 Ibid.

roads, even surpasses the one advocated by Jehova's Witnesses and NGO peaceniks and activists."<sup>75</sup>

Vukadinović goes on to underscore: "Serbia is not spiting or threatening anyone (as regards the latter, it does not have any convincing vehicle, comment of the HC author). But let us be honest: all options are possible, even the Serb Radical Party one, "proclamation of occupation", which recently caused quite a wave of indignation among our domestic fans of Euro-Atlantic integrations. But today that threat does not look like the most radical measure. On the other hand, the question is whether the Serb public or self-styled political elite, are capable of taking more serious measures. It is also questionable whether such a belated firm stand would yield the desired result or effect. *But if there is no sincere readiness to take those strong measures-ranging from severance of diplomatic ties, re-appraisal of foreign policy orientation, to a possible military-police action, then it would be better if we did not deceive ourselves and others* (Italic by HC author) and immediately accepted a variant of Ahtisaari's proposal."<sup>76</sup>

Current sabre-rattling by the mass media is an obvious throwback to the 90's, but it is only only logical to expect that such a tack would be anew well accepted by part of the general public. Let us see some comments of the site [www.politika.co.yu](http://www.politika.co.yu), whose editors censor critical remarks on political columns and run only those which justify the assassination of former Prime Minister Đinđić:

Mile Milić (), 18 June 2007, 22:46

This text makes me ponder the following: It would have been perhaps better if 12 March 2003 (but more massively ), had happened more or less ten years later?!

Neša (), 18 June 2007, 23:07

The author is right when he claims that Americans have been waiting since 1945. It would have been better if they had backed Draža Mihajlović movement and maintained that co-operation until the end of war, instead of turning towards Commies..As the popular saying goes: "If Draža's flag was raised, there would be no Albania". But as the things stand now the

<sup>75</sup> *Politika*, 25 September 2007.

<sup>76</sup> *Politika*, 11 September 2007.



Commies generated so many problems for Serbia, that the country shall not be able to resolve them in the next 200 years.

Marko-2 (), 17 April 2007, 12:25

...As regards Kosovo...I am really embittered by recent statement of President of Serbia, Mr. Tadić, that Serbia would not wage war for Kosovo...".<sup>77</sup>

Stands of academic elite were most radicalized during the runoff of presidential elections, when Koštunica's backing of Tadić, his coalition partner, was withdrawn. It was then expected that the Serb Radical Party would form a colition with Democratic Party of Serbia, due to their similar anti-EU stand. But, in view of imminent parliamentary elections, that option is still on the table, after Koštunica's quasi neutral stand during the runoff. In his column Antonić perhaps only lays the groundwork (ideological shaping and support) for such Koštunica's move. In his text "Journalists like Fans" Radio TV B92 is criticized because of its broadcast of time warp-like footage "reminiscent of Milošević era."<sup>78</sup>

Antonić illustrates the above by the following example: "On Tuesday Tomislav Nikolić held a convention in Belgrade's Arena. Do you remember how Milošević-controlled TV stations covered the opposition rallies? Principal messages and events were pushed into the background, while the spotlight was on all bizarre, stupid and compromising sideshows and effects. If the crowd was 50,000-strong, all of whom were decent people, TV reporter would not mention them. But then close-ups of five, toothless drunks with Chetnik caps would be aired. The reporter would then dilligently list all the speakers, but only the most bizarre details of their speeches would be singled out. That would make the reporter conclude that "opposition anew showed its true colours" and that "all the masks finally fell."

"In line with that methodology, B92 has prepared a report from that rally. Its cameramen really had hard time during the rally. But among 30,000 -strong crowd they found several with Chetnik caps and Mladić's pictures, and used them as a representative sample of ideas and political

<sup>77</sup> [www.politika.co.yu](http://www.politika.co.yu)

<sup>78</sup> [www.nspm.org.yu](http://www.nspm.org.yu)

leanings of all participants in the rally!?. In the arena many interesting speeches were held. But the most cheered was the last sentence of Gordana Pop-Lazić's speech: "Long-live Greater Serbia!"<sup>79</sup>

What is conspicuous is this insulting of citizens because of their unattractive physical appearance and the position that Chetnik cap is an irrelevant symbol at a political rally. The question why there are no Chetnik caps or billboards with images of Ratko Mladić at rallies of Democratic Party and Liberal Democratic Party, is not posed at all! In the above example Antonić for the umpteenth time confuses an alleged bias of journalists with professional observation of a social-cultural phenomenon which had marked and still marks the "Serbhood".

Antonić also criticizes demonization of those media which allegedly establish a link with Milošević era, for, according to him they only encourage hate speech against critical journalism (though at play was a value-related, and responsible reporting and observation of political reality on the basis of arguments and a justified noticing of logical connections between the past and its consequences in today's presentation of Democratic Party of Serbia and the Serb Radical Party). Those accusations are in fact a cheap trick aimed at covering up the fact that by the aforementioned example the most sore point of the Radical Party, their closeness with the former, stigmatized regime, was pinpointed. But, it seems that the author, known as a sharp detractor of Milošević, from the above draws his alibi for his current conservative nationalism. That entails an apparent possibility of attaching the the same, criticized "diabolical" object, to his political opponents.<sup>80</sup>

79 Ibid

80 We must analyze the contents of criticism of Milošević rule, in order to gauge the sincerity of those self-proclaimed critics. Thus, for example, Antonić blames Slobodan Milošević for the failed transformation of the Serb society. In his book "Social structures, political activists and democratic order" (see in *Račji hod*, Filip Višnjić, Beograd 2000) Antonić gives primacy to personalities, and not to social structures. Hence for him the hand-over of Milošević to the Hague Tribunal represented "the end of history" and the end of crisis, for the "sultan was gone": "And then we ousted Milošević. And then we thought that everything was over. But nothing was over. Kosovo issue was not finalized. Hundred-years prison terms for Serbs, and acquittal of Orić and Čeku stared in our face. New threats and conditioning ensued.

After the first round of elections and near-victory of Tomislav Nikolić, in his column Antonić first explains the power of that party, by using the argument that that whole system was against Nikolić, but that Nikolić defeated all his opponents. Evident is Antonić's gloating over that fact, the gloating which peaks with his open call to all citizens to give their support to that candidate in the runoff: "Miracles don't happen twice. Only a miracle may make Nikolić the winner again. But, all the others had a proper fright! You, dear losers, properly frightened all of them. All that sweat, that fear which you produced in them, among all those tycoons, lawyers, and rent-men of Euro-transition, was indeed authentic. They won't forget that feeling of fear. And you should not forget their reaction. *For, it is certain that they shall never again give you such an opportunity to thus humiliate and scare them.*"<sup>81</sup>

Links between the aforementioned intellectual elite with the Serb Academy of Arts and Sciences and some professors of the Belgrade's Law Faculty are evident, and traceable to their open nationalistic stands and published works of those academics in magazine *Srpska politička misao*. Prof. Kosta Čavoški is the most prominent denier of genocide in Srebrenica. In an article dealing with that topic, journalist Svetozar Radišić in the newspaper "Scandal" writes: "To which extent the hands of creators of the new planetary order are bloodied is best reflected by the "Srebrenica Case". That locality and engineered film farce broadcast worldwide, embody total lack of scruples of the international power-holders and the poverty of an disenfranchised and weakened mob."<sup>82</sup> In the same article the following statement of Čavoški is quoted: "I regret the lack of thoroughness of the Dutch institute...it should have examined why the French Ministry of Foreign Affairs had been informed of the 'slaughter in Srebrenica' as early as in spring 1993, that is, two and a half years before the actual event.

.....  
 CNN resumed its stories about "the revival of the militant Serb nationalism" posing a threat to "peaceful neighbours"..." (*Politika*, 8 November 2007.) Today Antonić demands amnesty of the collective, while he himself covers up the wrongdoing of the whole nation, by hyping the crimes of a single individual, Slobodan Milošević.

81 *Politika*, 24 January 2008.

82 *Skandal*, 17 April 2007

Had they taken into consideration the newspaper feature on the founding of the Party of Democratic Action (PDA), they would have found the answer: that slaughter was agreed and planned in the West”.

“Arguments” favouring the conspiracy of the West are also espoused by Mihailo Marković who sees globalization and “the new world order” as “forces which may prevent creation of a single Serb state in a foreseeable future”.<sup>83</sup> According to Marković and the like-minded intellectuals that single Serb state would incorporate “untouchable” Kosovo, Montenegro and Republika Srpska, whose integration may yet be attained. He glorifies the strength of the national state “united by the joint symbolic forms and histories”, but notes that its cohesion may be weakened by ethnically heterogeneous regions (Kosovo, Raška, Vojvodina). According to Marković “development of a single, unified spiritual space is crucial for the future of the Serb people and in those terms such a development is the most important task of the Serb intellectuals and politicians.” Culture (the Serb language, the Serb art, and Christian Orthodox religion) would be the connecting tissue of such a territorial integration. In addition to globalization, he sees democracy as a hurdle on that road: “the work on the creation of a single Serb spiritual space should not be conditioned by an apriori installed high degree of democracy. Such a move would be wrong.” Antonić shares that Marković’s stand: “a stable democracy is possible only in nationally and religiously homogenous countries...multi-ethnic communities may be preserved only by terror and manipulation.”<sup>84</sup>

Idea of ethnically homogenous state becomes more understandable when a link is established between a contemporary group of intellectuals and the secession-minded propaganda and attempts to mount a scare-campaign. Thus secession of Sandžak, and Vojvodina is predicted. The foregoing produced a series of attacks on Nenad Čanak and his “Fascism” (Antonić). It seems that behind such a propaganda there is both fear of a possible further loss of territories, and rationalization for attacks on

83 Mihailo Marković, “On the Notion of the Unique Spiritual Space of the Serb People”, *Srpska politička misao*, 1-2/1999.

84 Vladimir Ilić, *Forms of Criticism of Socialism*, City National Library, “Žarko Zrenjanin”, Zrenjanin, 1998, page 303.

ethnic minorities and their minority parties. Essentially it represents resistance to the idea of cosmopolitization, the first stage of which would be arrangement of state along the civil principle. Such a stand was voiced by President of Vojvodina's Parliament, Bojan Kostreš, at the round table discussing the identity of the province of Vojvodina: "In my mind, Vojvodinas are not a nation, they should not be a nation...Vojvodinan is a state of spirit... it is a man who accepts diversity, who lives amid diversity and who embraces diversity of his milieu as the biggest value...I think that Vojvodinans don't have, if I can put it that way, a priority, and that it is not only Vojvodinans who can have Vojvodina character".<sup>85</sup>

Stands and theses of aforementioned law professors are shared by highly reputed professors of the Faculty of Political Sciences (Mirjana Vasović<sup>86</sup> and the incumbent Minister for Kosovo and Metohija, Slobodan Samardžić). However, the true stronghold of the Serb nationalistic project is Belgrade's Law Faculty. Opinions of Kosta Cavoški are shared also by Oliver Antić, Ratko Marković, (Prime Minister of Serbia during Milošević era

85 Bojan Kostreš, "To be Vojvodanin is a question of mind-set", *Identity of Vojvodina*, Helsinki Committee for Human Rights in Serbia, Belgrade, 2006.

86 Sociologist Mirjana Vasović thus writes about the NGO work: "Partly out of ignorance, and partly out of sheer spite, they offer a distorted picture of social reality (to those who want to exploit it), by hyping some chauvinistic, sporadic incidents. According to that picture, in Serbia minorities are systematically persecuted, Romany are killed, Jews are expelled, women abused and maltreated, and refugees discriminated (see texts and reports of aforementioned publications and NGOs). By implying a continuing proliferation of "nationalists" they try to keep the society in a permanent state of emergency, for only in such a mood they can take on a "mission" or the "burden of a white man" on their shoulders (or delegate it to others) and guide the people allegedly incompetent for a civilized life and democracy. All that has already been described in the literature and noted in the political history of the world. They are the friends of all peoples, barring their own, they encourage creation of negative stereotypes of the milieu and nation from which they have originated." (*Vreme*, Production of Nationalists, no. 634). By that article the author not only denies, but also justifies the maltreatment and abuse of women and discrimination of Romany in this society, but also imputes such stands to NGOs. This can only mean that the author is aware of those problems, but it is necessary to find an "adequate" scapegoat in order to exempt the state of any responsibility.

and the man who engineered the 1998 law abolishing the University autonomy), Smilja Avramov and other signatories of the petition against the Act on Co-operation with the Hague Tribunal. Thus the faculty is awash with virulent anti-European campaign and the far-right ideas (at the faculty are frequently held youth panel discussion by organizations “Novo Kanon” and “Dveri”. Participants thereof are clerics and members of the Serb Radical Party. Similar panel discussions are held at Machine-Building Faculty and in the Youth Centre of Students’ City.<sup>87</sup>

Web site of the “New Serb Political Thinking” is an interesting indicator of its political profile. It contains polls on the current political issues. Judging by respondents’ replies one may assert that both the site and the magazine is of a markedly right-wing character.

**In your opinion who shall emerge triumphant  
from the presidential runoff?**

Boris Tadić	24% (64)
Tomislav Nikolić	70% (184)
I don’t know/I don’t have a stance on that issue	5% (14)

**In your mind should Serbia severe or freeze relations  
with countries which recognize Kosovo?**

Yes	65% (782)
No	32% (385)
I don’t have a stance on that issue	3%

Poll finalized on 25 December 2007<sup>88</sup>

87 Decembar 2007, panel-discussion : “Amputated Kosovo”, February 2008, speakers in various panel discussions were: Vladeta Jerotić, Kosta Čavoški, Đorđe Vukadinović. In the Students’ City a small chapel of the Serb Orthodox Church was opened in one of students’ accommodation blocks.

88 [www.nspm.org.yu](http://www.nspm.org.yu), site was visited on 2 January 2008.

## The “traitors” blacklist

At the time when key decisions for survival of the state should be taken (and not those related to territories, but rather those concerning social and economic prosperity of the country) public discourse in Serbia is awash with contents which invoke tradition, historical ties with Russia, centuries-long plight and suffering of Serbs, fabricated picture of the power of a small nation, labelling and demonization of Kosovar Albanians, which borders on racism. What is most conspicuous in that public discourse is the absence of issues of European integration, co-operation with the Hague, and arrest of Mladić. In the government –controlled mass media the absence of those topics became visible since the moment the incumbent authorities realized that Kosovo would declare independence. Thus the government diverts attention of public at large from its failure, above all, non-signing of Agreement on Stabilization and Association. In such an incendiary social mood, in which one majority party also shows its discontent with its position, the aggression may be easily channelled to the other side, which sees the way out in the European future, and not in the country’s isolation. Letting off such accumulated steam/aggression is orchestrated from top- to- bottom by the parties which are bent on retaining their positions, notably Koštunica-led Democratic Party of Serbia. Notably that party instructed the media and the intellectual shapers of a ruling ideology to mount and conduct a smear campaign against critical intellectuals. And executors of such an aggression -the people-instead of drawing the existential benefits from such negative reactions or theirs, may ultimately find themselves at the receiving end of such actions.

In such a mood any critical voice and resistance are portrayed as a threat to existence of the majority of people. It is moreover implied that such critical voices are the traitors of the people. Creation of “internal enemies” was always a feature of the Serb nationalism: “Nationalism, notably in the Balkans, is a fertile soil for emergence and development of ethnic exclusivism and militant chauvinism. However, chauvinism has one dis-

tinct trait, which distinguishes it from nationalism: it considers 'estranged' members of proper nation as greater foes than members of ethnicities."<sup>89</sup>

Pro-West NGOs, notably those dealing with human rights and the facing process, bear the brunts of those media attacks. The media always criticize them with the same arguments, whereby the media rhetoric and labelling is always the same: "impassioned Europe-lovers", "liberal elite blinded by the united Europe and cultural racism"<sup>90</sup>, "scavengers", "he equalled the notion of „to be modern“, with the one of „to be self-centered and money-obsessed“" (Antonić). "Euro-Serbs" or "Other Serbia"<sup>91</sup> are synonyms for radio program "Peščanik", media house B92, several parties, Liberal Democratic Party, Social-Democratic Union, League of Socialists of Vojvodina, and NGO sector representatives. What is conspicuous is the fact that diverse "pro-globalization" actors are now reduced to one enemy, since, apparently, the nation should be-one. The aforementioned polarization is a reflection of a deep crisis in society.

The principal motive for those attacks is the facing-geared activity of NGO prime movers. Namely for many years now they have been engaged in the process of overcoming the past in a way intended to shed light on the identity of war crime perpetrators and involvement of collectives and institutions in war devastation. That is a motive, while the ideology in place, as mentioned earlier, is engaged in re-hashing the past with a special emphasis on the standing permutation in the Fascist-anti-Fascist division, in which Fascists are proclaimed-patriots.

Aforementioned motive is underscored in texts penned by Vukadinović and Antoniće. They stiffly opposed any mention of the 90's, notably in the election campaign, for it is, in their mind, tantamount to a scare-campaign mounted by Democratic Party. But in fact there is similarity between

89 Vladimir Ilić, *Forms of Criticism of Socialism*, City National Library, "Žarko Zrenjanin", Zrenjanin, 1998, page 280.

90 *NIN*, 17 January 2008.

91 However the expression "Other Serbia" is inadequate even if it serves to brand someone. *Other Serbia* is a book which compiles anti-war texts and papers of numerous participants in panel discussions held during the year 1992. And among those participants were also today's nationalists, notably Đ.Vukadinović.



their insistence on covering up the past and attempts of the Radical Party to make a clean break with Šešelj's/their own policy by dint of their "mollified rhetoric" in the pre-election campaign. Thus, for example, those authors assert that any mention of Milošević is a dirty ploy which undermines the national homogeneity (that is, mobilization of the electorate), currently a must in view of resolution of the key issue of Kosovo status.

Thus, quite "logically", anyone who dares remind the general public of ethnic-cleansing campaigns, of Muslim victims, of Albanian victims, of all crimes, is immediately labelled as the traitor of the Serb cause. In the following example we demonstrate how Vukadinović expounds the "manner of Euro-reformers manipulation and of their deceiving the people that they would travel without visas... and how those Milošević-decade haters are in fact 'full of pathological nostalgia for Yugoslavia': "...today's Euro-reformers try to manipulate negative experiences and traumas of citizens accumulated during the last decade, their fear of sanctions, their wish to travel without visas, and "live like all normal people."<sup>92</sup> He goes on to note that they "...have an almost pathological resentment of their own country, and hatred of all things which bear the Serb national hallmark. All of us know at least one such person, and some readers might even recognize themselves in the above description " (the above description is related to the NGO sector). He furthermore maintains that "those Euro-reformers are in fact persons who cannot accept the fact of disappearance of Yugoslavia, shopping in Trieste and absence of the 'red passports which allowed the Yugoslav citizens to travel everywhere without visas'...and that is precisely why they channel their rage in an irrational and pathological way towards this poor country in which they are compelled to live."

In the above case Vukadinović tends to legitimize nationalism as something desirable, as a kind of resistance movement, or at any rate, as a resistance to "specters of Communism", the Communism which might stage its comeback. Anti-Communism is seen in a continuing and standard equalling of all parties which advocate respect for multi-national states: "They, like vampires, in a perverse way, think that the SFRY is still alive... They no longer understand anything. They just reiterate old, run-of-the-

92 *Politika*, 5 February 2007.

mill phrases. The only novelty is their repeating of the mantra, „Koštunica should go“, instead of the recent one, „Milošević should go.“ But in their lazy minds, in their fattened brains slowed down by grants, supports, stipends, donations and fees, they are priming for the third sequel: After Milošević and Koštunica, now is the turn for a new universal culprit- Boris Tadić. And I am quite certain that in the offing are the fourth and fifth sequel which shall explain that everything shall be solved if we go back to the year 1992. But the reality is implacable. Republika Srpska is a reality. Democratic Serbia is a reality. This is the year 2007. This is not the year 1992. And Čeda Jovanović is not Broz. Is that clear? Is that clear enough? And what else should happen to make you grasp the reality?”<sup>93</sup>

It is obvious that the Liberal Democratic Party as a party advocating the values of the liberal market system, polycentric ideas of rule, respect of the human rights, cannot be connected in any way with the Communist Party of Yugoslavia. Thus paternalistically posed question is probably intended to mobilize the public and make it suspect those who try to introduce anew internationalism and consequently destroy ethnically homogenous Serbia. Throughout his text the author vulgarizes the whole issue, by likening the contents of the two totally different lines of thinking and systems.

Denial of the past is obviously in line with the scapegoat scenario. Thus Serbia is depicted as a victim of efforts of a major superpower to “humiliate it, rout it and offend it, at any cost.” According to the author, “The only valid reason for such a treatment of Serbia, is the evil committed against our neighbours, and in our name, by Milošević ...and now, all the Serbs have to more or less justifiably expiate for those evils.”<sup>94</sup>

Miša Đurković also points out “the profits made by some NGOs and some media: “thanks to interests of many groups in the midst of the mass media, some NGOs and some left-wing parties all of them lived well off so-called Serb Fascism, portrayal of Milošević’s Serbia as Hitler’s Germany, and themselves as alleged moral heroes and contemporary anti-Fascists; normalization of this country is in fact not in the interest of those groups,

93 S. AntoniĆ, *Politika*, 8 November 2007.

94 Đ. Vukadinović, *Politika*, 28 August 2007.

for such a development would entail their loss of legitimacy, sense of existence, foreign funds...hence they constantly search for and find anti-Semitic, Fascist, xenophobic, racist phenomena..."<sup>95</sup>

What characterizes the debate on neo-Fascism held by many print media in the course of 2007 (the debate was prompted by an anti-Fascist rally in Novi Sad on 7 October staged to counter the "March for Unity of Serbia", a neo-Nazi rally,) is the new interpretation of classical Fascism and its history in this country. The fact that far-right militant organizations exist only in other European countries, is oft used to justify their emergence in Serbia. However that peek into backyard of others only serves to legitimize all kinds of violence. If we compare ideologies of the far-right groups in various countries, we notice a difference: the European far-right has problems with immigrants (Asians, Afro-Americans, etc.) and its slogan is "Europe to Europeans", while in Serbia organizations like Nacionalni Stroj, Racionalisti, Obraz, Dveri, Pokret 1389 engage in verbal and physical violence against ethnical minorities and neighbouring states (and those right-wing organizations lead the country to self-isolation or self-segregation). They propagate different versions of ideology of "blood and land", urge the national purity and glorify personalities, like Dimitrija Ljotić, Nikolaj Velimirović, Ratko Mladić, Radovan Karadžić, etc.<sup>96</sup> Aforementioned organizations frequently manage to iron out their differences prior to their obstruction of major rallies, as it was evident on 7 October 2007 in Novi Sad and on 10 December 2007, during the marking of the International Human Rights Day in Belgrade's Republic Square. Namely on both occasions "Obraz" members jointly with football fans and neo-Nazis effected a Nazi-style salute.

Denial or mollification of neo-Nazi ideology and rallies on 7 November 2007 has two goals. Firstly, it serves to defend the extreme nationalism of some parliamentary parties, for the ideology of the aforementioned ultra-Right Wing groups (barring the pro-Nazi program) is very akin to their

95 Miša Đurković, "Spectre of the Far-Right and Conservatism", *Nova srpska politička misao*, vol. XI, no 1-4, 2005. str. 17.

96 National Squad and Racionalists are neo-Nazi organisations, whose program includes somewhat amended classic Fascist ideology.

own ideology. The only difference lies in their practical actions, for members of parliamentary parties cannot go to city squares and chant “Ustashi”, “Kill all the Gays!”, “We Want Flash”, but, nonetheless they can decide not to punish or sanction such vocal hate speech. Secondly, such groups serve for effecting a showdown with all the political opponents, along the line of equalling the right-wing and left-wing nationalism.

Since “anti-Fascism in many ideologies is a key content by which a progressive and humanistic orientation of the regime is proved, its revisionists, by calling into question that content, try to deny the very legitimacy of the regime”.<sup>97</sup>The latter is an integral part of an anti-communist orientation of contemporary intellectuals, for the resistance to anti-Fascism, is tantamount to resistance to a broader Socialist context, with a view to normalization of nationalism, installed as a predominant ideology since the mid-80’s. That is why today’s anti-Fascists have as bad reputation as the aforementioned “traitors”. They are correctly likened or rather equalled, for in today’s Serb society anti-Fascism is understood as an anti-nationalism combat. As mentioned earlier, their discreditation is effected by their labelling as “extremists” or “militants”. Thus, for example, militants of the nationalistic Guard of Tzar Laza, “Peščanik”, Nenad Canak, and Goran Davidović (better known as Fuhrer and the most likely leader of the National Squad) are all considered “Fuhrers from our alley”. What is most characteristic of those comparisons is an unsuitable use of the term “Fascism”. The latter is in fact never defined, for at play is sheer propaganda. “The author of these lines truly believes that in the present-day Serbia there are no genuine Fascists. But if they existed, then Mr. Davidović and Mr. Čanak would be the most serious contenders for that “flattering “ title, whereby the first would be more similar to the German and the second to the Italian, that is, Mussolinian version of Fascism. Thus their bitter conflict could be perhaps reduced to the sintagm “a narcissism of small differences”, or “a kind of a family feud””<sup>98</sup>

97 Todor Kuljić, *Overcoming the Past*, Helsinki Committee for Human Rights, Belgrade 2002, page 443.

98 Đ.Vukadinović, “Fuhrers from our alley”, *Politika*, 9 November 2007.

Vukadinović underscores that “Even if Čanak’s anti-Fascism were sincere, and it is not, and if he was truly devoted to saving Serbia from the looming Fascist disaster, then he should be aware that his appearance and his attacks on the phenomenon against which he is allegedly combatting, have the very same effect as an attempt to cool an overheated engine with a glass of gasoline. Canak is intelligent and savvy enough to know that his every, allegedly, radical, attack on “Fascism”, his arrogance, his threats and his provocative equalling of Fascism cum Nazism with practically every form of the Serb national stance and organization raises the rating of the Serb Radical Party in Vojvodina and provokes the emergence of at least dozen new members of “national squads.”<sup>99</sup>. The message is therefore the following: Don’t attack neo-Nazis while they slap people, torch bakeries, harass and batter people and members of national minorities, threaten to kill members of national ethnicities...let them let off steam...for if you provoke them, you shall find yourselves at the receiving end of their anger, and so much the worse for you...don’t say that you have not been warned! Those who espouse the stand that in Serbia there is no genuine Fascism, and that in the country there are only few mock and innocent Fascists, only give legitimacy to the latter.

99 Ibid.

## Conclusions and recommendations

On the basis of above-exposed stands of intellectual elite in Serbia one may conclude that they are predominantly nationalistic with some strong chauvinistic hallmarks. The latter is reflected in demonization of imagined both internal and external enemies. More threatened are “internal enemies” for chauvinism is characterized by its highly aggressive position on them. The said nationalism has also racist elements, as noted in predominantly anti-Albanian media campaigns. In the state which is xenophobic and intolerant vis a vis all its minorities, institutions and the majority parties share those stands, but still dare not translate them into practice. Ties between the academic elite and the ruling regime (a reference to Democratic Party of Serbia) are visible in a continuing denial of Srebrenica genocide, positive assessment of the International Court of Justice’s judgement,<sup>100</sup> and negative assessment of the Bosnian bid before that highly-reputed international legal instance, to prove Serbia’s involvement in that genocide.

A markedly anti-Western course and propagation of a highly romanticized stance on the nation, also indicate the reasons behind the blocked situation in Serbia, which in the course of 2007 did not even inch forward towards its European future (currently the only option for Serbia). The danger also lies in the fact that activities and statements, and ideas of the academic elite are much-publicized. Their texts are carried on an almost daily basis by the pro-regime dailies *Politiku* and *NIN* and in review *Nova srpska politička misao*.

Added to that propaganda is carried out at lectures of aforementioned professors, through the selection of mandatory exams literature, or by giving free access to faculty premises to the far-right organizations. In this

100 The International Court of Justice’s judgment, regardless of the compromises which had preceded its handing down, nevertheless speaks of the responsibility of the state of Serbia, that is, its failure to prevent genocide. Moreover, it is the first such judgment in history. Because of a lenient nature of that judgment-the public at large in Serbia expected a harsher verdict- the prime movers in Serbia engaged in promoting their interpretation that thus Serbia was amnestied from any responsibility in that event.

way, the expansion of nationalism is privileged and prioritized, if we view the student population as important, future actors of the political life in the state of Serbia. Added to that the aforementioned media propaganda blocks penetration of different ideas among the young and other public strata and segments.

Furthermore in that way the continuity of the political mind-set from the 80's of the 20th's century is ensured. The "parent" generation must effect a clean break with that recent past, otherwise in the near future we shall have the very same "parent model" which shall plunge a multi-ethnic state into isolation. Consequently, the voices of cosmopolitan mind-set shall be hushed up and sidelined, and status of minorities shall be further imperiled.

In line with the foregoing the following is strongly recommended:

At the institutional level sanctioning of the media-promoted hate speech must be sanctioned (we quoted examples of anti-Albanian hate speech in weekly *NIN* texts and justification of murders on web site of daily *Politika*) in line with the Act on Public Information.

History textbooks found to contain inadequate texts, the ones justifying the Serb crimes, must be censored. By extension the history exams literature must include works of authors from the region, in order to jump-start the process of facing and overcoming the consequences of recent past.

Shamefully positive stance of the majority political scene in Serbia on the International Court of Justice Srebrenica genocide-related judgement must be adequately sanctioned. If no politician assumes responsibility for his statements, then such a policy is not deserving of a place in the European community, at least as long as it refuses to effect a changeover of its internal policy. To accelerate the latter, such a denial-oriented stance must be sharply criticized, and the general public must be informed of lethal consequences of such a policy.

The ban on relativization of Srebrenica genocide, in line with the European Directive on Racism and Xenophobia, may be included in the Act on High Education, the Act on Radio Diffusion and the Act on Public Information.





# Twisting Law in Defending “National Interests”

Due to their long-standing public appearance and various forms of engagement, both individually and, frequently, as a group, the professors of the Faculty of Law have earned the epithet of “anti-Hague lobby” and the Faculty of Law itself has become known as the “anti-Hague stronghold”. Apart from Professor Kosta Čavoški, who is best known to the general public, as well as Professors Oliver Antić, Ratko Marković and Smilja Avramov, the number of the faculty staff members and associates, who have got behind various campaigns against cooperation with the Hague Tribunal, with their names and professional integrity, is alarmingly high. So, for example, 51 professors signed the petition against the Law on Cooperation with the Hague Tribunal even twice. Otherwise, according to the official Internet presentation of the Faculty of Law<sup>101</sup>, the faculty staff and its associates total about 115 persons. Apart from the mentioned petitions, many professors and teaching assistants have often been seen at the gatherings organized by the Serbian Radical Party and various associations (Nomonkanon, Obraz, Svetozar Miletić, Dveri...), while their texts and interviews are unavoidable in almost all Orthodox nationalist media of the Serbian diaspora.

Its continuous presence in public, number and recognizable ideological matrix, in addition to the fact that it is the question of highly educated intellectuals, give specific weight to this group, as opposed to other groups and associations having similar provenance. It is the question of top legal experts, who were giving legal legitimacy first to Slobodan Milošević and then to Vojislav Koštunica, especially during the tragic events that marked the collapse of Yugoslavia – from constitutional and political violence, through the systematic violation of human rights, to mass destruction and war crimes. All this points to a complex yet not accidental course of events and circumstances that has profiled such a phenomenon at the

101 [www.ius.bg.ac.yu](http://www.ius.bg.ac.yu)

Faculty of Law in Belgrade. Naturally, this group in no way represents the complete faculty staff in this institution of higher learning, which also includes many ideological and professional opponents but, unfortunately, their voices are heard much less often in public.

## “The Case of the Faculty of Law”

As early as the mid-1960s, the Yugoslav society was faced with the demand for reforms from all republics. After the failure of the economic reform in 1965, it became clear that the political system and the relations within the federation would require serious changes. After the adoption of the Constitution of 1974, the Serbian elite, which never reconciled with it, began preparations for Tito's legacy. At that time already and, in particular, after the Albanian protests in 1981, the Serbian national question definitely took precedence over all other questions and problems faced by the Party leadership. The 1986 *Memorandum* of the Serbian Academy of Sciences and Arts only confirmed the preoccupation of the Serbian intellectuals and legalized the path to solving the “Serbian question”.

One event, which had a decisive influence on the crystallization of the future national corps among the Serbian intellectuals, is especially interesting. That was the so-called “Case of the Faculty of Law” which had a significant echo both in the Serbian and Yugoslav public. The debate about the constitutional amendments, which was organized by the Faculty of Law in Belgrade, on 18, 19 and 22 March 1971, and included the representatives of the Constitutional Commission, Supreme and Constitutional Courts of the SR Serbia, students' representatives, representatives of the League of Communists and others, had its epilogue in the court. Namely, Professor Dr Mihailo Đurić was accused of enemy propaganda and sentenced to nine months in prison, after which he was expelled from the Faculty. The journal *Anali Pravnog fakulteta (Annals of the Faculty of Law)*, in which all discussions were published, was banned and five signatories of the petition for his pardoning were punished by the Party (Dr Andrija

Gams, Dr Stevan Vračar and Teaching Assistant Danilo Basta were expelled from the League of Communists, while Assistant Professor Branislava Jojić and Dr Ružica Guzina were reprimanded). It is interesting to note that in their condemnation of the signatories of this petition the students requested a harsher punishment and even their expulsion from the Faculty. One of the most prominent student leaders was Oliver Antić, who was later to become the Dean of the Faculty of Law. This was the first case that one renowned institution of higher learning actually institutionalized nationalism and legitimized it at the legal level. Despite the fact that both the campaign against the discussants and their views, as well as the trial to Professor Đurić itself reflected an undemocratic and authoritarian system, this event was especially important just because of the clearly profiled views on the relations within the Yugoslav federation and Serbia's constitutional-legal status. Many of these discussants will play an important role in the events that followed, from criticizing the 1974 Constitution, through their support to Milošević and the formation of the state of all Serbian peoples, to the refusal to recognize the legitimacy of the Hague Tribunal.

In essence, the proposed constitutional amendments opened the door to confederalization and a different system of inter-republic relations; it is also true that Serbia's status was different relative to other Yugoslav republics due to the existence of two autonomous provinces; this was stated by most professors in their public discourse, but there was also a striking number of those talking about the non-acceptance of the republican borders, challenging autonomies and requesting the Serbian question and Serbia's status in Yugoslavia, while at the same time stressing the Serbian contribution to the Yugoslav idea, sacrifice for it and the like.

Professor Mihailo Đurić was the most explicit: "It must be said right away that the proposed constitutional amendments change fundamentally the character of the present state union of the Yugoslav peoples. Or, more precisely, this change rejects the very idea of such a state union. If something remains, it will be dealt with in the next, so-called second phase of change. One must be aware of the fact that Yugoslavia already is almost entirely a geographic term, since several autonomous, independent and even mutually opposing states are being created on its soil or,

more precisely, on its ruins, on the pretext of the constant advancement of equality of its peoples... But, if we cannot get rid of something that was imposed on us by others, if we must think and speak about the national and state issues, if we have to commit ourselves and delineate ourselves along national and state lines, then we must be aware of our historical responsibility to the people to which we belong, then we must know that, at this moment, the question of its identity and integrity, its political, that is, state-law integration is of utmost significance for the Serbian people”.

Professor Đurić also states that “... the present status of the Serbian people in Yugoslavia is not good at all... not only because of the merciless and unjust accusation of the Serbian people of centralism and unitarism in the previous period. As if centralism suited the Serbian people in any way, as if centralism was not introduced, among other things, in order to prevent the raising of the question of national responsibility for the genocide committed against the Serbian people during the Second World War.” Pointing out that the Serbian people has an unequal position relative to other peoples, Professor Đurić concludes that the “borders of all present Yugoslav republics have a conditional meaning” and that “the inadequacy, arbitrariness and untenability of those borders become evident when they are understood as the borders of the nation states”.<sup>102</sup>

Professor Andrija Gams, who will leave the Faculty of Law soon, also holds that the constitutional amendments mean the destruction of Yugoslavia, since the “rejection of the Yugoslav idea represents the fact that may turn into a very tragic historical situation”. Referring to the European integration processes, he emphasizes that “through the formula of Yugoslavism, the peoples and ethnic groups having a similar ethnic origin and composition, were supposed to achieve a normal historical aspiration toward their economic and cultural integration and mutual assimilation into a higher entity... it is certain, however, that one strong political group has been formed in Croatia and that this group has begun to implement a certain strategy and tactics in order to realize one idea that was officially identified as the achievement of equality, that is, the achievement

102 Dr Mihailo Đurić: “Smišljene smutnje”, *Annals of the Faculty of Law*, Belgrade, reprint of the banned issue 3/1971, p. 230.

of full equality of the Yugoslav peoples and the tendency toward relieving the Croatian people from certain 'hegemonistic' and 'centralistic' pressures".<sup>103</sup>

The attempt to reorganize the Yugoslav federation was also regarded by other participants as the end of that state, while the equalization of the Serbian and Yugoslav interests confirmed the concealed and non-awakened tendency towards Serbian hegemonism once again. By frequently exceeding the boundaries of their profession, the professors of the Faculty of Law displayed great unity in the public condemnation of the constitutional solutions, as well as the Party and state leaderships. Although none of them advocated Serbia's exit from Yugoslavia at that time, just this non-acceptance and condemnation of any different view on the common state, which would diminish or prevent the dominant influence of the Serbian people, paved the way for the engagement of the majority of them in the future. To tell the truth, it must be noted that during the debate there were some professors who did not share their views and warned them about the unacceptability and seriousness of the nationalist qualifications, abuse of history and manipulation with the statistical data (Vojin Dimitrijević, Dragoslav Janković, Aleksandar Vacić, Vera Petrić...).

Contrary to the claims of some, still active participants, like Professor Kosta Čavoški, that the collapse of Yugoslavia during the 1990s justified their fears and actually confirmed their doubts to which they were pointing out at that time already, the truth is quite opposite. Namely, with their professional and intellectual alignment with the nationalist current of the Serbian elite, they contributed to such a turn of events. Kosta Čavoški himself finished his speech at the mentioned forum in a warning tone: "... history knows not only of the regular, constitutional procedure for the change of the present constitution, but also of the unconstitutional way... the people has the obligation not only to obey the legitimate government; it also has the original right to resistance and rebellion... therefore, we must ask ourselves once again: do we, as jurist, have the task to interpret

103 Dr Andrija Gams: "Konceptije amandmana: istorijski – promašaj, naučno – zbrka", *Annals of the Faculty of Law*, Belgrade, the reprint of the banned issue 3/1971, p. 234.

and defend the constitution, or to raise the people's awareness of its right to rebellion?"<sup>104</sup>

## The Attitude Toward Milošević

Instead of offering the solutions to the mounting problems, including those relating to the inter-national relations, in the form of general democratization of the state and its institutions, the intellectual elite in Serbia opted for solving the national question, as the fundamental question of the Serbian people and its state. At the beginning, they were coming out from the leftist and Yugoslav positions. After Tito's death, however, nationalism among the intellectuals became increasingly evident, while the number of their supporters began to increase. In 1984, Belgrade came once again in the focus of attention of the Yugoslav public; the "trial of the six" turned into the fiasco of the regime and triggered strong reactions not only in Serbia, but also in Croatia and Slovenia. The support to the Serbian intellectuals was also given by numerous international organizations and individuals; Dobrica Ćosić formed the Committee for the Defence of the Freedom of Thought and Expression, including Kosta Čavoški and many representatives of the critical intelligentsia, among whom there were 14 members of the Serbian Academy of Sciences and Arts; that same year, Ćosić called on this prestigious academic institution to "awaken from its conformist inertia"; Slobodan Milošević became the Chairman of the City Committee.

After the publishing of the Memorandum in 1986, whose ideologist is considered to be Dobrica Ćosić, the famous Eighth Session, the commemoration ceremony at Gazimestan and the antibureaucratic revolution, it became clear that Serbian nationalism took precedence over all other ideas among the otherwise versatile intellectuals. Although most intellectuals supported Milošević, at least at the beginning, he used this alliance

104 Kosta Čavoški: "Ustavnost i pravo veta", *Annals of the Faculty of Law*, Belgrade, reprint of the banned issue 3/1971, p. 220.

to consolidate his power. One of the first to leave him was Kosta Čavoški who – as early as 1991 – published the book entitled *Slobodan Against Freedom (Slobodan protiv slobode)*. About his attitude toward Milošević Čavoški says the following: "In that book I have also shown that Slobodan Milošević, who was at the height of his power at that time, has abandoned liberal values and, above all else, freedom, with which he is in serious conflict. I have never changed this opinion and the latest events have confirmed what I had said about Slobodan Milošević at that time (this was written in 1990). In addition, I have finished my book with the words that have probably predicted something that will happen later on. I have said that Slobodan Milošević is an ominous man who will bring misfortune to the people and the state. And this turned out to be true."<sup>105</sup>

However, Milošević continued to gather the intellectuals of all political persuasions: one-time dissidents and obedient servants of the regime, liberals and representatives of the "black wave", national romanticists and awakened demagogues, democrats and orthodox conservatives.... depending on the needs and the current moment. By appointing his supporters to the top positions, he gradually took control over all institutions of the system – in the judiciary, science, police, army, business, media, culture, sports...

Disciplining the university, critically minded professors and rebellious students was of utmost significance for Milošević. This job was done by his wife, Mirjana Marković, Professor of Sociology at the Faculty of Geography and the Chairman of the Directorate of JUL, the political party that was active in higher education institutions through the Committee of the University Left, despite the prohibition of political organization at the university by law. By replacing or bribing the key persons and professors, the faculties gradually stopped to resist, while a great number of experts left the university. Parallel to disciplining other universities, not only the University of Belgrade, Milošević and his regime were devoting special attention to control over all student welfare activities. By worming itself into the students' favour by offering the favourable terms for accommodation in student hostels, as well as through party and police control over

105 Kosta Čavoški's interview for the journal *Svedok*, No. 258, 3 July 2001.

the students' organizations dealing with culture and information (Student Cultural Centre, Studentski Grad Cultural Centre, Radio Index...), the Slobodan Milošević regime came the full circle of control over the tough part of the society – the university.

With a stringent personnel policy in all university institutions (including the possibilities for career advancement, bribing and repression), the university turned into the party base and the stronghold of the Milošević-Marković regime. Apart from the university, Milošević devoted special attention to media control.

Having graduated from the Faculty of Law, Milošević had a special relationship with it. One of his most faithful and most favourite associates was Professor Dr Ratko Marković. Apart from drawing up the Serbian Constitution in 1990 and so-called "Žabljak Constitution" in 1992, as well as a number of important laws, he was the Vice-Dean of the Faculty of Law in Belgrade (1987-1989), member of the Serbian Assembly Commission on Constitutional Issues (1985-1991), judge of the Constitutional Court of Yugoslavia (1991-1992), federal deputy to the Chamber of Citizens of the Federal Assembly (1992-1996) and Serbian Vice-Premier (1994-2000). The academic community has never forgiven him for working on the Law on the University in 1998, which abolished university autonomy. In less than two years, about 2000 teachers and associates lost their jobs due to their political unsuitability and disobedience. They were replaced by politically suitable yet frequently unqualified staff, so that the quality of studies hit bottom. At the same time, the university was benumbed and deprived of its creative and educational role. Apart from the enormous spending of budgetary funds by the newly appointed deans, this period will also be remembered of the hiring of private security guards who resorted to terrorizing and beating the students. However, the university itself did not offer any more significant resistance against the most restrictive laws. The then Rector of Belgrade University, Jagoš Purić, stated that only about three per cent of the employed refused to sign the contract of service.

In the meantime, the one-time student leader and prominent communist at the time of the mentioned "Case of the Faculty of Law" in the mid-1970s, Oliver Antić became a professor at the Faculty of Law and member



of the Socialist Party of Serbia, which was sufficient for his appointment as Dean of the Faculty of Law. It is interesting to note that those who resisted his appointment included, inter alia, Professors Kosta Čavoški, Mirjana Stefanovski and Danilo Basta, all of whom are now the signatories of the anti-Hague petitions. At that time, Dean Antić was saying in public that he will establish order at the Faculty and deal with the supporters of the Civic Alliance (Gašo Knežević, Dragor Hiber, Vesna Rakić-Vodinelic, Jovica Trkulja and others). He explained the dismissal of 15 professors in the following way: "Some of them went normally into retirement, others already planned to leave, so that they did everything to leave, but not elegantly and in the way that is appropriate for the university; instead, they made a fuss about it, because their job was not teaching but politics. They are doing just fine. They were awarded by their mentors; they also obtained better salaries and found new jobs, some of them abroad, where their real sources of income come from, so that there is no problem in that respect".<sup>106</sup>

Ratko Marković commented on the disputed Law as the Vice-Premier: "Nobody from the University was consulted about the Draft Law on the University, because under our Constitution a law is proposed by the Government, a deputy, or a group of citizens. What it would look like that the Government – when passing a law – has to consult everyone to whom a certain legal provision applies. Under the new Draft Law, the University is a state institution whose basic activity is educational and scientific in character and only in those fields there exist absolute freedom and autonomy. The autonomy some are talking about is their lament over self-management".<sup>107</sup>

The Faculty of Law and Dean Antić will also be remembered of their appointment of Vojislav Šešelj as full professor. Although the whole procedure was irregular and violated the law and procedure in many respects, it will remain on record that only Professor Radoslav Stojanović reacted in public. In evaluating Šešelj's works, the general conclusion of the Commission was that "his works vary in the degree of depth, but one can never

106 *Glas javnosti*, 25 October 1999.

107 *Dnevni telegraf*, 19 May 1998.

deny the author's knowledge of political theory, philosophy, law and history, his wealth of information, sharp and literate language and polemic style, general culture and almost passionate dedication to the topics on which he writes... Dr Vojislav Šešelj is a sovereign master of the public scene, which has been proven by his countless appearances at public forums, on television and radio, at public lectures, in political campaigns and the like (...) The crystal clarity of his spoken word, logical conclusions, rich vocabulary and almost perfect intonation in his spoken language are the guarantee that Dr Vojislav Šešelj will be attractive to the students and will always be gladly listened to (...) The content and number of his non-fiction, professional and scientific works, bravurous speaker's talent and the suggestiveness of his communication with others are more than sufficient to propose Dr Vojislav Šešelj for the election to the only and highest teaching and scientific title at the Faculty, which he already has – the title of full professor".<sup>108</sup> Such a justification of the Commission concerning the candidate's expertise and references is without precedent in the history of the university. Otherwise, the Commission was comprised of Professor Ratko Marković, as the first rapporteur, and Professors Miloš Aleksić and Radivoje Marinković.

## The Anti-Hague Stronghold

No sooner had the newly formed, first democratic government worked out the adoption of the Decree by the Federal Government relating to the procedure for cooperation with the international crime tribunal (in April 2001), than the Serbian public was taken by surprise at the news, which was carried out by all media, that a large group of the most prominent legal experts and professors of the Faculty of Law in Belgrade appealed to the Federal Constitutional Court to verify the constitutionality and legality of this legal act.<sup>109</sup> Apart from several professors, who were present on the

<sup>108</sup> *Vreme*, 484, 15 April 2000.

<sup>109</sup> The initiative was signed by Professor Dr Ljubiša Lazarević, Professor Dr Kosta Čavoški,

public scene during the Milošević regime (Ratko Marković, Smilja Avramov, Kosta Čavoški, Oliver Antić), most signatories of this initiative were completely unknown to the broader public. Hardly anyone remembered Budimir Košutić, one of Milošević's Vice-Premiers and Ambassador, Mirjana Stefanovski, Danilo Basta...

During the 1990s, some professors came to the Faculty of Law as the party cadres, some acquired this title without the necessary scientific references, while some came from other faculties and universities. There were also some young teaching assistants... Referring to the human rights and liberties, the signatories requested that the complete degree should be proclaimed as unconstitutional and contrary to law, emphasizing the prohibition on the extradition of Yugoslav citizens. The mentioned initiative was the first in the series of their actions due to which this group earned the epithet of "anti-Hague lobby". Although all names do not appear all the time and on the same occasions, there is no dilemma that the members of this group are ideologically like-minded persons. This is also stated

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Professor Dr Dragutin Šoškić, Professor Dr Miodrag Orlić, Professor Dr Budimir Košutić, Professor Dr Slobodan Marković, Dr Slobodan Panov, Assistant Professor, Balša Kaščelan, Teaching Assistant Trainee, Professor Dr Ratko Marković, Dr Mirjana Stefanovski, Associate Professor, Professor Dr Zagorka Jekić, Dr Đorđe Lazin, Associate Professor, Dr Branko M. Rakić, Associate Professor, Professor Dr Stevan Đorđević, Professor Dr Jugoslav Stanković, Dr Saša Bovan, Associate Professor, Dr Milena Polojac, Assistant Professor, Dr Miroslav Milošević, Assistant Professor, Goran Ilić, MA, Teaching Assistant, Dr Žika Bujuklić, Assistant Professor, Dejan Đurdjević, Teaching Assistant, Bojan Milisavljević, Teaching Assistant, Dr Vladimir Stojiljković, Assistant Professor, Professor Dr Oliver Antić, Professor Dr Obrad Stanojević, Dr Gordana Pavićević-Vukašinović, Assistant Professor, Professor Dr Zlatija Djukić-Veljović, Vladan Petrov, Teaching Assistant Trainee, Aleksandar Gajić, Teaching Assistant Trainee, Professor Dr Vera Čučković, Miodrag Jovanović, MA, Teaching Assistant, Dr Olivera Vučić, Assistant Professor, Professor Dr Mirko Vasiljević, Professor Dr Borivoje Šunderić, Professor Dr Ranko Keča, Academician Professor Vlajko Brajić, Marko Đurdjević, MA, Teaching Assistant, Professor Dr Đorđe Ignjatović, Zoran Mirković, MA, Teaching Assistant, Dr Vladan Jončić, Assistant Professor, Dr Nebojša Jovanović, Associate Professor, Dr Milan Škulić, Assistant Professor, Nataša Delić, MA, Teaching Assistant, Nenad Tošić, Teaching Assistant Trainee, Professor Dr Vladimir Milić, Dr Aleksandar Jakšić, Assistant Professor, Professor Dr Miodrag Simić and Professor Dr Zoran Stojanović; *Glas*, 26 June 2001.

by Stevan Lilić, who is also a professor at the Law Faculty: "In their public discourse, the exponents of the so-called anti-Hague lobby place special emphasis on the legal elements. However, the so-called legal arguments of the anti-Hague lobby have absolutely no legal ground (instead, they are of a political and ideological nature). This simple fact also confirms that underneath the anti-Hague lobby is actually an anti-legal lobby".<sup>110</sup> One of the most prominent representatives of the anti-Hague lobby and former Dean, Oliver Antić, explains the essence of this public engagement, which is seemingly incompatible with the profession of the signatories: "The problem lies in the fact that those who really deal with positive law know that the greatest number of legal problems was caused by that illegal and illegitimate tribunal. And since this is the place where law is studied, it is normal that it has the greatest number of people who protest against such a violation of international law and such a quasi-court, what the Hague Tribunal really is".<sup>111</sup>

As early as 1998, the loudest critic of the Hague Tribunal, Professor Kosta Čavoški, devoted one chapter of his book *The Hague Against Justice (Hag protiv pravde)* to the topic "The Disputable Legal Basis for the Formation of the International Hague Tribunal" (pp. 22-28). Among other things, he says: "And then, by its Resolution No. 827 of 23 May 1993, the Security Council gave itself the right to establish an ad hoc court for the territory of the former Yugoslavia, whose jurisdiction is limited both in time and space (since 1 January 1991). Since the Security Council had never established any court before, it was necessary to find some legal ground, so that it does not turn out that force makes law"; "the Americans wish to have an absolutely free hand, so that they can, at their discretion, qualify something as an aggression and impose sanctions, and then present their engagement, such as the bombing of southern Iraq, as a military intervention. Thus, as you can see, there is no calling to account for aggression".<sup>112</sup> At the same time, Professor Čavoški and his colleagues use these and similar "arguments" so as to point to the understanding of the international

110 Stevan Lilić, "Kvalifikacije umesto argumenata", *Danas*, 18 February 2005.

111 *B92*, 11 February 2005.

112 *NIN*, 2472, 14 May 1998.

community and its institutions as the exponents of force over small righteous peoples that stand in their way. This rhetoric is more than characteristic of the entire Serbian nationalist demagoguery, ranging from Dobrica Ćosić, through Milošević, to Vojislav Šešelj.

In view of the fact that the members of the anti-Hague lobby could not dispute the legitimacy and legality of the Hague Tribunal itself, they are most often trying to confine their criticism to their profession by making a number of comments of a formal legal nature with respect to the organization and statute of the Tribunal, its rules, detention of the indicted, etc. Although they came forth as a group in Serbia as early as 2001, some professors were also very active in contesting (disputing) the existence of the international tribunal in the late 1990s, whereby their activities were geared to the Republic of Srpska against whose citizens the greatest number of indictments was issued and where the greatest number of arrests were made by the international forces, SFOR. In 1997, together with many intellectuals from Serbia and the Republic of Srpska, Professors Kosta Čavoški (who was at one time a deputy and senator in the Republic of Srpska), Mirjana Stefanovski, Danilo Basta and Smilja Avramov signed the petition requesting the dismissal of the case against Radovan Karadžić. The wartime leaders of the Bosnian Serbs are still treated as the greatest national heroes. As early as December 2001, Professor Kosta Čavoški founded the "International Committee on the Truth on Radovan Karadžić". He is its President and Professor Smilja Avramov is its Honorary President.<sup>113</sup> Čavoški boasts of his close friendship with Radovan Karadžić and his family, and also had an important role in the publishing of two books by this Hague refugee (*Sitovacija* in 2002 and *Čudesna hronika noći* in 2004). Suspected of being part of the network providing support to the Hague indictees, he was called for an informative talk several times; the last one was on Pale, in September 2007.<sup>114</sup>

113 The members of this Committee are also Dragoš Kalajić, Momo Kapor, Dimitri Analis, Radoslav Bratić, Brana Crnčević, Rajko Petrov Nogo, Slobodan Rakitić, Miloš Šobajić, Ljuba Popović, Vasilije Krestić and Nikola Kusovac; Bilten, *www.pcnen.org.yu* (Prve crnogorske nezavisne elektronske novine), 6 December 2001.

114 Beta, Tanjug, B92, 14 September 2007.

In numerous interviews and public discourse, he is persistently upholding the thesis that there is no legal ground for the indictment against Radovan Karadžić. "That he cannot be held responsible is evidenced by the fact that he, first as the President of the Presidency, and then as the sole head of state.... issued a great number of decrees, decisions, guidelines and other enactments warning all members of the military and police forces of the Republic of Srpska that they should strictly adhere to the Geneva Conventions and other international documents, which prohibit war crimes and other crimes against humanity and international law. Even in his official capacity as sole head of state – although he was not authorized for that under the Constitution – he ordered an inquiry into certain cases and requested the implementation of precautionary measures or tighter control so as to prevent war crimes and other misdeeds... Otherwise, the civilian head of state never exercises direct command in the sense that he commands the troops in the field. He only issues general orders concerning broader military operations, while the execution of military actions themselves depends on regional commanders. And only the troops in the field commit war crimes".<sup>115</sup>

Affection for the Bosnian Serbs, displayed by the Serbian intellectuals with strong emotions and energy for two decades already, is quite specific. It probably points most convincingly to the vitality of the Greater Serbia national programme, which has not been abandoned despite its historical defeat. The Republic of Srpska is regarded as the fundamental value that must be defended by using all possible means, until the achievement of the final aim – the creation of the Serbian state that will include all Serb-populated territories. Naturally, this is only the confirmation of Serbian hegemonism, with which it was entered into the formation of Yugoslavia and due to which its survival and unitarism were feverishly defended. Appearing as an expert on the *casus belli* in Bosnia and Herzegovina in the case against General Stanislav Galić, indicted of the crimes against humanity, terrorizing of civilians and the violation of the laws and customs of war, Professor Čavoški says: "I also wish to add that the very attempt at secession is *casus belli*. Consequently, if you observe the history of federal

115 *NIN*, 2472, 14 May 1998.

states, the attempt at secession by one or more federal units results, as a rule, in the outbreak of war".<sup>116</sup>

As long as Slobodan Milošević was aspiring to this aim, he enjoyed wide support by nationalists; today, it is directed to the Serbian Radical Party, which never renounced this aim. Milošević himself recovered their favours to a degree by conducting a hard-line policy vis-à-vis Kosovo, although he was never forgiven for betraying the Serbian interests and territories in Croatia. In the author's text entitled "The Judicial Farce in The Hague"<sup>117</sup>, Čavoški says: "Had Milošević been ready to hand over Kosovo and Metohija without fighting, he would have still been in power with the American support. But, since he stopped to be 'cooperative', he had to be severely punished so that others, similar to him, both here and in other countries, are warned how they will fare if they fail to act sufficiently on 'advice' from their foreign sponsors. And before that, it was necessary to find any motive for the NATO aggression against our country and, during the aggression itself, it was found in the alleged crimes of which Milošević was immediately accused... This confirmed once again that – when the crimes of the troops and officials of leading Western countries are in question – the Hague Tribunal is nothing else but the tool used by the Western wills in order to avoid their responsibility".

Milošević's extradition to the Hague Tribunal triggered the new mobilization and homogenization of all nationalist forces, as well as the institutions that had represented the pillars of his regime, such as the Faculty of Law and the Serbian Academy of Sciences and Arts. Hence the launching of the initiatives and petitions against the Hague Tribunal is by no means an accidental or momentous gesture, let alone a response based on independent and professional views. The group of professors from the Faculty of Law also submitted the request to appear at the Tribunal in the status of *amici curiae*. This request was submitted by Kosta Čavoški, Professor of the Theory of State and Law, Zagorka Jekić, Professor of Criminal Procedure Law, Ratko Marković, Professor of Constitutional Law, Zoran Stojanović, Professor of Criminal Law, Đorđe Lazin, Professor of

<sup>116</sup> *NIN*, 2722, 27 February 2003.

<sup>117</sup> [www.medijaklub.cg.yu](http://www.medijaklub.cg.yu)

Criminal Procedure Law, Mirjana Stefanovski, Professor of the History of State and Law, Aleksandra Jakšić, Assistant Professor of International Law, Milan Škulić, Assistant Professor of Criminal Procedure Law, Saša Bovan, Assistant Professor of Sociology, Branko Rakić, Assistant Professor of International Law, Aleksandra Gajić and Bojan Milisavljević, Teaching Assistants in International Law.<sup>118</sup> Moreover, Professors Ratko Marković, Kosta Čavoški and Smilja Avramov appeared several times before the Tribunal as the defence witnesses at the trials to Milošević, Milan Milutinović, General Stanislav Galić... Branko Rakić was also Milošević's legal counsel and the secretary of the Freedom Association, the Yugoslav Committee for the Liberation of Slobodan Milošević.

The anti-Hague lobby is defending its colleague, Vojislav Šešelj, the leader of the Serbian Radical Party (SRS) with even greater enthusiasm. Apart from a great number of authors, historians, physicians, philosophers... at the scientific meetings, which were organized by the SRS three times in 2005<sup>119</sup>, one could also observe the presence of many professors of the Faculty of Law. The impressive number of the participants, who prepared their speeches and papers, included Čavoški, Oliver Antić, Stevan Đorđević, Dejan Đurdjević... The master of media appearance and manipulation, Šešelj organized a real show during his hunger strike in 2006; the Hague Tribunal as well as President Tadić and Prime Minister Koštunica were swamped by the protests of public figures and unknown fans, various organizations and associations, including the professors and student parliament of the Law Faculty. In his public address on that occasion, Kosta Čavoški pointed out, at the end of his text entitled "The Hague

118 *Blic*, 8 September 2001.

119 All three gatherings were organized at the Sava Centre in Belgrade. The first was held on 23 January 2005 and its topic was "Legal and Political Aspects of the Indictment of the Hague Tribunal Against Professor Dr Vojislav Šešelj"; the second was held on 29 May 2005 and was devoted to "Joint Criminal Undertaking as Legal and Political Construction, Especially in the Indictment of the Hague Tribunal Against Professor Dr Vojislav Šešelj" and the third was held on 19 November 2005 on the topic „The Fabrication of General Historical Circumstances as the Method of Work of the Hague Tribunal with Special Emphasis on the Indictment Against Professor Dr Vojislav Šešelj". [www.srs.org.yu](http://www.srs.org.yu)



Assassination of Šešelj": "Professor Dr Vojislav Šešelj certainly thought it over and concluded that the only way he could resist the Hague Minotaurus, which had already destroyed eleven Serbian lives and is still thirsty of the Serbian blood, is to sacrifice his own life in that unequal struggle. His sacrifice commands everyone's respect and our present leaders – who are talking nonsense about 'cooperation' with the Hague Tribunal as a prerequisite for accession to Europe, which is intending to take Kosovo away from us at this very moment – should bow before him".<sup>120</sup>

Although the work of the Hague Tribunal has been carefully followed by the nationalist elite since the very beginning, there is no doubt that the trial to Vojislav Šešelj is attracting special attention. It is important to note that the student parliament and the student association Nomokanon, both from the Law Faculty, are also taking an active part in various campaigns promoting the personality and work of this indictee. The alarming incidence of the nationalist and radical ideas among the young can be primarily attributed to the disastrous long-standing personnel policy in educational institutions, as well as to the overall situation in the educational system and the serious flaws of educational policy. Even a hasty look at the aims and views that dominate the statements and forums of the students' association Nomokanon prompt us to make such a conclusion. Its Internet presentation<sup>121</sup> abounds in hate language, extremist nationalist views and, to say the least, problematic views on the society and the world. Their forums and guests, as well as the editor's comments reflect clearly the ideological and political views of this young people.

In the article devoted to the forum entitled "The Hague 'Justice'" it is written as follows: "The Five (lecture hall) is jammed, outbursts of applause and the strong patriotic charge of the young people at the forum, which was held at the Faculty of Law on 29 November, show clearly that Serbia still has the perspective and that it is still possible to gather a great number of young people without the Western money... It would probably be necessary to hold forums at the Faculty of Law a hundred times in order to prove to those wretches from various Soros's media and non-

120 [www.srpskapolitika.com](http://www.srpskapolitika.com)

121 [www.nomokanon.org.yu](http://www.nomokanon.org.yu)

governmental organizations, and especially those from the Democratic Party, how many future jurists there are at this Faculty who are not willing to sell their knowledge and justice, for which they learned to fight – just because someone is continuously insisting that we must cooperate with the Hague Tribunal. Those who came to the forum wished to express their revolt against that quasi-court, no-court”. The atmosphere at the forum devoted to “NATO Aggression Against the FRY” was described in the following way: “The Faculty of Law... seven years later. The inscription ‘Homeland above all else’, the-coat-of-arms of the Priština Corps, tears, pain, sorrow, pride!... The forum did not begin with the speeches of its guests, but with the prayer, the prayer for all Serbs who fell victim of the NATO aggression”. Nomokanon also organized the forums on “The Serbian Question in Kosovo and Metohija”, “We Don’t Want to Give Kosovo and Metohija”, “Law in the Service of Force”, “Religious Sects in Serbia”, “Non-governmental Organizations – Their Role and the Way They Act”, “The Truth on the Sarajevo Battlefield” (“At the very beginning of the forum, by means of a video beam, the visitors could watch a short film about Markale. The film demystified the propaganda and manipulation and explained the direction of this fabricated crime”).

Nomokanon attracted public attention on 17 May 2005, when it organized the forum “The Truth about Srebrenica” at the Law Faculty. One month earlier (19 April), this forum was postponed under public pressure, because on the posters put up in the centre of city and at the Faculty of Philosophy it was written “On the Tenth Anniversary of the Liberation of Srebrenica”. However, when speaking about the reasons for not organizing this forum, the Dean of the Faculty of Law in Belgrade, Professor Dr Mirko Vasiljević, explained that an international round table was held at the same time “... so that it was concluded<sup>122</sup> that those two topics would not coincide much”. Like the Dean, most professors also did not see anything disputable in organizing such a forum, regarding it as part of the students’ democratic right to freely express their views. The forum was held in a very tense atmosphere, whereby the citizens who were against such gathering on the 10th anniversary of the genocide in Srebrenica

122 *Danas*, 17 May 2005.

were constantly insulted. The forum was also attended by Professors Kosta Čavoški, Mirjana Stefanovski, Smilja Avramov, Vladan Jončić and Saša Bovan. It was chanted to Ratko Mladić and Radovan Karadžić, while at the same time hissing and threatening the non-governmental organizations, media and political parties perceived as being treacherous.

In its press release, Nomonkanon characterized this forum as a "scientific meeting based on the facts", which was not organized with the aim to celebrate or glorify the crime. "We are especially glad that the long-prepared plan of some political groups and non-governmental organizations to concoct an incident and interrupt the forum was foiled".<sup>123</sup> Detailed descriptions of the event, supported by the "facts about what really happened in Srebrenica", were published in all "patriotic" media and on the Internet presentations of the domestic Orthodox and patriotic associations (Obraz, Dveri, Svetozar Miletić, etc.), as well as the Serbian diaspora: "... At the forum there were several speakers who wished to point to the great deception about what really happened in Srebrenica and how the lies and deceptions are served to the people, especially through the disastrous media, in order to distort the true picture and fabricate the history, so that future generations have to suffer and pay reparations for something that neither they nor their predecessors have committed for centuries.

All speakers also emphasized that about 2,000 Muslims were killed in Srebrenica, in 1995, including mostly or exclusively the soldiers of the Islamic army who were sacrificed by Alija Izetbegović so as to obtain assistance in the form of foreign military intervention more easily... However, what is the most shocking is the fact that soon after the forum there began a campaign against patriots and an offensive against the truth in those media (both local and foreign) which are disastrous for us and our people, as well as by some politicians, in destructive institutions and, naturally, in The Hague. It seems that their aim is to convince the masses that the Serbs are criminals who killed innocent Muslims and they keep doing this by continuously showing one video spot and repeating the same thing according to the principle that if you repeat a lie a thousand times, it becomes the truth. But, the film in which the members of a certain

123 *Politika*, 19 May 2005.

paramilitary group called "Scorpio" are allegedly executing six Muslims (fit for military service) cannot be and is not any evidence that the Serbs really killed 7,000 innocent Muslims what they are now claiming... When the gathering was finished, the student security guards prevented the embittered people from attacking the hysterical Nataša Kandić, since she is the incarnation of some foolish evil that is doing whatever is possible so as to do harm to our people. And what else one should say about the person who hates her own people and is doing everything against us as the people, except that she is a parasite and a disease that must be eliminated, totally eradicated".<sup>124</sup>

The Faculty Law professors look at the crime in Srebrenica in the context of an anti-Serbian campaign and the role of the Hague Tribunal, as well as the continuing efforts to put the blame for the bloody disintegration of Yugoslavia exclusively on Serbia. Although the crime is not denied any more, everything else in connection with it is "political and legal construction". Consequently, it is not disputable that that there were executions of the captured Muslims and that only the soldiers were executed and not the civilians. What is disputable, however, is the total number of those executed, that is, the proportions of the crime that is qualified today as a genocide... Otherwise, the number of the victims can be determined most accurately on the basis of the data on the bodies exhumed from several mass graves. So far, 1,883 bodies have been exhumed, of whom 1,656 male and only one female, while the sex of other bodies could not be determined. The Prosecutor's Office has multiplied these figures by 2.6, that is, by 3.56 without valid arguments, so that according to it between 4,900 and 6,700 Muslims were executed at the same locations, while the alleged witnesses from the Muslim side claim that even 9,200 persons were killed".<sup>125</sup>

Defending the wartime leaders of the Republic of Srpska at every opportunity and consistently, Professor Kosta Čavoški says: "It is an

124 Stvarnost (electronic journal in Serbian and English), No. 2, 27 June 2005, [www.stvarnost.com](http://www.stvarnost.com).

125 Kosta Čavoški, „Prečutkivanje i krivotvorenje istine o Srebrenici“, Glas javnosti, 22 December 2007.

established fact that the so-called command of the army by the civilian head of state throughout the war was nominal at the most and that the high-ranking officers of the Army of the Republic of Srpska were more loyal to their colleagues from the Yugoslav People's Army (JNA) than to Dr Radovan Karadžić. That was finally manifested by the refusal of 17 generals, all generals of the Republic of Srpska, to accept the otherwise legitimate decree issued by Dr Radovan Karadžić about the replacement of General Ratko Mladić. I was reproached after the publishing of the book in 1997, that I was allegedly making an allusion that some other people are responsible for the events in Srebrenica and not Dr Radovan Karadžić. That was not my allusion, I only quoted the opinion of Judge Fuad Riyad when confirming the second indictment against Dr Radovan Karadžić and General Ratko Mladić concerning the events in Srebrenica.

In his ruling Judge Riyad stated unambiguously: "It is worth mentioning that, on the basis of the testimonies of the witnesses, it is becoming evident that not only the Bosnian Serb soldiers were present, but that the soldiers from the Federal Republic of Yugoslavia (Serbia and Montenegro) were also present during the capture of Srebrenica. These soldiers could easily be identified by their characteristic appearance, special uniforms and the Serbian dialects. The parts of the Yugoslav People's Army (JNA), including the Novi Sad and Užice Corps, as well as the paramilitary troops loyal to Arkan were seen by many witnesses both in Srebrenica and in its surroundings. These extra troops were either under the command of the suspects (Ratko Mladić and Radovan Karadžić – this is my note), or under the control of some other commander'... Otherwise, Judge Ryad said everything, except that he did not mention the name of the other commander, who could be evidently Slobodan Milošević alone. And I concluded that Dr Radovan Karadžić was indicted because he was not sufficiently cooperative and that Slobodan Milošević is being constantly blackmailed in order to become more cooperative".<sup>126</sup>

As the legal counsel of 26 officials of the Republic of Srpska, who were removed from office by the former High Representative Paddy Ashdown on suspicion that they were helping the indicted of war crimes, Čavoški

126 *NIN*, 2472, 14 May 1998.

called the rejection of the claim by the European Court of Human Rights in Strasbourg “a legal scandal”. Like the Hague Tribunal, according to him, the European Court is also political in nature: “... It was in a great temptation, because the High Representative is backed both by the European Union and the entire international community and, unfortunately, it could not resist”.<sup>127</sup>

## The Kosovo Question

As a theme, Kosovo has always attracted the attention of the Serbian intellectuals. Since the constitutional amendments in 1971 and the events at the Faculty of Law already, the Kosovo question has been primarily political in nature. Since the early 1980s – when the events in the southern Serbian Province gained more intensity and became more serious – the problem has been sharpened on nationalist ground by most Serbian intellectuals and has been dominant to the present day, losing its rationality in favour of emotional constructions. In relation to other problems, which were dealt with by the critical intelligentsia in Yugoslavia after Tito’s death and for which the alternatives were found in the elaboration of a nationalist programme, the attitude toward Kosovo and Albanians has always been prejudiced by only one possible solution – full control over the Province. With the exception of some rare cases, the Albanian elite in Serbia has always been treated from the position of intellectual superiority and arrogant indifference (although this was also done in Croatia, Bosnia and Herzegovina and Slovenia, but to a lesser degree). Therefore, it was easy for Milošević and the authors of the Greater Serbia national project to single out numerous facts from Serbian historiography, art, philosophy and the like, which are still used for political manipulation and which, in essence, deny the right to the Albanian people to constitute itself on a national basis. Emphasizing the historical periods of conflict, exaggeration of Serb suffering, collective accusation of the Albanians, minimization or

127 *Glas Srpske*, 27 October 2007.

absolute disregard for the fundamental values of Albanian society... are still recorded, from everyday speech in the street to the most important government institutions.

From the mentioned debate in 1971, the Faculty of Law was playing an important role in the formulation of the policy and drawing up of the laws relating to this Province. Its politically and nationally fit made a significant contribution which ranged from the abolition of Kosovo's autonomy under the 1990 Constitution (whose author was Professor Ratko Marković), through a number of laws and decrees by means of which Milošević was keeping Kosovo under strict control until 1998, to professional assistance and engagement in the Kosovo institutions (primarily at the university and in the judiciary). As the man who enjoyed Milošević's full confidence and Serbian Vice Premier, Ratko Marković was also the head of the Serbian Government's delegation for the negotiations with the Albanian side in 1998, which were not realized through the "guilt of the Albanian side". In a large author's text, in which he explains in detail the political and legal status of the Province from the Second World War to the present day, Professor Marković says, inter alia: "The Albanian political leaders have always equalized Kosovo's autonomy with the Albanian national rights; they have always regarded the Kosovo question as the Albanian question. The Kosovo Albanians have not linked related their status to human and civil rights, but only to the territory, to the degree of Kosovo's autonomy from Serbia. They hold that the Albanian human and civil rights will be realized in full only when Kosovo becomes an independent Albanian state (the floscula about the 'citizens of Kosovo' and 'people of Kosovo' is only the mimicry for this basic understanding)".<sup>128</sup>

After the bombing, in his interview given to the magazine *Jurist* of Pittsburgh University, Professor Marković practically admits that Serbia lost Kosovo: "Rambouillet was an ultimatum, not an agreement. From the very beginning, it was, and remained, a one-sided American dictate to Serbia's state delegation. Bearing in mind that in Rambouillet and Paris our delegation still acted more or less by free will, we did not sign it. Now, however, we are like a wounded person who agrees to amputation of an

128 Ratko Marković, "Kosovo se ne može odvojiti", [www.srpskapolitika.com/politickeanalize](http://www.srpskapolitika.com/politickeanalize)

arm or leg in order to save his life. Thus, we gave our consent for the amputation of Kosovo in order to save our state and our people. It is clear what happened. With the Kosovo peace agreement, Serbia was deprived of Kosovo, the historical cradle of Serbian statehood... Formally, Kosovo will be *corpus separatum* within the Serbian territory but, in fact, it will be a separate state, without certain external signs of statehood, although that does not make any difference. In this way the fiction of Serbian territorial integrity is maintained."<sup>129</sup> He also pointed out: "The purpose of NATO's rule over Kosovo is not to establish ethnic coexistence, but to perform ethnic cleansing of the non-Albanian population. Having made Kosovo more ethnically pure than the state of Albania itself, NATO could easily perform the next 'logical' step – proclaim the unification of the two Albanian states."<sup>130</sup>

Professor Kosta Čavoški, one of the most fervent supporters of the hard-line and uncompromising policy vis-à-vis Kosovo, says: "We are not able to defend Kosovo and Metohija by the use of force, since our army has been crippled and disarmed. That is done by those who want to take Kosovo and Metohija away from us and create another Albanian state, but we should not participate in the negotiations that serve for the creation of that state on our national and state soil and we must let everyone know that something taken away by force will also be taken back by force, sooner or later."<sup>131</sup>

In his discourse, he severely criticizes the democratic government for "tolerating the formation of a state in Kosmet", calling on the Serbian people to go to the polls and, thus, "give legitimacy to so-called parallel institutions", disarmament of the armed forces, acceptance of international mediation, debate about the proposal for Kosovo's division (which would be a "high treason") and the like.<sup>132</sup> "Apart from the language and

129 [www.jurist.law.pitt.edu](http://www.jurist.law.pitt.edu); 7 July 1999.

130 *Ibid.*

131 The forum "We Don't Give Kosovo and Metohija", Faculty of Law in Belgrade, 1 March 2007, [www.nomokanon.org.yu](http://www.nomokanon.org.yu).

132 These are very frequently repeated views of Professor Čavoški. See, for example, the forum on "The Serbian Question in Kosovo and Metohija", which was held on



historical origin there are only two other important determinants of the Serbian national identity – Saint Sava's teachings and the Kosovo myth and covenant, reflected in the immortal sentence from our epic: 'The earthly kingdom lasts only a brief time, but the heavenly kingdom always and forever.'<sup>133</sup>

Professor Mirjana Stefanovski also relies on Orthodox national romanticism: "The soul of the state is an invisible force that protects the state and enables its unchangeability. That is a deep unity which creates a moral bond of society, inner harmony which strongly bounds one nation together and represents the fundamental principle of the state, the force that makes one people a unique moral being in the continuing succession of generations. The state preserved in the thoughts and hearts can survive despite centuries-long slavery as long as the moral entity is permeated with one duty, as long as its consciousness and its ideals are not buried and its moral being is preserved".<sup>134</sup>

Although the given quotations speak for themselves and do not deserve any comment, the very fact that it is the question of highly influential professors, who have a direct influence on the formation and education of the generations of young academic experts, is alarming and disturbing. It is also the fact that so far nobody has paid attention or reacted to anything that has been happening at the Faculty of Law in Belgrade (and in other higher education institutions in Belgrade) over the years, which also has a dramatic impact on the quality of the education of future generations.

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8 December 2004, at the Faculty of Law in Belgrade; [www.nomokanon.org.yu](http://www.nomokanon.org.yu).

133 The forum "We Don't Want to Give Kosovo and Metohija", Faculty of Law in Belgrade, 1 March 2007; [www.nomokanon.org.yu](http://www.nomokanon.org.yu)

134 *Ibid.*

## Democratic Changes

The democratic changes in 2000 stopped and upset the exponents of the ideas about “heavenly Serbia”, about the Serbian border extending to the “Karlobag-Virovitica-Ogulin line”, about Serbia of the Nemanjićs, Saint Sava, Lazar, KaraĐorđe, Draža... only for a moment. Despite its two-third majority in parliament and the Government of the newly elected Prime Minister-reformer Zoran Đinđić, the new DOS authorities acted in unison only at the beginning of their term, since all fractures and flaws came to light very soon. The DOS was divided into the pro-reform and anti-reform blocs.

After Milošević’s extradition to the Hague Tribunal and a definite rift between Đinđić and Koštunica, the nationalists accused Đinđić and the part of the DOS that remained with the Prime Minister of the unlawful and illegal extradition of Slobodan Milošević. What suited them was the slow progress of reforms, not to mention the impossibility of them is the slow progress of reforms, in addition to the impossibility to establish the responsibility and punish the power holders in the previous regime through the judiciary, blocking of the work of the Parliament, new scandals and assassinations and, thus, increasing discontent of the citizens. However, without the lustration of Milošević’s almost untouched cadres there could be no progress. The country was overwhelmed by an atmosphere of insecurity, while Prime Minister Đinđić was demonized by the media like no other politician in Serbia before him. After his assassination, all substantive reforms were suspended, including the work on the new Serbian Constitution. It was prepared by the Constitutional Commission chaired by Dr Vladan Batić and its aim was to formalize the changes in the state, while at the same time establishing a legal framework for the alteration of a great number of laws, without which the reform process could not be continued.

From the very beginning, the Constitutional Commission was faced with almost insurmountable problems caused by the nationalist parties in the Parliament. So, the representatives of the Serbian Radical Party refused to participate in its preparation, while the Socialists, Koštunica’s Democratic Party of Serbia and the Party of Serbian Unity were continuously

making obstructions. The work of the Constitutional Commission was constantly under the scrutiny of the public, political parties, institutions, the church and individuals and, at the very beginning, it revealed the fundamental divisions and the depth of contradictions in Serbia. From its Preamble, which had to define the civil or national concept of Serbia (Serbia is the state of all of its citizens, or Serbia is the state of the Serbian people and all other peoples – with or without listing other people), through the territorial organization of the state (in which one could also observe two distinct currents – national, which supported a centralized state, and reformist, which supported the concept of Serbia's decentralization and regionalization), to the section devoted to human rights, there was an increasingly evident, insurmountable difference between two clearly defined concepts – hard-core national and reformist. Milošević's favourite rhetoric ('foreign hirelings', 'separatists', 'breakers of Serbia', etc.) was introduced again, laying special emphasis on the supporters of decentralization.

The scheduling of the early parliamentary elections for December 2003 put a stop to the work on the draft constitution that was almost completed and the subsequent authors of the constitution did not even take a look at it. After three years, the long-awaited Serbian Constitution was finally adopted and confirmed by the citizens at a very dubious, two-day referendum. The Preamble of this utterly disputable and undemocratically adopted Constitution already points to the intention and ideological commitment of its authors and political masters: "Considering the state tradition of the Serbian people and equality of all citizens and ethnic communities in Serbia, considering also that the Province of Kosovo and Metohija is an integral part of the territory of Serbia, that it has the status of substantial autonomy within the sovereign state of Serbia and that from such a status of the Province of Kosovo and Metohija follow the constitutional obligations of all state bodies to uphold and protect the state interests of Serbia in Kosovo and Metohija in all internal and foreign political relations, the citizens of Serbia adopt the Constitution..."

A little earlier, in 2002, Professor Kosta Čavoški wrote the following about the constitutional change and Vojvodina's pleading for the adoption of the Fundamental Law: "If one can understand, although it cannot

be justified, that among the so-called Doclean Montenegrins, who are inclined to Catholicism and Croatdom, and are against Orthodoxy and Serbdom, there are those who are absolutely indifferent toward KOSMET, it is hard to take that among the Serbs in Serbia there are those who do not care about the fate of KOSMET. Above all else, this is observed among those in Novi Sad and Belgrade who wish to radically change Vojvodina's constitutional status just at this moment... The Vojvodina autonomists want, with the unwilling consent of Đinđić's Dosmanlis, to radically change the constitutional status of Vojvodina and make it a state within a state, without worrying about the fate of KOSMET and whether it will remain part of Serbia and FR Yugoslavia".<sup>135</sup>

Five years later, Professor Saša Bovan, who also expressed his concern over the Kosovo problem, analyzed the historical, political and social causes of the "pathological phenomena" in the Serbian society, reflected in the activities of some political parties (LDP, LSV...), non-governmental organizations and media: "Unfortunately, in Serbia today there is a strong and very well organized anti-democratic and anti-Serbian front having neocommunist provenance, which has shown its true face, among other things, in its attitude toward the Kosovo problem. The Bermuda triangle of this political bloc is comprised of some political parties rallied around the LDP, one part of the non-governmental sector led by the Fund for Humanitarian Law (in addition to Jukom, Helsinki Committee for Human Rights, Centre for Cultural Decontamination, Women in Black, etc.), as well as the media bloc with TVB92 at its head... Considering the partiality of their views, demagoguery and the most unscrupulous and aggressive propaganda, this front is the hotbed of the worst, antidemocratic and anti-Serbian tendencies... Therefore, the question that imposes itself here is associated with the social source of political projects within the Serbian political corps, which are not only anational, but are also radically anti-democratic and anti-Serbian. We designated these projects and political forces as being radically anti-democratic, because their political strategy is based on the distinctly demagogical and extremist principles, regardless of

135 Kosta Čavoški, "Vojvodina – država nacionalnih manjina", Novi Sad, 2002, Serbian National Movement „Svetozar Miletić“.

their ideas. What makes them radically anti-Serbian is not the absence of the national programme, or support to the independence of Kosovo and Metohija to such a degree, but the fact that their arguments in favour of these options are drastically biased and often based on forgeries, blatant lies and illogical explanations, accompanied by a pure and aggressive anti-Serbian propaganda, which cannot be even found the Albanian political and intellectual circles when speaking about the Serbian-Albanian relations... this bizarre political alliance is recruited from among the non-governmental and media sectors that were established abroad and are openly financed by the political circles rallied around the Kosovo Albanian lobby (G. Soros, for example, as the majority owner of TV B92).

Their engagement can certainly be regarded as a special propaganda war against one's own people and state. However, due to foreign support they are almost untouchable, except when they periodically come into conflict over the distribution of money, power or personal prestige... The connective tissue of this ideological propaganda alliance is based on the organizational structure of the one-time united opposition against the Milošević regime and strong support and logistics from the media that are inclined to them. The method of their political organization and activities imparts to them the characteristics of a religious or political sect, and not of a conventional political party. The leaders of this alliance, especially Č. Jovanović and N. Čanak, have close ties with the criminal underground, which enhances the pathology and obscurism of this gang... What is indisputable is their extremism that borders on fanaticism, pogrom-like behaviour..... and intolerance towards those who have different views, and demagoguery that is assuming the proportions of a permanent propaganda war against their political opponents. The greatest impudence and insolence of these civil Taliban lies in the fact that they are allegedly fighting against various forms of extremism (conservatism, clericalism, nationalism and chauvinism), whereby extremism, which is assuming the characteristics of the fascistoid ideology, is evident just in their political engagement".<sup>136</sup>

136 Saša Bovan: "Pseudograđanski ekstremizam u svetlu srpske političke tradicije", Nova srpska politička misao, 12 December 2007; [www.nspm.org](http://www.nspm.org)

The given quotations and public discourse of the most exposed professors of the Faculty of Law in general are only one form of their engagement. However, a much more serious problem is posed by their textbooks and other professional literature to which they refer their students. According to the magazine *Vreme*<sup>137</sup>, the authors of many textbooks and useful literature in the field of international law are just those whose views on the Hague Tribunal are extremely negative, the greatest number of footnotes refers to the works published 30 years ago, or even earlier; there are no more recent documents, cases from the practice of international institutions and courts... It is not difficult to imagine how the lectures and practice sessions conducted by these professors look like, or what compulsory knowledge their students must have in order to pass the exam. Even if their views are diametrically opposite to those of their professors, the question remains as to what knowledge they will have after leaving the Faculty? Naturally, this question does not refer to those who, for example, enjoy the forums organized by Nomokanon; in such a social climate, there is no doubt that they will easily find some engagement for the future. As for the professors constituting the “anti-Hague lobby”, they have successfully avoided any responsibility for their engagement to the present date.

137 *Vreme*, 645, 15 May 2003.

# Human Rights defenders: “Exponents of the West”

In the countries that still reject the concept of human rights as the top achievement of contemporary world, the state institutions and the media put up a stiff resistance to defenders of human rights. Any harsh criticism of institutions violating human rights is seen as an action taken by “internal enemies” and thus branded organizations and individuals are usually faced with a mandatory media smear campaigns and demonization and frequently subjected to even more repressive measures.

Serbia ranks among the countries which in an organized and systematic way frequently resort to demonization of defenders of human rights. This holds particularly true since the early days of Vojislav Koštunica premiership. Frequently NGOs and human rights organizations and their most prominent members are treated as the only genuine opposition to the regime. Since the first tenure of Prime Minister Vojislav Koštunica numerous violations and intimidation of the aforementioned groups, organizations and individuals have been reported. Such violations are in line with the concept of the state promoted by Vojislav Koštunica. Most conspicuous is his denial of humanistic ideals of contemporary world, and his re-embracing of the concept of the 19th century ethnic-state, which entails denial of minority rights. Consequently, one of the key features of the state policy is a negative stand on minorities. In the past two years there were attempts at the top executive level to emulate Putin-style script of discreditation and banning of NGOs, but, fortunately, those attempts in Serbia have not been fully successful. However, the government was much more successful in marginalization of “the undesirable” and promotion of government-inclined NGOs. Alas, it also managed to convince the EU and other donors that some NGOs were “undesirable” because of their radical and extreme positions, and that those NGOs were to be blamed for radicalizations of Serbia.

In a sign of support for defenders of human rights, the EU placed their defence as a top priority in external relations with other countries. It has even drafted a set of instructions giving practical suggestions for the promotion of the EU actions relating to the respect of human rights and their defenders.

Operational paragraph 1 of the UN Declaration on the Rights and Responsibility of Individuals, Groups, and Bodies of Society which promotes universally recognized human rights and fundamental freedoms” spells out the following: “Everyone has the right, individual or associated, to promote and to strive towards promotion and realization of human rights and fundamental freedoms on the national and international level.” Activities of defenders of human rights encompass: documenting violations of human rights, rendering legal aid to the victims, whose rights have been violated, through legal, psychological, Medical and other kind of assistance, combat against culture of impunity which covers up permanent violations of human rights and fundamental freedoms.

The UN Council for Human Rights in its report on Kosovo and Serbia indicated the aforementioned problem. The Special Representative is concerned “about the hostile environment in which the human rights defenders, particularly those addressing the issues of the transitional justice and minority rights, are working. They are constantly under attack, mainly by the media, which furthermore tend to portray them as enemies of the state. Public authorities should take concrete steps to give political recognition and legitimacy to human rights defenders and their work”<sup>138</sup>.

The following are the most important questions reflecting a negative stance on defenders of human rights: Kosovo, minorities, facing up to the past. Activities of NGOs are also demonized by the far-right groups, openly or covertly backed by the state.

“Prominent” public personalities, previously, that is throughout the 90’s of the 20th century, engaged first in the definition and later in realization of the Serb national project, are tasked with demonizing the local NGOs. Most active detractor of NGOs is a professor Smilja Avramov, author of the book „An alternate model of the world community-civilian society



and NGO sector." In the said book, much hyped by the media, she inter alia notes that "for the US the inclusion of NGOs in ideology of globalization is an additional lever in implementation of its policy...and NGOs are honestly and openly paid for carrying out that task.<sup>2</sup> 'The biggest sin' of NGOs is their pointing the finger of blame at the Serbs for committing the war crimes, and their naming of Serbia as the principal instigator of those wars. The issue of interpretation of recent past has been monopolized by the academic elite which had taken part in mapping out the Serb national program. Accordingly, Professor Smilja Avramov is considered a topmost and the most credible interpreter of the Serb nationalism, that is, of national interests of Serbia. Professor Avramov and her like-minded colleagues openly maintain that NGOs which keep saying that Serbia is primarily responsible for recent wars have an identical mind-set to the Vatican and those countries which have allegedly caused the break-up of Yugoslavia. This is, for example the response of Professor Avramov to the thesis of the Helsinki Committee that the Yugoslav People's Army played an important role in destruction of Yugoslavia: „that idea of Biserko (head of Helsinki Committee) is not original, for the idea that the Serb nationalists assisted by the Yugoslav People's Army destroyed Yugoslavia, had been originally elaborated by Vatican in the summer of 1991 to justify secession of Slovenia and Croatia.“<sup>139</sup>

As regards the verdict of the International Court of Justice it was widely seen by Belgrade as its personal triumph, for it confirmed the much-hyped thesis that "Serbia was not in war". But in that triumphant mood the media failed to ask the "notorious" NGOs for their pertinent opinion. In view of the fact that those organizations commented the said verdict to both the Bosnian and Croat media, the Serbia media implied that part of NGOs, spearheaded by Natasa Kandic, kept flying in the face of the Hague judgment by maintaining that Serbia was responsible for genocide in Srebrenica. The media also stated that the EU and even Croatia were pleased with the judgment meted out to "Škorpioni" (the judgment was related to the killing of 6 Srebrenica Muslims), while-which is indeed hard to believe- in Serbia many were outraged by lenient sentencing!?! Some NGOs

139 Pravda, 30 April 2007.

in Serbia cannot reconcile themselves with the fact that the International Court of Justice relieved Serbia of its responsibility for genocide in Srebrenica. They moreover think that such a judgment is shameful. They are especially outraged by an alleged failure of the Court for War Crimes in Belgrade, to sufficiently punish perpetrators of crime (though maximum terms of imprisonment or sentences have been handed down), and to establish and prove involvement of Serbia in and its responsibility as a state for the murder of six Srebrenica youngsters, and consequently for the Srebrenica genocide.<sup>140</sup>

The media portray NGOs as sects representing no-one. In fact they are treated as political parties which have not passed through the election procedure. It is alleged that „only one percent of population takes part in the NGO activities, but no-one dares pose the key question: who they represent in fact and in whose name they place demands, ultimatums, and why they contaminate and destroy the media and in general, public life.”<sup>141</sup>

But those media smear campaigns also indicate a total and general ignorance of the role of civilian society and notably of NGOs dealing with human rights. They are portrayed in a very negative light, and branded as “treacherous organizations bringing to light –dirty line.” It is said that “NGOs are like UFOs, for no-one knows what they serve for ...but everyone knows they they observe and examine us constantly with widely open eyes...as if they want to detect if we are still alive and kicking and of what use are our lives if we don’t want to admit our collective guilt.”<sup>142</sup>

The Serb political and public prime movers seem to be most vexed by the fact that NGOs constantly indicate violations of human rights and Serbia’s responsibility for war crimes. However, there is a general awareness that those organizations enjoy the international backing and respect. By extension a cynical thesis is marketed that those organizations have taken over power in Serbia: “They stage press conferences, toe their own policy, decide what is good and what is not good for us, and call on foreigners to ‘punish’ us when we, in their opinion, misbehave... We are not allowed

140 Kurir, April 2007.

141 Pravda, 4 May 2007.

142 Glas javnosti, 6 May 2007.

to criticize their work, for all those who dare do that, are branded as anti-democrats and proponents of hate speech...They are self-styled "visionary organizations". They are here to "open our eyes" and to make us realize that we "live in a total darkness". They are here to make us see better... They want to help us to „liberate ourselves from the war traumas and dictatorships“ so that „a lasting peace, democracy, and co-operation and reconciliation could be re-established in the region.“ In order to attain all the aforementioned we must acknowledge the truth and admit our culpability. We must accept "the deserved punishment" and subject ourselves to a total lustration. Those NGOs are engaged in drafting of the lustration law. From those "pressue groups", four organizations may be singled out: the Fund for Humanitarian Law, Helsinki Committee for Human Rights, the Jurists'Committee for Human Rights, and the Centre for Cultural Decontamination. Also prominent are the Women in Black, and the Center for Anti-War Action. The aforementioned NGOs take synchronized actions to impute the blame of Serbia for disintegration of the SFRY, wars and war crimes, before the political Hague Tribunal."<sup>143</sup>

Radomir Smiljanić, a writer and founder of „Academy of Ivo Andrić“, thus commented activities of NGOs: "In fact Hitler's ideas and those espoused by heads of those allegedly humanitarian organizations to a large extent-overlap. Those four ladies, four riders of apocalypse, Kandić, Biserko, Vučo and Pavićević, bring to the Serb people, the same things which, according to the Bible, the four riders of apocalypse brought: war, plague, hunger and death. That is their ideal which they try to impose to the Serb people. .<sup>144</sup>

Since NGOs don't enjoy the state backing, they are predominantly funded by international foundations. In Serbia NGOs and their foreign financial backers are equally demonized by the media. The most contested personality is undoubtedly George Soros, the first Westerner to channel assistance funds to the civilian society in the post-communist countries. He is described as „an important creator of political, legal, economic and financial, cultural, media-informative picture of the society. On that road

143 Pravda, 28.-29 April 2007.

144 Pravda, 5 April 2007.

he endeavours to lessen the influence of the church, alphabet, history, nationalism.... He built his network of influence in the 90's by dint of the *Fund for the Open Society*, *Humanitarian Law Fund*, *Helsinki Committee*, *Belgrade Circle*, *European Movement*, *Centre for Anti-War Action*, NUNS, ANEM, OTPOR". All the leading NGOs are also seen as a "branch office" of the family Rotchild (in negative light are mostly mentioned foundations headed by Jews), tasked with „exerting a major political influence, and psychological shaping of the nation. By imputing a genocidal and criminal nature of the nation and its collective guilt, those phantom organizations want to create the feelings of fear and shame amid population at large, and consequently make them indifferent towards carving up of their country, loss of national identity and- an ultimate colonization. ".<sup>145</sup>

NGOs are accused of working for foreign intelligence services, of being better equipped than many governmental institutions, of being small in number, but financially powerful, of laying the groundwork for realization of true economic, political and geostrategic interests of Western governments. Their goal is to undermine the influence of the Orthodox Christian church (they obstructed the introduction of religious education in educational curricula) and the army ("NGOs are trying, under the pretext of 'civilian desorganizations' and taking over of the political, financial and media levers, to strip the people of any possibility for self-defence".) It is repeatedly underscored that those employed in NGOs, political parties, chambers of commerce, professional associations, citizens initiatives, and similar organizations are the best paid Serbs.<sup>146</sup>

International NGOs who in their reports criticize various aspects of life in Serbia are also demonized and publicly disqualified. That was also the case with a recent report of the International Organization for Protection of the Rights of Mentally Ill Persons, for the said report "was awash with the most terrible photos of children tied to their beds in social protection institutes Serbia-wide and harsh accusations of wrongdoing and malfunctioning of the system of cure and treatment of mentally ill persons in specialized institutions. The aforementioned was tantamount to

145 Ogledalo, 20 June 2007.

146 Politika, 31 May 2007.

sending a wrong picture about our country to the international public. The research team which collected data on the status of specialized institutions in our country also availed itself of services of members of the Helsinki Committee for Human Rights. <sup>147</sup>

The Serb public also responded to that report. Many parents and employees of the aforementioned institutions welcomed that report and even maintained that the status of those institutions was even worse than reported. It is obvious that the government did not expect that to light would be brought conditions for which it was directly accountable, for the pictures amply manifested a two-decade old legacy of general neglect of those institutions. Hence a hysterical response and vocal denial of the contents of the said report. Some government representatives went as far as to accuse the International Organization for Protection of the Rights of Mentally Ill Persons of additionally discrediting Serbia at the moment of time when it was trying to resolve the status of Kosovo. The media hyped the following: "That report, thanks to a whole-hearted assistance of Sonja Biserko's Helsinki Committee, accused Serbia and its top leadership of "torturing and abusing" handicapped persons." Thus totally innocent children became the tools of unscrupulous people who so eagerly embrace immorality and lies."

A journalist called Vlada Sindelić underscored that the Report essentially implied that "Serbs are genetically predisposed murderers! They like Hitler, place handicapped persons in detention camps, and only a watchful eye of the „Big Brother" prevented them from killing those handicapped people in the gas chambers...That is the message of the Balkans Department of the new Gestapo of the "Kingdom of Hazars"...this report of the "mental police" for Serbia is utterly false."<sup>148</sup>

Destructive responses to independence of Kosovo were planned well-ahead and consequently well-executed. The media targeted some NGOs several days ahead of declaration of independence. The most massive outburst of violence took place in the streets of Belgrade after the 21st "Kosovo is Serbia" rally. Then a several hundred youngsters- strong group, composed of

147 Politika, 24 September 2007.

148 *Glas javnosti*, 28 November 2007.

allegedly football fans, but in fact composed of most militant members of the clerical-fascist and nationalist organizations, stoned and tried to torch the embassies of the United States of America, Croatia, Slovenia, Germany, Belgium, Turkey. One of the most prominent speakers in the 21st February rally, a film director Emir Kusturica, tried to fan the hatred towards political opponents, defenders of human rights, and independent media. Namely before a 250,000 –strong crowd he asked: “Where are now domestic mice who lie for their salaries and say that we are nobodies, and that our values do not make part of the international civilization heritage? Where are now those who ridicule the Kosovo myth, and prefer the Hollywood one? I know where they are now – in their mice holes!”<sup>149</sup>

A series of verbal and physical assaults on representatives of human rights organizations were staged in the wake of declaration of Kosovo’s independence. For example on 20<sup>th</sup> February the office of Kraljevo-based NGO, Lingua, was totally demolished. That NGO for the past decade was rendering assistance to Serbs expelled from Kosovo.

After the media leak that Nataša Kandić, Head of the Belgrade-based Humanitarian Law Fund, had participated in the ceremony of Kosovo’s declaration of independence, the media smear-campaing was kicked off. Under the headline „Kandić takes part in Shiptari celebrations“, *Kurir* noted „President of the Humanitarian Law Fund, Nataša Kandić, finally showed her true colours – she manifested her hatred of all Serbs! According to a testimony of “Kurir”’s Pristina interlocutor, Kandić was a special guest in the Kosovo Parliament at yesterday’s declaration of independence. She was invited by the Kosovo Prime Minister Hashim Tachi to take part in the ceremony.“<sup>150</sup> On 22 February 2008, Helsinki Committee for Human Rights and other NGOs received phone threats because of fanning of hatred towards some opposition groupings and NGOs. After the police was informed of those threats, the said organizations were accorded a special protection, and police inspectors visited them several times.

On the Serb Radical Party web site, in a forum titled “The LPD Seat Demolished” the following comment was posted: “Veran Matić and those

149 *Politika*, 22 February 2008.

150 *Kurir*, 18 February 2008.

four hags should not forget 'independence of Kosovo!'. Similar messages may be found on the internet portal *Facebook*, which has formed the group "Expel Nataša Kandić from Serbia." In the comment, which is obviously a response to the presence of Nataša Kandić in the Kosovo Parliament on the 17<sup>th</sup> of February, the following is underscored: "That woman must be definitely declared the enemy of the state. The same applies to the two other bitches (a reference to Biljana Kovačević Vučo and Sonja Biserko). I mean that those two witches should be publicly burnt!!!!", "A what we shall do with those two witches, Biserko and Vučo? If it were up to me, few drops of gasoline and one match would solve that problem!!! That Trio Fantastico shall sooner or later burn in hell!!!".

Another group, named "Torch B92" was formed on the *Facebook*. That group made the following suggestion: "The most treacherous TV in Serbia, headed by that US mercenary and scumbag, Veran Matić, is B92! That group rallies all anti-Serbs, notably: Čeda Jovanović, Nataša Kandić, Sonja Biserko etc."

In his media statement of 27 February 2008, Minister Velimir Ilić thus replied to the question concerning the safety of political opponents in Serbia: "We cannot defend the people who have mounted the campaign that Kosovo is not ours...we cannot protect them from those who have come from Kosovo to beat them up..." The statement was assessed by many as an open call to violence. Bora Đorđević, a popular rock singer, notorious for his extremely "patriotic" views in his regular column in 27 February issue of *Politika* wrote the following: "Few of those treacherous scumbags, bought by hefty sums of money and promises are now hiding in their burrows...and they should remain there."

In numerous reports, interviews, letters to editors and other articles ran by the weekly NIN, and dailies *Kurir*, *Press*, *Pravda*, *Borba*, *Glas javnosti* and *Večernje Novosti*, likewise in many programs aired by radio and TV stations, hate speech, calls on lynch and other forms of intolerance have become commonplace.

In the article headlined "A refugee" ran by Belgrade weekly NIN (6 March issue) Momo Kapor, a renowned writer and a man known for his vocal and public defense of the Hague Tribunal indictees, Radovan Karadžić

and Ratko Mladić, in an openly racist tone, insulted Kosovo Albanians, labeling them as 'illiterate savages', 'semi-wild tribes', 'heathens' etc. He also pointed out the following: "In the last case, that is, declaration of independence and secession, at play is essentially a conflict with heathen tribes, short of any evidence of their civilization and culture...a conflict with the savages who don't have a single monument, a temple, any old manuscript, a fresco. Their mosques are built from the stones they have taken from the ruins of palaces of our wonderful emperors. From those stones they have only carved holes for ropes used for tying up their mules. Those are their only historic sculptures. They don't have a single internationally recognized writer or painter. .."<sup>151</sup>

Dušan Savić, the former football star, a man close to Prime Minister Koštunica and the top leadership of the Serb Orthodox Church, and a member of the executive board of Radio Television of Serbia, in an interview to Belgrade daily *Kurir*, 8 March issue, thus lambasted conscientious objectors and those avoiding to serve the regular military service: "It does not befit a strong and healthy 25-year old youngster, in the prime of life, to move around sets in a theatre, to change a baby's nappies, to deliver mail...How can those 200,000 youngsters defend their state, when they have not had even a plastic pistol in their hands?." According to Savić, "by acting so, those youngsters insult a patriarchal state like Serbia."

In the night hours of the 8<sup>th</sup> March the doors of Liberal Democratic Party headquarters in Arandelovac were demolished. That was a clear sign of violence against and hatred of the policy of that party.

In a "spontaneous" response to the declaration of Kosovo's independence, an "anonymous" group in the north of Vojvodina, in town of Sombor launched a boycott of several bakeries owned by ethnic Albanians, whose families have settled some fifty years ago in that place. Members of that group blocked the trade of bakeries every day by distributing in front of them to citizens, prospective buyers, free-of-charge loaves of bread. Admittedly their intention was to "turn off citizens from buying "Albanian" bread. They also stated that they had got gratis bread from the Serb bakeries in Sombor. In consequence to a mild response of the authorities (barring few

151 *NIN*, 6 March 2008.



individual responses, the official condemnation of that action never materialized), no charges were filed against that group. The whole action was reminiscent of the Nazi raids of the Jewish shops in Germany in the 1930's.

On the International Women's Day, the 8<sup>th</sup> of March, the NGO Women *in Black* intended to stage a peaceful, all-women march in downtown Belgrade. Despite the fact that a small number of participants were expected in no-so-large, downtown square, the Serb Interior Ministry banned the rally deeming it a manifestation which "disturbs public order and health." The rally was held on the 15<sup>th</sup> March 2000, in the police presence. The police behaved correctly.

Declaration of independence of Kosovo was used for staging a show-down with some NGOs and the Liberal Democratic Party. Svetozar Vujačić, a lawyer, thus maintained that "the whole action was aimed at undermining the territorial integrity and sovereignty of Serbia! The Prosecution Office should officially react by filing charges against those organizations and its ring-leaders. Such a case would be condemned anywhere in the world and moreover such organizations would be also-banned."<sup>152</sup> Darko Trifunović, a lecturer at the Security Faculty, stated the following: "Responses of some NGOs to Kosovo's declaration of independence should be severely sanctioned. Furthermore their activities should be banned, for no citizen of a democratic, and even of a totalitarian country, can call on the break-up of that country. That is a serious criminal offence, and the state must treat those organizations as organized criminal associations. Let me remind you of a similar case. When a decade ago in the US several NGOs backed a secession of southern part of California, the one bordering with Mexico, the National Guard had a showdown with demonstrators in the streets, and those organizations were subsequently banned."<sup>153</sup>

The said NGOs and Liberal Democratic Party are especially demonized by a network of "free agents" circulating in the foreign embassies, or employees of the international foundations and embassies. Such anti-NGO actions were conspicuous in the wake of assassination of Prime Minister Zoran Đinđić. Then the principal thesis was that those NGOs were "radical",

152 Kurir, 17 February 2008

153 Kurir, 17 February 2008.

that is “as militant as the Radical Party” (by the way with that party there are coalitions at all executive levels in Serbia ). In the smear campaign much used was the argument that those NGOs were not popular, and that many prime movers avoided working with them. The foregoing to a large extent affected the donors’ policy.

Two letters by the two groups of NGOs demanding from the EU that the civil sector be included in the dialogue, met with the stiff resistance of both some officials and some pro-government organizations. Thus Sonja Liht, Director of the Fund for Political Excellency, condemned the initiative of the eight NGOs, which had requested the EU not to weaken its pressure on Serbia. According to Liht that “was a totally wrong mover, for if pressure continues to be piled, the pro-European forces in our country shall only grow weaker. Such an initiative helps only the opponents of the Hague Tribunal, and those against Serbia’s accession to the EU. I don’t understand the motives for such a short-sighted tack. I have listened to Mr. Michel Fusche, a former EU minister, and the person who is certainly no less an European, than the aforementioned NGOs. His stance on the Europe’s behaviour towards Serbia and that problem is totally different. I don’t believe that the said initiative could affect the work of the civil sector in its entirety, for those who know what a civil sector is, well understand that the said sector cannot be represented only by the eight organizations.”<sup>154</sup> But in fact in one of those letters its NGO signatories urged the EU to swiftly sign the Stabilization and Accession Agreement with Serbia in order to create a necessary framework for co-operation. Therefore it is obvious that even „constructive“ demands are stigmatized, for the general strategy is to hush up the voices of those NGOs.

The last in a series of similar examples is a recent visit of the Helsinki Committee for Human Rights in Serbia team to the Serb enclaves in Kosovo. That visit aimed at assessing the possibility for a more active engagement of some Serb NGOs in resolution of problems of the enclaves’ locals and encouragement of positive processes in the multi-ethnic life in Kosovo. But on the first day of that visit (21 March 2008) an incident was staged. Namely a group of youngsters, shouting “Ustashi,” “Fascists”,

"traitors of Serbs" and cursing the team, started throwing eggs, stones and snowballs at team members. During the incident the Belgrade daily "Kurir" called the Helsinki Committee head, Sonja Biserko, on the her phone and told her: "We are hearing that the people there do not want you." She thus replied: "It is not the people who don't want me, but rather the State Security Services." The following day the same daily ran a brief news item, headlined "They were stoned by the people, and not by the state security agents."<sup>155</sup>

## Conclusions and recommendations:

The incumbent authorities perceive some NGOs as their genuine detractors, and thus their opposition, too. Hence they endeavour to demonize them and marginalize their influence on the society. The fact that almost every day campaigns are mounted against those NGOs indicates the scale of the influence of the latter. The foregoing was substantiated by –alas unpublished- findings of a recent public opinion poll. Political class endeavours to foil any criticism and by prioritizing the state issue in fact thwarts any critical opinion. In the course of 2007 Kosovo was prioritized. Thus very little attention was paid to topics of general interests for the citizenry. Added to that the authorities try to depict certain NGOs as „foreign mercenaries“ and „traitors“ to lessen considerable effects of their labour.

International community representatives and donors must check the aforementioned NGO-related information which they get from the authorities representatives and their "collaborators";

Representatives of those NGOs are the only representatives of the society who authentically and sincerely back and advocate the value system on which rests the contemporary European civilization;

EU and other international organizations should incorporate those NGOs in their current dialogue with Serbia and promote them as their partners in tackling of certain issues;

<sup>155</sup> *Kurir*, 23 March 2008.



# Political Alternative: “Domestic Enemy”

After its success at the 21st January parliamentary elections, the coalition Liberal Democratic Party-Civic Alliance of Serbia-Social-Democratic Union-League of Social-Democrats of Vojvodina, headed by Čedomir Jovanović, entered the Serb parliament.<sup>156</sup> General public already had two different images of its policy. Part of general public saw the coalition’s policy as a possibility for tackling all those topics deemed necessary for Serbia’s way out of the blockade, imposed by the predominant nationalistic program. In mounting a stiff opposition to Vojislav Koštunica, the coalition targeted the business operations of tycoon Miroslav Mišković, engaged in the promotion of a constructive strategy relating to the issue of Kosovo the local Kosovo Serbs, notably, by proposing a dialogue with Kosovo Albanians, and also insisted on the tackling of the issue of responsibility for war crimes. LDP-led coalition faced a formidable opponent, a cohabitating coalition of the populism-minded camp and Radicals, along with their passive accomplice, the centre-right, Democratic Party of Serbia (Democrats backed the 21st February 2008 rally “Kosovo is Serbia”, though their president, Boris Tadić was then in an official visit to Romania).<sup>157</sup> President Tadić’s appeals to the rampaging youth to stop the unrest, during which the embassies of “the international power-holders” were badly damaged, was hypocritical, in the light of the fact that demonstrations were masterminded at the peak of the anti-Western campaign, by

156 That MP group is composed of : Čedomir Jovanović, Nataša Mičić, Žarko Korać, Vesna Pešić, Vladan Batić, Nenad Milić, Ivan Andrić, Nebojša Randelović, Milena Stanković, Nenad Prokić and Slobodan Maraš.

157 The West-demonization speech of Prime Minister Koštunica at the 21 February rally: “Those international power-holders want us to renounce our Serbhood, descent, Kosovo, ancestors and history. If we say that we are no longer Serbs, they promise us that we, as people without memory and descent, shall have a better life.” That was an open call to hooligans to express their “protest”. Minister for Kosovo and Metohija, Slobodan Samardžić, also justified the post-rally incidents.

part of the government.<sup>158</sup> Democratic Party within the government did not encourage a single concrete action to arrest Karadžić and Mladić in order to meet Serbia's commitments under the Dayton Accord. While the incumbent regime kept giving promises relating to an imminent hand-over of war crimes indictees, in a bid to keep afloat Stabilization and Association Agreement negotiations, Democratic Party failed to timely articulate its stance on Koštunica, despite its knowledge that Koštunica's goal was not accession to the EU, let alone the fulfillment of conditions thereof. In the early 2007 it was widely thought that the LDP would act as a corrective factor vis a vis the official policy and actions of Democratic Party. But in the pre-election campaign it became obvious that Tadić's interests were not well-defined, and that DP considered LDP a more dangerous foe than the Radical Party. However, Čedomir Jovanović, showed his flexibility by offering to Democratic Party the possibility of forging a coalition. But the said move was met by a resistance of DP and thus laid bare their true interests and true character of their ideology.

Orchestrated attacks on the LDP are also due to the backing extended to that party by NGOs and part of intelligentsia, on grounds of their sharing of the same set of values.<sup>159</sup> B92 was also demonized because of being close to LDP, and its continual treatment of topics which the majority

158 LDP has strongly voiced its opposition to the holding of rally. LDP then underscored that Tomislav Nikolić did not have the right to say that the rally was an expression of protest of all the parliamentary parties, for those parties had not authorized him to say that: "Tomislav Nikolić is the last person who today has the right to speak on behalf of all the parliamentary parties, for his policy in fact stripped Serbia of its right to rule Kosovo." The LDP communique also criticized Democratic Party: "those who are perpetrating that senseless policy, (the Serb Prime Minister, Vojislav) Koštunica, and his assistant (President of Serbia, Boris) Tadić, have jeopardized the right of Kosovo Serbs to live in Kosovo." Downloaded from the site [www.b92.net](http://www.b92.net)

159 Political council of the Liberal Democratic Party is made up of: Vesna Pešić, President, Biljana Kovačević-Vučo, Biljana Srbljanović, Bojan Đurić, Dejan Sinadinović, Filip David, Ivan Andrić, Ivan Torov, Jadranka Jelinčić, Jasna Šakota, Latinka Perović, Nenad Prokić, Nikola Samardžić, Olivera Ježina, Petar Luković, Rajko Danilović, Saška Stanojlović, Sonja Biserko, Srbijanka Turajlić, Veljko Đurović, Vera Marković, Vladimir Gligorov, Zoran Ostojić and Zoran Purešević.

of parties try to hush up. Threats to B92 TV and Radio station escalated in the post-21 February rally period. Namely then windows of B92 bookstore were broken and on Internet fora appeared threats, to that effect that the B92 building, would be torched, and also video footage showing a stage-managed shooting of journalists. Similar smear and intimidation campaign was mounted against the B92 radio program, *Peščanik*. The peak of that campaign was in Arandjelovac, when a group of citizens raided the premises in which the promotion of *Peščanik* was held and interrupted it.

Most attacks and criticism are planned. Most of them enjoy a strong media and regime backing. Thus weekly *NIN* explains the existence of volunteers and mercenaries, but, adds that "domestic traitors, are more destructive than foreign mercenaries." Such a showdown with "traitors" was legitimized by some ministers' and Prime Minister's statements, in the post-21 February period. Thus, at the rally, in a threatening tone, Koštunica articulated the state policy vis a vis those domestic traitors: "Don't we all feel like we were originally from Kosovo? Don't we all think that Kosovo is ours?". Velimir Ilić made similar statements with respect to that "magnificent and grandiose rally of the Serb unity and accord", which showed that "breaking of windows is also democracy", and that "some Ambassadors, during the protest, fared rather well, in view of their guilt." Such direct calls to violence resulted in the aggression manifested not only by tabloids but also by physical assaults on the LDP leader, Čedomir Jovanović. Namely, after the raiding of Jovanović's flat and the LDP seat, the LDP official, Zoran Ostojić, asserted that Minister Velimir Ilić one night stated that "Jovanović should consider himself lucky if he survives the month of March." <sup>160</sup> The print media also covered the attack on the LDP bus used in

160 " Why would people who had dinner that night with Velimir Ilić lie? They just repeated his true words, which he had uttered in an angry response to a guest's comment that, in view of the poor work of the government, Čedomir Jovanović shall win the next elections. And that guest also stated that he would vote for Jovanović. And then Velimir Ilić said the following: "Čedomir Jovanović may consider himself lucky if he survives the month of March (first version), or He shall go to the same place by the end of this week to which we had sent Đinđić (the second versions). "Mr. Ilić knows which dinner we are talking about, and who the other guests were", maintained Ostojić. Downloaded from the site [www.b92.net](http://www.b92.net) . Scenario of media demonization of personality of Jovanović

the election campaign. Thus, for example, *Blic* (4 January 2008 issue) informed that “it could be seen with the naked eye the screws in the two rear wheels were loosened.”

General, rather “tainted” image of LDP, constructed by the local tabloids, concerns the party’s members and supporters and not its program. The aforementioned usually indicates the quality and the right direction of a party’s policy. LDP president and its members are in fact attacked by those who feel threatened by the possibility that their roles in Milošević era and in the post-5 October period might be investigated. Thus local tabloids, *Kurir*, *Pravda*, *Press* and *Standard* are rife with headlines replicating the stereotypes about Jovanović’s personality (a junkie, accomplice of criminals from the Zemun gang) and about Vladimir – Beba Popović. Thus, for example, Nebojša Čović, commented one attack on the LDP leader: “Čedomir Jovanović got the jeep from members of the Surcin gang. To give him some publicity, they later planted a bomb in that jeep. Several months later he got a new Audi from a certain „Milkman“.”<sup>161</sup> Dragan Šormaz from Democratic Party of Serbia made the following comment: “Jovanović has only one run-of-the-mill phrase, the value system, but he does not seem to know that such a value system excludes drug-consumption.”<sup>162</sup> Ivica Dačić, president of the Socialist Party of Serbia: “If the competent bodies find elements of a criminal offence, ties between Cheda and Šiptar shall be discussed at a parliamentary session, and a new inquiry into that matter shall be launched.”<sup>163</sup> Hate speech is also incited by dint of headlines and commentaries: “Čeda got his kicbacks for the abduction”<sup>164</sup>, “Čeda took one million and a half for Mišković’s abduction!”<sup>165</sup>, “Jovanović left his weapons at home?”<sup>166</sup> “Popović’s parallel power led to Đinđić’s

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and statements of politicians are reminiscent of both the scenario and statements which had preceded assassination of Prime Minister Đinđić on 12 March 2003.

161 *Kurir*, 13 July 2007.

162 *Pravda*, 2-3 February 2008.

163 *Press*, 20 July 2007.

164 *Press*, 29 January 2008.

165 *Press*, 29 January 2008.

166 *Kurir*, 23 January 2008.



assassination".<sup>167</sup> At this point we must underscore that by imputing to Beba Popović his involvement in the Prime Minister's assassination, the intention of the LDP party to uncover the political background of that assassination is undermined, regardless of the completion of the judicial proceedings.<sup>168</sup> And many felt that such an intention put them at peril. If there is no personal responsibility for the 12th March assassination, then at play are attempts to sideline both the policy and reforms initiated by Zoran Đinđić.<sup>169</sup>

167 *Politika*, 19 June 2007.

168 "Now it is clear why it was not possible to uncover the political background of Đinđić's assassination, for Serbia is ruled by people, including Koštunica, trusted by criminals. We shall continue to insist on getting the reply to the following question: Why has Koštunica backed the insurgency of the Red Berets? What was Legija promised the night when he surrendered, what happened to the official minutes, what were the contents of talks between the officials, Jočić, Nikitović, Bulatović, Tijanić and Stojković with Legija? Why have not Koštunica, Rade Bulatović, Tijanić, Stojković testified before the Special Court?" Čedomir Jovanović, 23 May 2007, downloaded from the site [www.ldp.org.yu](http://www.ldp.org.yu)

169 Serbia still does not have a general, anti-discrimination act. The Serb parliament is yet to discuss the Anti-Discrimination Bill drafted and proposed by the MP group of LDP. The article 8 of the Act covering Grave forms of discrimination, reads: "It is expressly punishable and banned to :

- incite, provoke, encourage and fan hatred, discord or intolerance on ethnic, national, racial and religious grounds, and on grounds of mother tongue, political leanings, sexual identity, sexual inclinations and infirmity/disability ;
- propagation or intentional implementation of discrimination by the state bodies, in proceedings before the state bodies, by dint of the mass media, in political life, in rendering public services, in the area of work relations, health, education, culture, sports, etc.;
- propagation of racial, national, or religious superiority, mysogyny, and homophobia;
- slavery, human trafficking, apartheid, ethnic cleansing, and propagation thereof ;
- discrimination of persons on grounds of their two or more personal characteristics (multifold or cross-sectioned discrimination)". Downloaded from the site: <http://www.parlament.sr.gov.yu/content/cir/akta/predzakoni.asp>.

LDP initiatives geared towards implementation of the Lustration Act<sup>170</sup>, official parliamentary inquiry into business operations of Miroslav Mišković-owned “Delta” company panije “Delta” and thwarting of his influence on the media, definition of accountability for crimes committed in the name of the Serb people, adoption of Declaration condemning the genocide in Srebrenica, were perceived as a threat by many power centres in the country. Moreover, the LDP program lays down that “a modern Serbia cannot be built as long as the policies which have led to crimes are still in place.” In view of the fact that the said program also spells out that “the judgement handed down by the ICTY to Milošević and the impending one to Šešelj, must lead to an inevitable banning of those parties in Serbia,” sheds more light on the ongoing demonization of LDP by the nationalistic parties. Hence the following statement by Aleksandar Vučić, Secretary General of the Socialist Party of Serbia: “It would be interesting if we here present MPs could hear Cedomir Jovanović’s explanation of his visits to Siler street, his contacts with murderers, regular visits to Dušan Spasojević in prison. But some other people should also explain to us their fraternization and close ties with Zemun and Surcin gang members. Čeda was not the only one who saw them. If we are backed by the judicial bodies, Jovanović’s case could soon be discussed by the Serb parliament. And, we in the Serb Radical Party are eagerly awaiting such a development!”<sup>171</sup> Similar rhetoric was used by editor-in-chief of *Press*, Dragan Vučićević: “According to Beba’s version, and on the basis of charges announced by his lawyers, it seems that he is the only honest man in Serbia, while all the unlike-minded and opponents of his are „criminals, mafiosi, and accomplices in Đinđić’s assassination“! Those accusations of his and hysterical outbursts of Kovačević and Danilović only indicate that Popović is seriously scared of the possibility that his Mafia connections and involvement may be uncovered. Instead of filing charges against us he should explain his contacts with „tobacco-trafficking Mafiosi“.”<sup>172</sup>

170 Lustration Act was adopted on the 30th March 2003, under the name the Act on

Responsibility for Violations of Human Rights. However, the said act is not enforced.

171 *Press*, 20 July 2007.

172 *Press*, 16. June 2007.

Most extreme statements are made in pre-election campaigns. Thus daily *Kurir* has been recently the venue of sharp polemic about "the role of the Liberal Democratic Party leader, Čedomir Jovanović, in the attack on Gordana Đinđić Filipović, sister of the assassinated Serb Prime Minister, Zoran Đinđić". The investigation into attack on Gordana Đinđić –Filipović which began four years ago is yet to be completed. According to *Kurir's* allegations, four unidentified persons hurt Gordana Filipović by forcibly giving her injections. The Belgrade daily ran the statement of head of the Military Clinic about difficulty to establish the existence of such shots, and how Jovanović was her last visitor: "It is a confusing story. According to two team of doctors findings, Đinđić' sister during the check-up did not have traces of any injection supply...they only appeared the following morning, after the forcible entry of the LDP leader into her room."<sup>173</sup>

Populist rhetoric used by *Kurir* and *Pravda* as the key tool of their attacks, differs from a showdown, or rather from a smear campaign stage-managed by the pro-regime dailies, *Politika* and *NIN*, and influential personalities whose statements are publicized to that end. Arguments used in a bid to denigrate the LDP political program, rely heavily on slanders. In fact that smear campaign is a showdown between the Radical Party-DPS intelligentsia with the pro-European option. The former thus try to corroborate in an ideological way the slanders run by tabloids. Thus, for example, Zoran Čirjaković and Đorđe Vukadinović launch the thesis of the existence of the "two poles totally apart" in the political scene of Serbia (SRP-DPS and LDP), both being dangerous, because of their extreme stances. It is alleged that "the second camp is obsessed and blinded by Srebrenica, while the first is obsessed and blinded by Kosovo", and "the first camp is very angry with Europe, while the second is angry with Serbs. And their anger excludes the possibility of rational value-judgments."<sup>174</sup> Such an argument cannot hurt very much the Radicals, for their Kosovo-related policy helped them normalize their war past. Added to that the majority electorate would never consider as extreme, nationalistic pretensions on Kosovo and Metohija territory?! Equalization, that is, putting in

<sup>173</sup> *Kurir*, 28 March 2008.

<sup>174</sup> Zoran Čirjaković, *NIN*, 7 February 2008.

the same bag the two totally different, and confronted parties, is just a deft manipulation aimed at confirming the existing stereotypes about Liberals as fanatics. It is also tantamount to offering to the Radical Party voters the proof of existence of a threat, against which they should rally and take a united front (therefore a liberal B92 radio program *Peščanik* and the far-right, nationalistic *Guard of Tzar Lazar* are identical phenomena?!). In the same text the lawyer Srđa Popović is attacked because of his statement that the voting in the run-off is tantamount to a choice between the two evils, whereby voting for Tadić is a lesser evil. There are obviously grounds to criticize that statement as “irresponsible” at the moment of time when at stake was a choice between pro and anti-European forces, but not on the ground that at play “was an attempt to topple the democracy, that circumstance which is being offered to us only in the shape of the two evils.”<sup>175</sup> Popović’ statement is in fact “ a stand consistent with the policy which considers that Serbia is entrapped by the false history which imposes false solutions, entrapped by the falsely projected reality, entrapped by an irrationally defined future. That is precisely why we want to transform Serbia into a modern community of independent and free individuals.”<sup>176</sup> That text which invokes individual responsibility was interpreted as a call to election abstinence, though in fact it laid emphasis on a desirable pathway of political development of personality, and ultimately on the preservation of democratic qualities of a party.<sup>177</sup>

175 Ibid.

176 [www.ldp.org.yu](http://www.ldp.org.yu)

177 “When someone is trying to think for others, and to adjust that stance to various, complicated (and frequently wrong) calculations about the conduct of others, he cheats on us, and deprives us of a key information about his authentic, personal opinion and will. In fact he deprives us of what the democratic process exacts from him, and what makes an individual a necessary and precious participant in the politics. “. Srđa Popović, downloaded from the site <http://Peščanik.net/>

## Conclusions and recommendations

When one political option is defended, then it is also a defence of both the political program of that party and of the right to respect diverse voices and opinions in a daily political discourse. In the Serb society that quality of a multi-party system was replaced by a systematic demonization of those parties which criticize and oppose the Serb national program. The former is a reflection of a highly polarized society, of a wide gap between the two set of values systems: the traditional-conservative one and the reform-minded liberal pathway.

Representatives of the liberal option, rallied around the LDP MP stand a chance to narrow that gap or rift, if they remain true to their dialogue-promoting political rhetoric. Though such a dialogue is still not feasible, it is however possible to create preconditions thereof, including the liberalization of the existing laws. In other words, media coverage should be free and devoid of hate speech, less violence-inclined and devoid of incendiary rhetoric and party smear campaigns, all of which are currently backed by the incumbent political regime. The long-standing xenophobic policy affects free activities of individuals with new ideas and a pluralist perception of society, and Serbia as a country with a heterogeneous ethnic structure must develop such capacities.

Since the LDP program (barring the one of the minorities parties in Vojvodina), is the only program currently promoting rational strategy for the country's way out from its current predicament, it is necessary to work on strengthening of those values. The latter is a clear reference to the respect of human rights, admitting of and active facing up to the war crimes, solutions related to the Kosovo problem, and notably to the problem of Serbs living in enclaves.

Resistance to attacks on a political party promoting the aforementioned values ultimately means the resistance to the collective *Serbhood*, and denotes the individual struggle for personal expression of individuality, at least within the limits which are now set by parliamentary democracy.



II

# Socioeconomic Processes





# From Economic Upturn to New Recession

At first glance, Serbia achieved a number of very good economic results in 2007: its gross domestic product rose to a record 7.5 %; investments in the basic funds increased by a record 19.6 %; the physical volume of industrial production recorded a decent increase of 3.7 % (but coupled with a decline in agricultural production by 8.1 %); exports increased significantly to 6,443 million euros (at the same time imports increased to 13,358 million euros); productivity increased by 14.3 %<sup>178</sup>. However, these summary figures conceal the division of the business year into the first, successful part and the second part which is pushing the Serbian economy downward and very simply explains the high annual rate of inflation of 10.1 %. In short, after the seemingly very successful year 2007, Serbia entered 2008 with a downward trend in production and a rise in inflation.

Namely, Serbia experienced an unusual event in 2007. During the first five months after the January parliamentary elections, until the formation of the new coalition government – that was comprised of the democratic parties, in principle, with the old Prime Minister, Dr Vojislav Koštunica, at its head, and a new member of the ruling coalition, the Democratic Party, which obtained the greatest number of ministers – the basic economic indicators were mostly good, investments were increasing and the value of capital on the Belgrade Stock Exchange was rapidly increasing (the general indicator BELEXline jumped by 99 % from 1 January to 3 May). At that moment, on the last day of the constitutional deadline in mid-May when, after dramatic events, Prime Minister Koštunica was forced to give up the already announced cooperation with the Serbian Radical Party of Tomislav Nikolić, when he finally opted for the coalition with the Democratic Party of Serbian President Boris Tadić and when the new Serbian Government was formed, all economic indicators began very soon to move downward

178 Miladin Kovačević, *Rezultati tranzivije i rizici destabilizacije*,  
Proceedings of the Kopaonik Business Forum 2008, p. 91.

and the new Government was doing almost nothing else, but conducting the policy of preventing the proclamation of Kosovo's independence.

This unusual event, that the national economy fared better without the government than after its formation, has no precedent in the world's more recent economic history, but has a simple explanation. During that five-month period, since the beginning of 2007, the old "technical government" could not increase public expenditure legally, while the "supreme commander" of the economy was actually the Governor of the National Bank of Serbia, Radovan Jelašić, who was facing re-election (or the removal from office) under the new Serbian Constitution, adopted in October the year before. In such circumstances, motivated to keep his position, coupled with the factual blocking of public expenditure at the previous year's level (until the adoption of the new budget), the Governor had the scope for "dynamizing" the economy and increasing business expectations – all the more so because both the domestic and world public could expect that the so-called democratic and seemingly pro-European bloc would have, after some bargaining, the majority in the Serbian Parliament and that Prime Minister Koštunica would be freed (after three years) from being conditioned by Milošević's old Socialist Party of Serbia for parliamentary support (between 2004 and 2007, the Serbian Government was a "minority" one). However, when this political pressure was finally relaxed at the end of May, when the new Government was formed and adopted a very heavy budget for the current year, while at the same time directing its energy toward Kosovo and coming into conflict with the European Union – everything in the Serbian economy took a bad turn.

Therefore, the overall annual data on the economic trends in Serbia in 2007 seem to be quite good arithmetically, but they actually conceal the fact that since the middle of the year the Serbian economy began to slip into recession and stagnation once again – since the international economic situation (continental draught, coupled with the high crop failure rate of 8.1 % in Serbia, steady increase in oil prices on the world market by 50 % and the global expansion of the American financial crisis, accompanied by an abrupt weakening of the dollar), in addition to the "produced"

domestic political problems associated with the dilemma between Kosovo and European Union, began to push it into a new crisis.

Let us try to concretize the mentioned hypotheses. Since we have already mentioned a rapid increase in the value of shares on the Belgrade Stock Exchange by 99 %, from January 1 to 3 May 2007, let us add that the year 2007 ended with a seemingly very good increase in the value of shares by about 38 % (according to the mentioned index BELEXline). However, it is evident that this final figure actually “hides” a big decline in the price of shares in the second and third quarters of the year (which will continue in early 2008, until the practical collapse of the Belgrade Stock Exchange in mid-March).<sup>179</sup>

Since the relatively good part of 2007 from an economic viewpoint is asymmetric with the weaker one, let us take a look at the industrial production growth rates in Serbia at the beginning and at the end of the year. As compared to the comparable period the year before, the industrial production indices in January and February 2007 were 104.8 and 105.2 respectively, while in November and December that same year they were 97.5 and 99.8 respectively (compared to the same months the year before). Simply said, Serbia finished the year 2007 with recession – although the summary annual index of industrial production index for 2007 was even 103.7 relative to 2006.<sup>180</sup>

Similar differences can also be observed in the case of the foreign trade index: in January and February 2007, Serbian exports recorded very high indices of 146.8 and 139.2 respectively, while at the end of the year, in November and December, they fell to 129.5 and 125.6 respectively. This means that exports were slowing down as the year was passing. However, since the imports and credit and financial transactions continued to expand, the record monthly and quarterly current account deficits were recorded at the end of 2007: in December 2007 – 973 million dollars and in the last quarter of the year – 2,397 million dollars.

If these data are completed and expressed in euros, that is, in today’s much more stable and more “transparent” currency than the dollar, it

179 *Biznis*, 19 March 2008, pp. 2-3.

180 MAT No. 160, Economics Institute, Belgrade, p. 65.

will be seen that the trade deficit in 2007 reached about 6.9 billion euros (20 % of GDP), current account deficit increased to 4.51 billion euros (16 % of GDP), while Serbia's foreign debt increased to about 18 billion dollars (over 75 % of GDP). A favourable fact is that in the structure of that foreign debt, about 7.8 billion euros account for enterprise debts, about 4 billion euros for bank debts, and only about 6.2 billion euros for public foreign debt.<sup>181</sup>

Serbia's most unfavorable economic indicator in 2007 was certainly the *balance of payments* deficit on current account (donations included), which amounted – let us return to the dollar, as the standard currency in the IMF statistics – to 6,889 million dollars, thus increasing by 73.7 % relative to 2006. The greatest contribution to the “building” of this deficit was made by the unfavorable end of 2007.

Otherwise, in contrast to the current account deficit, credit and financial transactions recorded a surplus, which amounted to 8,369 million dollars in 2007 and – this must also be noted – was lower by 13.9 % relative to 2006 (9,716 million dollars). The result of the movement of these two basic balance of payments categories (let us conditionally call them money and capital flows) was the balance of payments surplus (an increase in the NBS foreign exchange reserves) of 1,222 million dollars in 2007.<sup>182</sup> If Serbia sinks down into self-isolation of some sort in 2008, due to tensioning in its relationship with the countries that recognize Kosovo's independence, this “surplus”, based on credit and financial inflows, will simply disappear and the country can be faced with a serious liquidity crisis.

As it turns out, the crucial event in the economic year 2007 was the formation of the new Serbian Government on 15 May, three months after the constitution of the new National Assembly of Serbia, after the January parliamentary elections. In fact, until the last minute of the constitutional deadline, it was not known whether the incumbent Prime Minister, Dr Vojislav Koštunica, would turn to the right-wing nationalists or the Democratic Party, so that the Government with him at its head was formed at

181 Vladimir Čupić, Srđan Kokotović, *Performanse i razvoj srpske ekonomije i bankarstva*, Proceedings of the Kopaonik Business Forum 2008, p. 71.

182 Mat 160, No. 3.

the last moment and was comprised of the members of the DSS (6 ministers), New Serbia (1), G-17 Plus (4) and Democratic Party (13). In his promotional exposé on the priorities of the new Government, the old/new Prime Minister Koštunica placed the issue of Kosovo at the first place and European integration at the second, which he immediately pitted against his key priority: "The clear and indisputable position is that the process of Serbia's accession to the EU can in no way be compensation for any concession when Serbia's territorial integrity is in question".<sup>183</sup>

At first, Koštunica's conditioning of the signing of the *Stabilization and Association Agreement with the EU* was viewed as part of his attempt at tactical outwitting, so that at the end of May already the negotiations with the EU were *via facti* unfrozen, after the visit of Commissar Oli Rehn to Belgrade. It was predicted that the Agreement would be concluded by the end of the year. However, as late as 29 November 2007, Serbian Vice-Premier Božidar Đelić and Pierre Mireille, Director of the Directorate for the Western Balkans in Belgrade, signed the grant agreement for the approval of one billion euros for the next five years, thus releasing the IPA fund for Serbia (this document also activated the assistance of 190 million euros for 2007).<sup>184</sup> Later on, however, Koštunica's linking of the issue of Kosovo to the EU will become the major stumbling block within the new Government, because almost throughout 2007 (until the scheduling of the presidential elections in mid-December), the Prime Minister was keeping full control over the newly formed coalition, basing the main direction of Serbian politics just on the resistance to the EU's Kosovo policy. On the economic plane, this will lead to the blockade of all further reforms, considerable increase in budgetary and public expenditures, accelerated decline in the market capitalization of shares on the Belgrade Stock Exchange, increasingly stronger pressures on the stability of the exchange rate and decreasing foreign investment inflow.

183 *Politika*, 16 May 2007.

184 *Politika*, 30 November 2007.

## Budgetary and Public Expenditures

In the night between 23 and 24 June, the Serbian Assembly adopted the Law on the Budget for 2007 (with 133 votes for and 62 votes against), which anticipated the total expenditure of 581.8 billion RSD versus the projected revenues of 595.5 billion RSD (the budget came into force on 1 July). Accordingly, the planned budget deficit was estimated at 13.7 billion RSD, thus accounting for about 6 % of GDP.

The analysts agree that the new Government did not want to risk anything with its first major act of economic policy for the year 2007, which was well underway. Thus, it actually accepted the previous trend in public expenditure – a high increase by about 25 % in nominal terms, relative to the 2006 figure.<sup>185</sup> Apart from the specific “legalization” of the budget, projected as early as the autumn of 2006 (coupled with its increase by about 5 %), a significant rise in government salaries by about 22 % at the annual level was also legalized. In a way, this “award” to the politicians, government employees, army, police and all other direct beneficiaries of budgetary funds was aimed at stabilizing the government apparatus after six months of general post-election neurosis (whether the new government will be formed, or new elections will be scheduled), thus motivating it to operationalize the constitutional changes and remain loyal in view of the expected “heating” of the Kosovo crisis. After all, the stabilization of the administrative apparatus was tacitly the primary aim of the new ruling coalition, which was also evidenced by the fact that the implementation of a set of regulations governing the status of that apparatus after the adoption of the Constitution and the attempt at its “de-politization”, under the new Law on the Government, was delayed.

Truly, regarding the continuity of “budget philosophy” at the top of the government administration, it must be noted that Serbia also returned to classical budgeting. So, the new Finance Minister, Mirko Cvetković – in accordance with the old budget theory that all government expenditures and revenues must be reflected in the consolidated budget – included

185 *Gradanski list*, 23 June 2007.

high extraordinary revenues from the last year's sale of Mobtel Telephone Company (2006) and extraordinary expenditures projected under the so-called NIP (New Investment Plan) – in the budget. For this reason, as well as due to the fulfillment of the wishes of practically all old-new ministries, the mentioned deficit was created between the projected budgetary revenues and projected expenditures. It was estimated that this public “classical” budget deficit of 13.6 billion RSD in 2007 (vs. the budget “surplus” of 31.5 billion RSD in 2006) should amount to about 5.9 % of the projected GDP for 2007. It did not cause serious concern in the Serbian public, so that it was stated that it would be possible to join the European Union with a deficit of up to 5 %, while the current account deficit of up to 2.5 % of GDP was tolerated later on. However, due to the projected budget deficit, it was actually desisted from the policy of lowering the annual inflation rate still further, although it just began to produce positive results (in 2006, it amounted to 6.6 %), so that for 2007 it was necessary to “plan” the inflation rate of “up to 6.5 %”, provided that a rise in GDP is 5.9 % (consequently, a little lower than in 2006). At the end of the year, as we have already mentioned, economic growth was higher, budgetary expenditure was lower due to a delay in the government investments (even a certain transitional “surplus” was recorded), but the inflation rate was still a two-digit one (10.1 %), which is the best indicator that public expenditure in Serbia exceeds its actual possibilities. However, the decisive influence was probably exerted by the politics geared to the conflict with the European Union about the sending of the European mission to Kosovo, which certainly fuelled inflationary expectations.

The “abandonment” of a further decrease of the inflation rate in the relevant decision on the government budget for 2007 meant that the Governor of the NBS should continue to conduct a very restrictive monetary policy, with the high benchmark interest rate of about 10 % on government securities, which always “suffocates” most accelerated development plan and, in essence, makes the whole story about job creation for more than 700,000 jobless persons (the total number of unemployed is about 900,000) unrealistic. Namely, as long as it is more profitable to invest surplus money in government securities and not in risky business ventures,

one cannot expect a faster job creation pace. The postponement of bringing inflation under control in June 2007 was the unambiguous sign that the Serbian Government also has no transition-related priorities but some others.

It is interesting to note that the Ministers of the Democratic Party, which obtained dominant control over the financial issues, retained the institution of National Investment Plan (as the government fund created by the sale of nationalized government property), although they used to criticize it in the past, together with many experts, as the tool of the government's political propaganda. In fact, with the new government this NIP was actually increased from previously projected 33 billion to 44.4 billion RSD (about 700 million euros). This meant that the new Government did not abandon the policy of the government's large capital investments because – apart from NIP – other “capital expenditures” of 26.3 billion RSD were planned in the budget – which meant that the government planned for 2007 to be the “builder” of the facilities worth over 70 billion RSD (this was not realized, but fuelled inflationary expectations still further).

The debate among experts was mostly caused by the fact that the new budget “legalized” an increase in government salaries by about 22 % (consequently, nearly 14 % in real terms) which, otherwise, accounted for about 152.8 billion RSD of the budget. This decision was associated with the mentioned Government's need to stabilize the government apparatus on the eve of the expected continuation of the post-constitutional election cycle (presidential elections and then provincial and local elections) and the intensification of a diplomatic battle over Kosovo. Otherwise, most money was approved for the Ministry of Defence (63.5 billion RSD), Ministry of Education (58.4 billion RSD) and Ministry of the Interior (45.5 billion RSD).

As for tax “innovations and incentives”, it must be noted that the tax on the transfer of absolute rights for the purchase of the first flat was reduced from 5 to 2.5 %, and the rate of VAT on the sale of computers was also lowered – from 18 to 8 %. The first measure was justified by the need to facilitate the life of young families from the beginning, while the other was an attempt that Serbia makes up for its great lagging in the use of



the aids of “electronic literacy”. Consequently, very modest funds were actually earmarked for the fulfillment of great pre-election promises of the Democratic Party, although the whole budget was assessed as being unrealistically big.

In this way, the 2007 budget was also indirectly evaluated by NBS Governor Radovan Jelašić. He said that the central bank would be forced to enhance the restrictions in the monetary policy – in order to maintain inflation at the anticipated level. Immediately after the adoption of the budget, on 24 June, the Governor said that the anticipated budget deficit was actually higher than 0.6 % of GDP and added: “I am convinced that my opinion will also be shared by the EU and IMF – that the deficit is much higher and that it amounts to about 2.5 % of GDP, or about 50 billion dinars... The real salary increase of 13.6 % after inflation, which is planned at 6.5 %, implies the nominal salary increase of 20 %. There is no doubt that this will not enhance our competitiveness, but will have a negative impact on a rise in exports, while at the same time increasing imports and additionally affecting our current deficit”.<sup>186</sup> A similar evaluation of the budget was also given by Caroline Jung, head of the World Bank Office in Belgrade (at the end of her three-year term): “It is important that the government makes every effort in the future to reduce the deficit, continue structural reforms, which will increase public savings and relax monetary policy by a more stringent fiscal policy, thus enabling larger investments and faster development. And it must set up the supreme audit commission”.<sup>187</sup>

The “political analyses of the budget structure” were also interested. So, its sharp criticism of Serbia’s 2007 budget was expressed by Nikola Samardžić, a historian and supporter of the Liberal Democratic Party, in the following way: “Social populism pushed the developmental and reform substance into the background. Within two years, salaries in the oversized government sector were doubled. There are no funds for 100 euros per hectare (which was promised by the DS to peasants before the elections, *author’s note*). Priority is given to the further feudalization of

<sup>186</sup> *Dnevnik*, 25 June 2007.

<sup>187</sup> *Politika*, 25 June 2007.

the ministries. With its bureaucratic and corruptive inertia, the government continues to regulate the sectors that should belong to the free market and open economy: it supervises trade, keeps border barriers, imposes unreasonably high public expenditure and decides on its partners in the privatization process on the margins or beyond the legal procedure. In essence, the state remains the booty of the political parties which have revealed their aspiration that each fiscal year is also the election one".<sup>188</sup>

## A Shift to Russia's State Capital

In the summer of 2007, immediately after the formation of the new Government of the controversial Koštunica-Tadić tandem, it was evident that the major forces of the new ruling coalition were actually unanimous only with respect to one issue – Serbia should be more open to Russia's state capital. This shift was largely interpreted as Serbia's need to retain the support of the Russian Federation in the Security Council against the initiatives for the change of SC UN Resolution 1244, thus providing scope for the formation of an independent state in Kosovo – by granting certain privileges to Russian business. It seems, however, that the Serbian leaders also have a number of other aims in mind. Simply said, each of the key Serbian leaders also had his special reasons for rapprochement with Putin's Russia. At the end of the 2007, Tadić needed rapprochement with Russia for the internal political reasons, primarily because the presidential elections were nearing. As for Koštunica, at least two reasons are evident: reliance on the traditional popularity of (Orthodox) Russia in Serbia and a similar view on the dominant role of one leader in a country, as is the case in Russia. In its concrete transparent form, Serbia's rapprochement with Russia is most evident in the energy sector. This began to especially evident in mid-2007, when the issue of energy security imposed itself throughout the world as one of the most important issues of international relations.

188 *Danas*, 19 June 2007.

Thus, after a number of Russian-Serbian political meetings at the highest level at the beginning of 2007, which were dominated by the Kosovo issue, one could observe, in June, an increasing number of important contacts between the high representatives of the two countries, seeking for a major shift in economic cooperation between the two countries. Namely, after the May visits of Russian Minister Sergey Shoigu, who is responsible not only for emergency situations, but also for atypical state economic operations, and the visit of President Putin's personal business representative, Georgi Poltavchenko, Serbia was visited in early June by the high-level delegation of the Russian state company Gazpromneft, led by its President Aleksandr Dyukov. It was seen that something big was prepared.

In fact, one could only sense at that time that, at these meetings devoted to economic issues, the real interest of Russian capital for large investments in Serbia's energy sector was considered; attention was especially devoted to the sale of the Oil Industry of Serbia (NIS) to the Russian state monopolist company Gazprom or, in other words, to the deals that cannot be made if Russian firms and investors invest in the Serbian economy and acquire ownership of many unsold socially-owned enterprises only by following the routine procedure, that is, by appearing on the Belgrade Stock Exchange, or at the ongoing auctions and tenders of the Serbian Privatization Agency.

Otherwise, over the past seven years, Russian investors have used the regular procedure for participation in Serbian privatization only four times – they bought Beopetrol from Belgrade, Leather Factory from Užice (this deal was later suspended), Goša From from Smederevska Palanka and Putnik from Belgrade. During that period, they invested a relatively modest amount of 257 million euros in the Serbian economy.<sup>189</sup> All other big plans, which remained unrealized, were mostly linked to Serbia's state capital but clashed – together with many other privatization projects from other foreign countries – with the principled, long-standing hesitancy of the Serbian Government about the strategy for the privatization of state capital and the public economic sector.

189 *Danas*, 5 June 2007.

Probably in this light one should also consider Russia's impression, which was earlier expressed in public (through Russian Ambassador to Belgrade Aleksandr Alekseyev) that its capital is not welcome in Serbia – since Western investors could have a similar impression with respect to Serbia's gas and electric power industries. In fact, when banking and telecommunications are in question, Russia's earlier discontent could partly be understood, because Western and European investors were always looked at through pink glasses, while the origin of the Russian investors' financial potential was always analyzed through "moral microscopes". Truly, to the above mentioned amount of 257 million euros of Russia's public investments in Serbia, one could probably add at least as much "Russian money", which was invested in Serbia's privatization through Western closed-end investment funds, but it can be called "Russian" only because it "fled" from Russia to London and New York banks in the past.

Consequently, if we put aside Russia's public and grey investments on the Serbian financial market, it is evident that so-called "state deals" in Serbia's infrastructure sector were placed on the agenda – and such deals are also most profitable both for intermediaries and the key actors themselves, since they are always justified by higher national interests and, as such, are not subject to the basic economic rules and calculations. However, the main problem relating to these deals is the fact that they are shrouded in political secrecy and that their essence is thus too simplified.

During the Russian-Serbian talks in June, one of the mentioned cases (i.e. unrealized yet necessary cooperation) was also a large mysterious gas-fired power plant near Novi Sad (with a total capacity of 900 MW). Serbian Radicals made the arrangement with certain 'sympathizers' present in the Russian administration and diplomacy as early as 2006, without consulting the competent Ministry of Energy. Since it turned out that the power plant could not be supplied with enough Russian natural gas, parallel to the already contracted supplies for other needs through Hungary, the Serbian side offered the concession for such a power plant in the vicinity of Niš – where it would be supplied via announced Dimitrovgrad-Niš gas pipeline. A similar problem was posed with respect to the offer by the Serbian side to Russia's Gazprom for the purchase of one part of the

gas storage facilities in Banatski Dvor, coupled with the concession for the gas distribution network in central Serbia – since in this case there was also the problem with the “narrowness” of the delivery capacities through Hungary. Otherwise, at the end of 2006 already, two governments signed the memorandum of Serbia’s consent that the possible route of the well-known South Stream continental gas pipeline project runs through its territory – from Russia to Austria and Italy. From an economic aspect, this was actually the prelude to the later story about the Russian-Serbian energy deal which, in separate contacts with the then Russian President Vladimir Putin, were earlier initiated by Serbian President Boris Tadić and Prime Minister Koštunica.

The announcements of the potential sale or tender for the sale of the Oil Industry of Serbia (its minority stake) to Gazpromneft in the summer of 2007 had also to be viewed in a broader context. First of all, one had to bear in mind that, until recently, the Russian state firm Gazprom did not deal in crude oil; it had a monopoly on natural gas both in domestic and foreign trade. However, after 2006, when the well-known Russian billionaire Abramovich suddenly decided, somehow illogically, to sell his oil company Sibirneft to Gazprom, and when everything that had been taken from former Yukos (which was owned by the imprisoned oil tycoon Khodorkovsky) was added to it, Alekperov, who is also the owner of Lukoil, signed the memorandum of understanding with Gazprom at the beginning of 2007 (which could be the first step toward the re-nationalization of this firm in Russia). Thus, there emerged, within Gazprom, the oil company Gazpromneft in state ownership, with the annual crude oil output of about 45 million tons, and Putin’s (alleged) favourite, Aleksandr Dyukov, was appointed its manager.<sup>190</sup>

Consequently, parallel to its earlier huge gas supply to Western Europe, such Gazprom also became a substantial supplier of crude oil and related products. With a high increase in oil and gas prices in 2007, it also became an unavoidable European energy partner – due to which the transit countries (Bulgaria, Romania, Hungary, Austria as well as Serbia) became very important to both sides. In that context, the visits of Russian government

<sup>190</sup> *Gradanski list*, 9 June 2007.

officials and businessmen to Belgrade in mid-2007 were logical. The main hosts were Vice-Premier Božidar Đelić (DS) and the Minister of Trade and Co-President of the Russian-Serbian Economic Inter-governmental Committee, Predrag Bubalo (DSS) which was interpreted as the result of the consensus reached by the major parties within the ruling coalition on the promotion of economic relations between the two countries.

Consequently, those were the apparent facts before 9 October 2007 when, somehow suddenly, Belgrade was visited by the delegation of the Gazprom top management, led by its President, Aleksey Miler, which was received both by President Tadić and Prime Minister Koštunica. It will turn out that the main aim for Miller's trip to Belgrade was achieved: apart from displaying Russia's interest in Serbia's entire energy sector, he offered a "complete solution" for Russia's takeover of Serbia's complete oil-gas sector, while at the same time sending a signal to Western Europe that Gazprom did not give up its strategy of being directly present on the markets it supplies with gas and oil, regardless of the fact that the Executive Commission of the European Union announced a little earlier that it would not allow on its territory the maintenance or creation of energy monopolies which hold everything in their hands – raw materials imports and their processing, transport and distribution (in this connection, the European Commission issued the binding recommendation for its members). In other words, Miller, while in Belgrade, emphasized just the opposite principle that "gas production, transport, refining and storage complement each other; hence Gazprom links the choice of the route of the trunk gas pipeline for Europe, through Serbia, the construction of the underground gas storage facilities in Banatski Dvor and the participation in the privatization of NIS into "one complete and comprehensive project".

Although Aleksey Miler informed the Serbian public about the Russian proposals to Belgrade in a short statement for state television, the further talks were absolutely secret, so that on 11 December the greater part of the Serbian administration, including the Serbian Ministry of Energy, was surprised when those proposals were sent to the Serbian Government practically in the form of ultimatum – in which the transit route of one part of the South Stream gas pipeline is promised to Serbia provided

that it sells a majority stake (51%) for 400 million euros to Gazpromneft, in addition to the promised investments in the reconstruction of Serbian refineries to the amount of 500 million euros.<sup>191</sup>

In the Serbian Government, the proposed Russian-Serbian energy agreement was opposed only by the Minister of Economy and Privatization, Mladjan Dinkić (leader of G-17 Plus). In his letter to Prime Minister Vojislav Koštunica (25 December) and a series of interviews he immediately made a few days before the New Year, Dinkic said for the Russian proposal that it is "humiliating for Serbia". In short, he voiced the opinion that the price of 400 million euros, offered for the 51 % majority stake in NIS, is too low, because it is even 50% lower than its book value and that NIS can be sold for "the price that is five to eight times higher than the price offered by the Russians". Dinkić also pointed out that the promised investments of 500 million euros in the modernization of the NIS refineries within the next four years are lower than the expected profit of this company in this period, so that the Serbian side holds that, with 300 million euros in three years, it will be possible to realize whatever is most needed. Moreover, the Russians want, for the basic price, to acquire ownership of Serbian oil fields (which, according to Dinkić, is not planned for sale). At the same time, they do not want to guarantee that they will buy up 15 % of NIS shares that will be distributed to citizens free of charge under the adopted law, nor do they agree to bring these shares on the stock exchange, so that someone else can buy them. Moreover, in his letter to Prime Minister, Dinkić also regarded Gazprom's request for the continuation of a monopoly on crude oil imports and refining, as well as a moratorium on the European ecological standards until 2012 as being harmful.

In exchange for the takeover of NIS, according to Dinkić, Gazprom did not offer anything with respect to Serbia's gas supply that is firm or sufficient. Theoretically, one part of the gas pipeline from Bulgaria, with the annual capacity of only 10 million cu.m. (at the end of 2013), was offered. As for the gas storage facilities in Banatski Dvor, the Russian side offers the capacity of only 300 million cubic meters., instead of 800 million cubic meters., as planned. Minister Dinkić also says that Gazprom requests

191 *Vreme*, 10 January 2008.

ownership of Srbijagas (the internal gas market) and does not accept that Serbia's participation in the joint venture, which would manage the part of the South Stream pipeline through Serbia, is the value of the land through which the route will be running.

The low projected price of the Serbian oil industry and the Serbian market for oil products is only seemingly in a relatively small discrepancy with the earlier claims of the NIS top management that their profit in 2007 was about 150 million dollars, or less than 100 million euros. However, the price of NIS of at least 2 billion euros with which, as the initial price, Dinkić operates in his public appearances is mentioned in most documents prepared by the consulting group Merrill Lynch-Raiffeisen Investment for the Serbian Government, and was determined on the basis of the five-year assessment of the sales and returns. If the price also includes domestic oil production – in 2007, NIS disposed of “its own” 720,000 tons of good-quality crude oil – then the offered price must really be regarded as low. Namely, if that annual output is valued at the price of, say, 100 dollars per barrel, it turns out that this oil is worth more than 600 million dollars per year.

The Russian ultimatum, linked to the current interests of President Boris Tadić and the strategic interests of Prime Minister Vojislav Koštunica, had to produce the results on 25 January 2008, when the Serbian state delegation led by Tadić and Koštunica, signed the long-term energy cooperation agreement in the field of natural gas and the protocol on the future sale of NIS to Gazpromnyeft, in the presence of the then President of the Russian Federation, Vladimir Putin, and his successor, Dmitry Medvedev in Moscow.

Under the Agreement, Serbia will provide Russia with the territory for the gas pipeline (not yet specified) and gas storage facilities in Banatski Dvor, and sell it the majority stake in NIS for 400 million euros. Truly, in the mentioned protocol it is said at one place that the agreement on the sale of NIS will be concluded “within the shortest possible time and not later than 31 December 2008”, while at another place of the document it is written that “in the case of a successful conclusion of the deal, whose result could be the purchase of the stake that is sold by Gazpromnyeft, the



latter will assume the obligation to reconstruct and modernize the NIS technological complex by investing the amount of at least 500 million euros during the period 2008-2012". This would probably have to mean that nothing is definite and that the whole "energy deal" does not have to be "successfully concluded" in the field of crude oil, if Gazprom – to the west or to the south of Serbia – fails to find clients for the purchase of 10 cubic meters of gas each year, just in the transit part for which Serbia offered its land – or if Serbia persists on its elementary and sovereign rights on the internal market.

Finally, it must be noted that the preparations for the described energy agreement between Serbia and Russia were running parallel with a sudden aggravation in Serbia's relations with the European Union at the end of 2007, with respect to the approval of the Eulex mission in Kosovo. In that sense, it is still one of the main reasons for the collapse of the Serbian Government in March 2008, although it was concluded on the initiative and with full assistance of the Serbian President and leader of the Democratic Party, Boris Tadić. Because, it somehow turned out that the deal with Russia is a poor substitution for Serbia's postponed conclusion of the stabilization and association agreement with Europe.



# Non-Existant Economic and Social Policies

From economic standpoint, as well as the one of interests of citizens the year 2007 was just another year in a series of lost years in terms of reform processes. The government- formed after the January elections and three-months long, painful negotiations and mutual conditioning, or rather jockeying for power, between the Democratic Party of Serbia and Democratic Party- since its inception has been unstable and consequently failed to tackle in a serious way one of its proclaimed priorities-improvement of living standard of citizens. Because of a continuous coalition in-fighting and prioritization of the issue of status of Kosovo, all other pressing issues were put on a back burner. In fact both the government and parliament throughout 2007 dealt only with Kosovo and elections. Economic part of government functioned automatically, without a clear and precise plan of action. The resumption of talks with the European Union was swiftly followed by a new crisis and stagnation of talks. Then came the government's collapse, dissolution of parliament and calling of snap elections.

Such a political situation resulted in the worst legislative performance since the regime change in the year 2000. No important bill or act from the area of labour, social and health protection or educational policy was placed on the agenda of parliamentary sessions. Ministers holding social, economic or health portfolios were engaged in party work, while competent institutions tried only to-survive. Both those ministers and institutions were aware that no problem had a chance to attract their attention in the year when at play was the resolution of „the issue of the greatest national and state importance.“ Barring the strike of those employed in the judiciary and several protests of workers from privatized companies, all other protests and work blockages were of political nature. Reduction of poverty, pay rises and betterment of general social security, employment, labour conditions, professional education and training, new or at least improved regulations shall have to be dealt with by any future government.

In view of the fact that all those topics are of vital importance for citizens, and that the problems keep piling up, whoever forms the new government after May the 11th shall face a difficult job, as "patriotic" tasks have been "exhausted" as a topic, and there is no energy for new "national undertakings." Very quickly politicians shall have to turn their attention to everyday life and problems of population, for the latter is the top priority of all citizens of Serbia.

In the continuing mood of great political tensions and incendiary patriotic speeches, one of the biggest scandals which grabbed the attention of the general public was, quite unexpectedly, an event from the area of social policy. Namely in mid-March the MDRI (Mental Disability Rights International) organization published its report titled "Torture in lieu of Treatment". The report speaks of status of institutionalized children and adults with mental disability syndrome in Serbia, and during its presentation photos shot in several health and social institutions were shown. Citizens of Serbia were shocked by those highly distressing photos, publicly shown for the first time. But they were equally shocked and outraged by a very hysterical response of the authorities.

The Serb Health Minister, Tomica Milošavljević i Social Policy Minister, Rasim Ljajić, denied the report's conclusions and accused the MDRI representatives of failing to contact the competent ministries prior to their visits to the aforementioned institutions. They also criticized the MDRI representatives for touring the said institutions without a prior consent of the competent ministries, thus misusing the hospitality and confidence of employees and the state by putting together a picture which is contrary to the real situation. In its communique the Health Ministry maintained that the MDRI report was malicious and amateurish and thus represented an attempt to „stigmatize the patients psychiatric profession and our whole people“<sup>192</sup>. Health Minister, Tomica Milošavljević, who is known to be openly adverse or particularly susceptible to any criticism of his ministry and the health system status in general, was enraged because of the public uproar and went as far as to assess the report as a sheer political propaganda. He even lambasted the media for running the said photos

192 *Pravda*, 22 November 2007.

before checking their authenticity.<sup>193</sup> Prime Minister Vojislav Koštunica announced the formation of a commission „to report on a genuine situation in the social institutions for persons with special needs, since many assessments in the MDRI report are false.“<sup>194</sup> He also linked the report’s publication to the intentions to discredit the state of Serbia at the moment when a decisive battle for Kosovo was waged. Such an unbecoming and hysterical response of the highest state officials was interpreted by some media as a signal to kick off a veritable smear campaign against both the MDRI and domestic NGOs which backed the report and even cautioned against the alarming state in psychiatric hospitals and social institutions.

Despite the fact that the said MDRI allegations were contested in unison, in the next few days differences in stances and statements of Health Minister and the one in charge of the Social Policy became obvious. While Minister Ljajić unwillingly, but sincerely, admitted that he himself was shocked by the status and practice of the aforementioned institutions, his colleague, a Medical doctor, and “irreplaceable” minister, Tomica Milošavljević, for days on end, in an arrogant manner, kept debasing the patients, their families, and all citizens of Serbia. While Ljajić, albeit for the sake of political marketing, toured the aforementioned social institutions and publicly acknowledged their problems, the Health Minister, kept uttering the run-of-the-mill phrases, without offering any professional or even humane justification for impermissible treatment of conditions and patients of psychiatric hospitals. Minister Ljajić at least promised reforms in the realm of social institutionalization of persons with mental disabilities, while his health sector counter-part, kept asserting that all was well in the health sector. However, both of them, to the shame of their political

<sup>193</sup> *Danas*, 16 November 2007

<sup>194</sup> Prime Minister inter alia underscored: „Especially ill-intentioned are accusations that in treatment and cure of children the torture is used, and that the pertinent social institutions would better be called-detention camps! The government shall insist on total clarification of a true situation in specialized institutions and raise the issue of responsibility for trumped-up accusations aimed at Serbia. There is a systematic propaganda that Serbia is the total grip of fascism, though every citizen feels aversion towards Fascism. It is noteworthy that the said propaganda was intentionally stepped up in this delicate moment of time for Serbia.“ *Danas*, 16 November 2007.

parties, tried to cover up their under-performance by stage-managing a conflict between the local NGOs and employees of social and psychiatric institutions.

In early March- 2007, the Helsinki Committee for Human Rights in Serbia, published a booklet titled "People on the Fringes-Human Rights in the Psychiatric Hospitals in Serbia." Although the said report analyzed only the situation in big psychiatric hospitals (located in Kovin, Vršac and Padinska Skela) and was also publicly presented, it failed to rouse such a great interest, and even responses by the state bodies. It is clear that the showing of harrowing MDRI report photos on all TVs, along with the fact that the organization's seat is in Washington, played a crucial role in subsequent demonization of and a smear campaign against the said report and its author. The earlier report of the Helsinki Committee with similar contents, in line with the run-of-the-mill practice of the state bodies, was simply ignored or hushed up. But the fact that the MDRI report contains several quotations of some results of the Helsinki Committee analysis of psychiatric institutions, sufficed to accuse anew the Helsinki Committee of "acting against the interest of its own people." Although some politicians and mass media tried hard to politicize the entire event, the gist of the matter could neither be covered up or denied. The Serb public opinion for the first time was faced with the harrowing consequences of total neglect and lack of care of its government and elected politicians. The fact that the said report brought to light a terrible status of the most vulnerable and the least protected part of population, flew in the face of any story about "toeing of a responsible policy line, aimed to meet the interests of all citizens." And laying bare of that very fact was a real reason behind such negative responses.

By the way, conclusions and assessments of both organizations are quite similar, despite their diverse methodologies, experience, and composition of research teams, etc. Although the „patriotic“ media and parties drew a facile conclusion that the foregoing similarity was due to a joint action by "the internal and external enemy", the truth is in fact very simple and mundane: both reports are based on comparisons between the status of the said institutions during the visits of aforementioned organizations

and pertinent international standards and documents which Serbia is duty-bound to honour or comply with. It also bears mentioning that the treatment of mentally retarded or disabled persons and psychiatric patients in Serbia is not dissimilar to practice which existed and still exists in many countries. Those persons are placed in institutions with scant and unhygienic conditions, far from the public eye. Moreover those institutions are underfunded and understaffed. The foregoing is not only due to the economic penury, but rather to the attitude of the society towards all those considered different from the norm, in any sense. Similar and even worse situation was reported in nearly all East European states, but also in Africa and in South America. It also bears mentioning that the current developed democratic countries in recent past also used isolation as a method of treatment of those considered to be deviating from established "norms." General democratization and change of relations in the society are a necessary prerequisite for creation of a more humane and socially responsible society. Added to that the responses to the here discussed event by the topmost state officials are a cause of much concern, because they indicate a deep misunderstanding and/or lack of interest for encouragement of better treatment of the aforementioned persons and promotion of different values.





III

Transformation  
of State Power  
Structures



# The Army in the Process of Transformation

In 2007 the army of Serbia evolved into a new entity, different from the one which had existed in Milošević wartime era, or in the aftermath of 5 October changeover. The changes were also different from the army present in the year 2006. Changes in the army were not only of a formal nature, or organizational-formation one, but rather of professional and social-political one.

Those recent changes were impacted by numerous factors, notably some 2006 momentous developments, including dissolution of the state union of Serbia and Montenegro, which necessarily produced a division between the joint armed forces, into the Montenegrin and the Serb army. Of course that process was perceived and accepted differently among representatives of the top brass, ordinary servicemen, and officials of the Defense Ministry. It bears stressing that a group of generals and high-ranking officers put a stiff resistance to that division, while the other group, accepted that change calmly and constructively, treating it as one of the most important prerequisites for the 2007 reform moves.

The second momentous 2006 development, accession of Serbia to the program *Partnership for Peace*, accelerated, at least in the first half of 2007, the army overhaul. Though Serbia had not met all the preconditions for joining that security association, NATO member-states reached the conclusion that from the standpoint of collective European (and even global) security and notably from the standpoint of regional security it would be better to “suck Serbia into” the system of collective security, instead of leaving it vacillating, torn between the wishes of the conservative and the pro-reform camp. However, since the top political caste in Serbia was not willing and able to fully accept and embrace the rules of that association, there was a danger that transformation of armed forces and of the defense system could be slowed down, or -stalled. Judging by all appearances the

latter was one of the objectives of part of the Serb political elite, notably, of part of the executive.

Political campaign “We do not want to join NATO”<sup>195</sup> mounted by part of the executive (Democratic Party of Serbia), aimed at preventing partnership with NATO. But despite the foregoing, the reforms within the fold of the army of Serbia, notably on the organizational and formation level, were carried out in a record time (in June 2006-June 2007 period), and to perfection, in keeping with NATO standards. In fact that re-organization and the ensuing downsizing of armed forces, soft-cushioned harsh criticism of General Zdravko Ponoš, and mounting demands that he be replaced from the post of Head of Chief of Staff.

What needs underscoring is the fact that “the offensive” against Ponoš was spearheaded by the Generals and Admirals’ Club of the Army of Serbia and high-ranking, retired officers. Intensity of attacks on the incumbent Head of Chief of Staff, attacks whose lack of any sense was best summed up in its principal anti-Ponoš slogan- “Ponoš Destroyed the Serb Army”, was a proportionate campaign comparable to the results of defense system reform.

Month of June saw the forming of the *Council for National Security*. In late 2007, a tense parliamentary session adopted so-called military laws, *Act on the Army of Serbia, and the Defense Act*, only four days before the New Year (2008), the national parliament passed a document colloquially called – *The Resolution on Military Neutrality of Serbia*.

195 Every time NATO was mentioned it was followed by public opinion polls which were used to lobby against signing with NATO, with the argumentation that “it was them who bombed us”. Research, by IMPRES agency, shows that one fifth (18.6%) of polled citizens thinks that Serbian Army’s tarnished image is directly connected to the Euro-Atlantic integration processes that the top brass is currently engaged in. Some 54,99% believe that Serbian Army cannot defend the territorial integrity of Serbia at the time of the poll. Glas javnosti, 16. april 2007.

## First Anniversary of the Army of the Republic of Serbia

After the Montenegrin referendum (26 May 2006), the then Army of Serbia and Montenegro was split into the two armed forces: the smaller, Montenegrin armed forces and bigger, the Serb armed forces.<sup>196</sup> (See the pertinent, extensive report in the 2006 Annual Report of the Helsinki Committee for Human Rights in Serbia.<sup>197</sup>)

According to the unofficial data, one may conclude that the said development was a kind of watershed for the professional personnel of the Army and the Defense Ministry. Namely independence of Montenegro did not go down well with a large number of generals and high officers from Chief of Staff, as well as with a number of low-ranking officers and civilians employed by the military structures, for they interpreted it as “a major Serbia’s loss, its morphing into a land-locked country, and continuing fragmentation of the Serb ethnic space”.

However, after emotional anti-army division outbursts, that grouping began glorifying the fact that “Serbia once again got its army”! Thus, for example, Colonel, Dr. Borislav Grozdić (dean of the Military Academy) thus enthused over the coming into existence of the Serb army:

“Today Serbia has again its own army, the army which had ceased to exist on the 1st of December 1918, after creation of the Kingdom of Serbs, Croats and Slovenes. Duke Zivojin Mišić as early as in March 1919 told the Regent Aleksandar: ‘I deeply regret the fact that I allowed myself to be deceived by the idea of brotherhood and unity...’ For, as Ivan Iljin writes: ‘Without a spiritually and professionally stable and strong army, our homeland shall become defenceless, the state shall fall apart and the nation shall disappear from the face of earth.’”<sup>198</sup> In this regard it is

196 Stipe Sikavica: “New beginning of the Serb Army”, Helsinki Charter no. 95-96, May-June 2006, pages 17-18.

197 The 2006 Annual Report of the Helsinki Committee for Human Rights in Serbia, chapter “Serbia and the New Security Order in the Balkans”, pages 154 – 157.

198 Borislav D. Grozdić: “Spiritual Vertical of Serbhood”, magazine

noteworthy that Vojislav Koštunica, in his then position of the “Supreme Commander of the Armed Forces” of the then Federal Republic of Yugoslavia, after the October 2000 changeover, repeatedly espoused that very value judgement, namely that “there is no state without army, or army without state”. However, in the then circumstances, he identified the FRY with- Serbia, and the Serb-Montenegrin army- with the Serb army.

After President Boris Tadić, “keeping with his constitutional authority”, proclaimed February the 15th as the Day of the Army of Serbia. Military experts and other “experts” from the grouping of “enthusiastic officers”, including Lieutenant Ivan Mijović (deputy head of the Military Museum in Belgrade), started explaining to the domestic public that “prior to assimilation of the Serb army by the Yugoslav one, only the days of military units and institutions were celebrated and marked, and not the Army Day, while after formation of the Yugoslav State and army, the Army Day and the FRY-Serb-Montenegro Army Day were marked/celebrated , though they were not the dates of glory of the Serb state and the Serb army.”<sup>199</sup>

The choice of “the 15th February was not-accidental.” According to words of Petar Radojchic, Head of Human Resources Department of Chief of Staff of the Yugoslav Army, that date was chosen only after “months-long browsing through the rich Serb war history”, by experts from “all commands, units and institutions.” He added that “those experts from a rich treasure-trove first selected 23 dates” and “later proposed the one deeply-entrenched in and widely remembered by the mind and being of the Serb people.” So the 15th February was “spiritually determined by Sretenje”, and it “also became the Day of Statehood of the Republic of Serbia”. In other words “after ages-long enslavement by the Turks, the First Serbian Uprising heralded the first organized forms of the armed resistance which inevitably led to the creation of the Serb army. The First Serb Uprising in fact heralded the emergence of the modern army. National

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“Defense” no. 33 of February the 2nd, 2007, pages 40 – 41.

199 S. Sikavica: “What do the national holidays serve for?”, Helsinki

Charter, no. 103-104, January-February 2007, pages 29 – 30.

holiday of Sretenje unifies the identity of the army and state, thus restoring their deep links.”<sup>200</sup>

Army of Serbia on the 15th of February 2007 by various celebrations and festivities marked its “first birthday” in accordance with the latest calendar of the military and national holidays. The tone of those “celebrations” was set by a conservative military grouping, whose size is still an imponderable. But judging by all appearances that grouping did not prevail in the command and management system of the army and Defence Ministry. However, that tradition-minded camp within the fold of the top brass continued to identify its interests with the interests of those nationalistic and retrograde forces in the political arena of Serbia which are set on effecting the return of Serbia to the traditionalistic gloom of the 19th century.

Contrary to that grouping, professionals headed by the incumbent Head of Chief of Staff, General Zdravko Ponoš, from a completely different angle viewed the “new beginning of the Serb army”, as many called the aforementioned division between the Serb-Montenegrin armed forces into the two armies. General Ponoš qualified that development as one of the two most “momentous events” in 2006, as concerned the army. And that is why “the process of division with Montenegro unfolded smoothly and constructively, and as such was welcomed both by the internal prime movers and international community. Thanks to such a constructive division, both human and financial resources were divided in a correct way...”<sup>201</sup>

Pro-reform orientation became conspicuous in the top management of both the Defense Ministry and Chief of Staff, and that orientation set a new tone in the army fold, as reflected in opening towards the world, cooperation, need for internal transformation, re-examination, anti-corruption combat, introduction of cost-efficient measures, presentation of the army transformation plan to the Government of Serbia. It was a genuine precedent „for someone heavily subsidized by the state to come to the

200 Dragana Marković: “Age-Old National Holidays” interview of General Radojčić to magazine “Obrana” no. 33 of February the 1st, 2007, pages 34 – 36.

201 Dragana Marković: “No More Waiting”, interview of Ponoš to magazine “Defense” no. 31 of January the 31st, 2007, pages 8 – 11.

government and ask for assistance in transformation process, and moreover has a plan how to accomplish that. That is exactly what we did that, and we managed to garner-support.”<sup>202</sup>

But the question is to which extent that General’s statement corresponded to the truth, and to which extent it had a tactical character!? For the later developments in the course of 2007 clearly confirmed that only part of the government (in the best case, only half of ministers) backed pro-Euro-Atlantic integrations orientation of the army and the Defense Ministry, that is, their reform-minded line. In fact half of ministers headed by Prime Minister Vojislavom Koštunica stiffly opposed such a line, though in a covert and sly way, through an anti-NATO and anti-Western campaign mounted by their military and political commentators and analysts who had been given wide exposure in proliferating tabloids.

In that context of great importance was “retirement” of the former Defense Secretary, Zoran Stanković, in the light of the fact that Zoran Stanković, a retired general, was “resuscitated” by Vojislav Koštunica proper. Namely Koštunica appointed Stanković to the top position in the Defense Ministry, during the tenure of previous, minority, Koštunica-led government, with a clear goal: to implement the policy of Democratic Party of Serbia in the army and the defense system. But judging by all appearances Stanković did not live up to those expectations. On the other hand he also failed to make any progress in transformation of the military organization. His biggest “reform credit” was his non-obstruction of those professionals who knew how to effect the changes. In other words, he did not try to intervene too much in their work. Military press, which used to give wide exposure to his activities, however, covered his resignation only by a brief news item that “on the 16th of May 2007 the new Defense Minister was appointed.”<sup>203</sup>

202 Ibid

203 News item : “Handover of Duty”, magazine “Odbrana”  
no. 41 of June the 1st, 2007, page 6.



## *Partnership for Peace* faces serious challenges

Accession of Serbia to the program *Partnership for Peace* (at the NATO summit in Riga, 28 and 29th November 2006.<sup>204</sup>) had a crucial impact on the army overhaul in 2007. Until the very eve of the November summit in Riga, both the domestic and international public was convinced that Serbia stood no chance of signing this agreement with NATO, because of its non-cooperation with the Hague Tribunal, or non-arrest of General Ratko Mladić. However it was obvious that NATO members assessed that security of Serbia and the Western Balkans would be strengthened if Serbia became part of the collective security system, by its accession to the Program *Stability for Peace*.<sup>205</sup> With that momentous accession should be above all credited General Zdravko Ponoš, who had effected such a successful transformation of the army and the defense system. That said, it also bears underscoring that the army overhaul began immediately after his appointment to the top military post, the one of Head of Chief of Staff.

However, those who in fact most obstructed the army reform, notably Prime Minister Koštunica, later tried to assume credit for the success of reforms.<sup>206</sup> Inclusion of Serbia into the process of collective security, was interpreted by the conservative camp as “Europe’s yielding before the strategy of “patriotic Serbia”, for Serbia “acceded into the *Partnership for Peace* under our conditions”<sup>207</sup>.

204 Article : “Serbia Joins Partnership for Peace”, magazine “Obrana” no. 29 of December the 1st, 2006, page 3. More extensive article on that topic can be found in the 2006 Annual Report of the Helsinki Committee for Human Rights in Serbia, chapter “Serbia and the New Security Order in the Balkans”, pages 165 – 167.

205 R. Femić: “Handover of Mladić is not a Prerequisite for Accession to Partnership for Peace”, Danas October the 31st, 2006.

206 Slobodan Pavlović: “Koštunica Should Clearly State his Intention”, Danas, November the 16th, 2006.

207 General Radovan Radinović, one of the key strategists of the Serb military defeats in Milošević wartime decade, underscored in the early 90’s of the past century, that Europe, that is, NATO, would not accept Serbia within its

Official Serbia after its accession to the program *Partnership for Peace*, demonstrated that it was not ready to respect the rules of the game. Namely the government of Serbia was duty-bound to swiftly sign a set of documents with NATO in order to make valid partnership between Serbia and NATO. However, the government prolonged that commitment for an indefinite period of time. Thus one of the most important documents, so-called *Presentation Document*, was signed by the Serb Foreign Secretary, Vuk Jeremić, only on the 5th of September 2007.<sup>208</sup> Added to that, the government of Serbia has not yet signed the *Agreement on Exchange of Security Information between Serbia and NATO*. The statement of the Defense Secretary Dragan Šutanovac that – “by not signing the security agreement we in fact prevented the Defense Ministry from getting key facilities, notably in the spheres of education and training”<sup>209</sup> – indicated Prime Minister Koštunica’s and his ministers’ rejection of *Partnership for Peace*, of military reforms, despite their statements to the contrary.

Such a conduct of Prime Minister Koštunica explains his refusal to sign the *Agreement on Exchange of Security Information*. It is only logical to assume that signing of such an Agreement would have made possible a free access to the archives and files under control of director of Security-Information Agency Rade Bulatović and the Interior Minister Dragan Jočić, Koštunica’s closest aides. It is also possible that among Koštunica closest circle are frontmen of secret military services, notably in view of the fact that the key man heading Secret Services was the “famous” General Aleksandar – Aca Tomić, who enjoyed a full confidence of Vojislav Koštunica.

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ranks, and that “we should not become a member of Partnership for Peace... and even if we did it, we should do it under our conditions.” See interview with General Radinović, NIN of 22 April 1994. It is also noteworthy that General Radinović espoused a similar thesis after the 5 October 2000 changeover.

208 S. Sikavica: “Kosovo Rhetoric Blocks All Other Processes”,  
Danas, week-end issue, as of 8–9 September 2007.

209 Slavoljub M. Marković: “Reforms To Benefit the Army and Citizens”,  
interview of the Defense Minister D. Šutanovac to magazine  
“Odbrana” no. 47, of 1 December 2007, pages 8 – 11.

## Prime Minister Vojislav Koštunica rejects NATO membership

Stance of the executive on *Partnership for Peace* is closely linked to its anti-NATO propaganda. In early fall 2007, anti-Western and conservative forces of Serbia, spearheaded by Democratic Party of Serbia and Koštunica-led government, launched a strong-worded campaign vis a vis the issue of Kosovo (Kosovo – “The golden branch of Serb policy “ by Dr. Ivan Čolović). They piled pressure on the Serb parliament to delay the local and parliamentary elections, which, under the law, should be held, at the latest in early 2008. Thus the entire presidential campaign was placed in the context of untying of the Kosovo knot, as propped by the following, “supreme” argument: “Kosmet is a priority national and state issue”.<sup>210</sup> In parallel Prime Minister Koštunica and Democratic Party of Serbia called on the Serb Parliament to pass the decision that “Serbia cannot become a NATO member if the Northern Alliance backs unilateral independence of Kosovo and Metohija.”<sup>211</sup>

Though Brussels and Washington did not manifest their readiness to invite Serbia to join NATO, Prime Minister Vojislav Koštunica and his aides continued the anti-NATO campaign. By extension that campaign showed a truly anti-Western orientation and strategy of Democratic Party of Serbia. Moreover, Vojislav Koštunica accused NATO of creating its own state in Kosovo: “I think that we should single out the principal actor, for this whole story was concocted by that actor, by NATO. The discussion on the gist of Ahtisaari’s plan and its Annex 11, specifying unlimited military power of NATO in Kosovo was initiated. And before Ahtisaari, NATO bombed the country and then occupied part of it by deploying there its military forces. Now it is trying through unilateral independence and implementation of Annex 11, to become a supreme authority in Kosovo.”<sup>212</sup>

210 S. Sikavica: “Kosovo Rhetoric Blocks All Other Processes”,  
Danas, week-end issue 8-9 September 2007.

211 Interview of Vojislav Koštunica to Belgrade daily,  
Večernje Novosti, of 22 September 2007

212 Idem

This verbal offensive “in the defense of the holy Serb country” was successful. That campaign coincided with more intense engagement of Russia in resolution of status of Kosovo. In proportion with frequency and strength of support from Moscow, and reliance on Vladimir Putin, the Serb official policy, stepped up its anti-NATO propaganda, which sporadically acquired the dimensions of a genuine paranoia.

Vojislav Koštunica imposed the Kosovo issue as the predominant topic also to President Boris Tadić. By prioritizing the following argument: “Whoever wants Serbia as a partner must be aware that Serbia shall accept that partnership only as a whole, and not a halved state.”<sup>213</sup> Vojislav Koštunica clearly set out the framework for the presidential campaign, and he also put a stiff resistance to deployment of the EU mission in Kosovo without the new resolution of the UN Security Council, for, according to him, “arrival of the EU mission would be tantamount to the beginning of implementation of the rejected Ahtisaari’s plan and proclamation of unilateral independence. Hence Serbia is most energetically and in advance rejecting any such unlawful decision on the arrival of the EU mission”.<sup>214</sup> Alluding to the possibility of the EU offering to Serbia the signing of *Agreement on Association and Stabilization*, he also rejected “any compensatory offer, or a trade-off for unilateral independence of Kosovo and Metohija”, for that would be “an insult to dignity of Serbia.”<sup>215</sup> Virulent anti-NATO and anti-Western campaign ended with the National Parliament’s Resolution on Military Neutrality of Serbia.

Koštunica imposed to public opinion the two, key, stands of the Serb elite’s conservative camp: a stiff opposition to Serbia’s accession to NATO and EU, whereby his opposition to Serbia’s possible integration into EU was not so strident and clear-cut. As regards President Boris Tadić’s public stands on those issues, they were-to put it mildly-ambiguous. Professor of the Political Sciences Faculty in Belgrade, Dr. Jovan Teokarević<sup>216</sup>, like

213 18 Beta Agency report : “Koštunica: We shall not accept any trade-off for Kosovo”, *Danas*, 12 December 2007.

214 Idem

215 Idem

216 S. Sikavica: “Errors, illusions, half-truths and run-of-the-mill phrases”,

many other analysts is of opinion, that in Serbia there are two camps: the first one spearheaded by Tadić advocates Serbia's membership of NATO, and subsequently Serbia's integration into NATO. But such claims may be easily contested.

In his speech in the Washington-based Heritage Foundation, on the 7th September 2006, Boris Tadić, inter alia, underscored: "My philosophy is crystal clear. Serbia has a new place in the world" it should be the axis of collective security being built by NATO in the Balkans..."<sup>217</sup> But that goal is not feasible, if Serbia refuses to be a NATO member. As a matter of fact, after a year-long cohabitation with Koštunica, Tadić appeared to have lost sight of that security goal of Serbia. Namely, when asked late last year whether a mandatory membership of NATO, was a prerequisite for Serbia's accession to EU, Tadić firmly replied: "It is not mandatory. There are EU countries which are not NATO-members, Austria, Sweden...But their position is totally different from position of Serbia. Those countries have never been on the other side of the barrier...And that is a problem..."<sup>218</sup> But the problem is in fact Tadić's ambiguous stance. He failed to say that a mandatory prerequisite for accession to EU, at least for former communist countries, was –membership of NATO.

In view of such stance of the Serb executive, and a sizeable part of the legislative power, the fate of co-operation and partnership established between the Serb Defense Ministry and notably Chief of Staff of Serbia and ministries of defences and armies of several armies of NATO member countries, is uncertain. Of special importance was the work of the *Group Serbia-NATO for the Defense Reform* which in 2006 and 2007 rendered a precious assistance and backing to the pro-reform forces. Norway was the state which rendered special support (financial and other) to the Defence Ministry and army reforms.

Paradoxically in 2007 Serbia developed the most intense and varied co-operation in the military sphere with the United States, that is, with

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Helsinki Charter, no. 111-112, September-October 2007.

217 Idem

218 Dragana Marković, Slavoljub M. Marković: "War would be-a defeat", magazine "Odbrana", no. 50 , 15th October 2007, pages 8-13.

the state declared the principal actor in “appropriation of 15% of the Serb territory” and principal evil-doer in the contemporary world.<sup>219</sup> The National Guard of Ohio was the partner of the Army of Serbia. After a series of military delegations visits to both Belgrade and Columbus (the capital of Ohio) and necessary preparations, a team of senior officers of the Serb army was selected to take part in an exercise carried out in the second half of June 2007 by about 4,000 members of the National Guard.<sup>220</sup> Then in 15-22 September 2007 the Serb army played a host to the team of 39 members of the National Guard of Ohio (high- and mid-ranking officers, civilians).<sup>221</sup> After a joint nature survival- exercise of the US specials and members of the Special Brigade of the Army of Serbia<sup>222</sup>, members of the Serb Radical Party from the Serb Parliament rostrum, during the regular December session, ridiculed that exercise as “the Americans teaching Serbs the war skill of lizards and snakes hunt.”

## Completion of the first stage of reforms

In late 2006, after his appointment to the post of Head of Chief of Staff of the Army of Serbia, Zdravko Ponoš, stated: „When I assumed the duties of Deputy Head of Chief of Staff, Serbia’s imminent restoration of its independence was not certain...But it was necessary to jump-start concrete reform moves...Our reform process had been stalled, and it even took an undesirable turn, in view of recent developments in the army and with respect to a predominant trend in the countries and armies of Europe.

219 Duška Anastasijević: “Military Flank under Attack”, Belgrade weekly “Vreme”, no. 819

220 R. Mutavdžić: “Rising Trend of Military Co-Operation” and “Sign of Confidence”, magazine “Defense” no. 41 of 1 June 2007, pages 12-14.

221 R. Mutavdžić: “The Year of Successful Co-operation”, magazine “Defense” no. 49 of the 1st of October 2007, pages 20-22.

222 Z. Miladinović: “We Learn from Each Other”, magazine “Odbrana”, no. 49 as of 1 October 2007, page 23.

At that moment of time I was not able to assess how swiftly we should be able to move towards the reforms, But I knew that we had to move in their direction. Now, a year on, I can say that we had a good year in those terms, despite circumstances which were not quite propitious for the reform moves..."<sup>223</sup>

In mid-2007, after successfully completed first stage of the defense system and army reforms, General Ponoš, in a TV program, presented the analysis of the previous state of the army, which prompted a key overhaul of the armed forces. Here are some key excerpts from his presentation: "... At the time it was hyped that Serbia needed its big army, that by downsizing the army we were in fact destroying the defense capability of the country. We can keep deceiving ourselves as much as we want, but such an option does not lead to a sound solution. I have already said that the then funds belonging to the federal level of power were appropriate, but on the other hand, the republics, which provided all that money, did not have effective control over spending of those annual funds ...

If you have little money, then you have a big army of a low quality. That was the case with us for many years... Our tack was the following: Serbia does not need a high-quality army, it is not our mid-term objective. We need the army able to do its job. But we aspire to a higher quality. And which quality and standard is it- well, that is most certainly the NATO standard. It is not a matter of political orientation, but a matter of reaching professional standards and reputation in this profession. And the best that the world has in the army realm are NATO standards. Hence our orientation is: Let's make an army with such a quality. "<sup>224</sup>

Zdravko Ponoš and his collaborators managed to morph an inert, ineffectual, and bulky army into a smaller, better-equipped and differently structured, that is, effective army. Most reforms were carried out between June 2006 and June 2007. The Army of Serbia was re-organized along the brigade (NATO) principle. It was divided into two arms: Ground Forces

223 Dragana Marković: "No More Waiting ", interview of General Zdravko Ponoš to magazine "Defense" no. 31 as of 1st January 2007, pages 8-11.

224 Filip Švarm and Dejan Anastasijević: "Army of Serbia in line with NATO Standards", weekly "Vreme" no. 863 of 19 July 2007.

and Air and Anti-Air Defense Forces. Peacetime corps has the 1st brigade (its command is in Novi Sad), the 2nd brigade (its command is in Kraljevo), the 3rd brigade (its command is in Niš), the 4. brigade (its command is in Vranje) and a Special Brigade (its command is in Pančevo). Command of the Ground Forces, headed by General Mladen Ćirković, is in Niš. (This review does not cover the Guard, Military Police and some batallion rank units.)

Air and anti-air defense forces encompasses the following units: the 204th aviation base, the 98th aviation base, 250 missile brigade of anti-air defense, the 126th centre VOJIN, the 333th engineering batallion and the 210 communications batallion. Command of air and anti-air defense headed by the General Dragan Katanić, was established in Zemun.

According to the July 2007 statement of General Dr. Božidar Forca, Head of Chief of Staff Department for Planning and Development,<sup>225</sup> “during organizational changes in 2006 and 2007, two operational units, over 30 brigades and 20 independent batallions-divisions and squadrons-were dissolved. On the basis of regulations in force, the army was defined in over 27,000 formation places, which is 55% less than in June 2006. In July 2007 the army has 17.24% of high-ranking officers, 26.87% of lower-ranking officers, 21.16% of contract soldiers, 21.54% term soldiers and 13.19% civilian soldiers”. Such a composition or set-up is compatible with European standards. “In April 2007, those with the ranks of captain and corporal made 60% of officer corps”<sup>226</sup>. In November 2007 the Defense Minister Dragan Šutanovac stated that “in Serbia we have now 15 active and 756 retired generals”<sup>227</sup>

Though Ponoš’s team made concerted efforts to effect the planned downsizing of the army, it did not quite succeed in its intent. Namely, the army remained 33,000-strong, judging by many estimates from different sources. Due to much-delayed formation of government in the wake of parliamentary elections, the 2007 budget was adopted only in June. 63.67

225 Vladimir Počuč: “Realization of Vision”, magazine “Defense” no. 44 of 15 July 2007, pages 12-17.

226 Idem

227 Miša Brkić: “Army Prioritizes Economic Interests”, interview of the Defense Minister, D. Sutanovac to magazine “Economist” no. 390 of 12 November 2007, pages 24-26.



billion dinars –or 2.4 % of gross domestic product <sup>228</sup>, was earmarked for the army, which was quite a burden for the Serb economy. But if the military budget is observed only nominally, it is quite a decent amount. However, the problem lies in the fact that the bulk of the budget, nearly 75%, was spent on salaries and pensions, only 20% was allocated to cover the needs of the military organization, while only 5% was used for investments. Such a budgetary break-down or structure of allocations is out of sync with European standards, and stymies technical modernization of the army of Serbia, whose combat hardware is out-dated and overused.

The first stage of re-organization of the Army of Serbia was completed in accordance with the reform plan, devised on the basis of the Strategic Review of Defense. The next stage envisages a technical and social reform of the army and its value system. And that reform stage, notably transformation of the value system faces many difficulties, for it implies that the whole military organization would have to adopt values totally opposed to their traditional ones and to face up to recent past, or war crimes. And for the latter, Serbia does not seem to be ready.

It is interesting to note that in 2007 the army of Serbia with General Zdravko Ponoš at its helm turned towards the West, while the government of Serbia (and the majority in the Serb parliament) was the East-oriented, as seen by its marked anti-Western, anti-NATO rhetoric and open leanings towards Russia. Due to the aforementioned situation, continuation of the army reforms is a big imponderable.

228 Slavoljub Marković: "Re-organization", editorial of magazine "Defense" no. 44, page 5.

## Media campaign against Head of Chief of Staff of the Army of the Republic of Serbia, Zdravko Ponoš

A virulent anti-Ponoš campaign was launched and stubbornly pursued both by the military and academic circles. Dušan Janjić, Director of Forum for Ethnic Relations, is of opinion that “Serbia still does not have an official NATO-accession policy.” Judging by the statements of political parties frontmen that question shall be tackled when we receive an official NATO invitation to join the Alliance. Until then, judging by those very statements, we don’t need an official state stance on that issue. Though General Zdravko Ponoš stated that “the state is oriented towards an active participation of Serbia in the NATO program *Partnership for Peace*”, military experts tend to interpret the current situation in the following way: ‘the army toes its own line, and thus draws closer, in a creeping way, to those Euro-Atlantic integrations...and that it a matter of major concern.....’ ‘The general breached professional rules. His duty is to implement the state decisions, instead of taking them independently. That is a serious breach of his duties and a good basis for his sacking. He should assume responsibility for his words, for the army is not entitled to publicly espouse its stands on a political issue. His is a clear political statement in line with the Democratic Party needs.’

Branko Radun, a military analyst, espoused a similar stance: ‘It is odd that the army is pursuing an autonomous policy. The general’s every statement attests to such a policy. The army cannot lead Serbia into NATO without a political decision, and such a decision has not been taken...In a normal state Ponoš would be most certainly held accountable for such a statement ...’<sup>229</sup> Similar demands for resignation of Ponoš were voiced by representatives of the far-right camp through their unofficial mouthpieces, military commentators and analysts. In the early stages of anti-Ponoš campaign those replacement demands were interpreted as a manifestation of a conflict between the two political parties from so-called demo-

229 J.V: “Ponoš Must Assume Responsibility?”, Glas javnosti, 23 September 2007.

cratic camp, Democratic Party (and its leader Boris Tadić) and Democratic Party of Serbia (and its leader Vojislav Koštunica).

The foregoing was confirmed by a prominent Belgrade journalist Dejan Anastasijević: "Though unconfirmed and undenied or contested, things stand like this: since Democratic Party rejects Dragan Jočić, the Interior Minister, as a holdover in the new government, Democratic Party of Serbia insists on Jočić taking over the Defense Ministry, and replacement of General Ponoš – allegedly too close to President Boris Tadić—with someone more to the liking of caretaker Prime Minister, Vojislav Koštunica. According to the media reports, Democratic Party still firmly supports Ponoš, which places him in a predicament: such a staunch backing of Ponoš by Democratic Party is crown evidence of his DP affiliation, and indicates that he is also subject to various party combinations in the government-forming process."<sup>230</sup>

Retired General Stevan Mirković thinks that the ongoing army reform is in fact "army disorganization under a watchful eye of Pentagon." According to Mirković, Serbia has an enormous war potential which may be activated by organizing massive reserve army of the Partisan-territorial style." He also tried to get across the following message: Serbia has vast peacetime and wartime experience...if Kosovo is thrown into disarray, KFOR and not Serbs shall need protection."<sup>231</sup>

Democratic Party, President Boris Tadić, and the Defense Minister, Dragan Šutanovac are criticized for the army reform, that is for the army downsizing. Thus for example, Kosta Cavoski, maintains the following: „If Boris Tadić were a serious head of state, he would not disarm, but rather strengthen the army of Serbia, for that army is the only body which may successfully defend territorial integrity of Serbia."<sup>232</sup>

In fact the strategic objective of anti- Ponoš<sup>233</sup> campaign was the stalling of military reforms and blocking of the army's accession to NATO. Op-

230 Dejan Anastasijević: "The Issue of Ponoš", weekly "Vreme" of 5 April 2007.

231 Stevan Mirković, "Like in 1948, struggle against EU and Inform-Bureau", *Pravda*, 4 February 2008.

232 *Pravda*, 6 February 2008.

233 S. Sikavica: "Strategic Goal of Anti-Ponoš Campaign", Helsinki Charter, no. 105-106, March-April 2007, pages 18-21.

ponents of Zdravko Ponoš, notably several retired generals, continue to find faults with Ponoš. They underscore that he had skipped most military ranks, and that thanks to politics he suddenly became- a general. However, they tend to obfuscate the following facts: Ponoš majored from the Technical-Military Academy, he completed graduate studies at Electrical-Engineering Faculty in Belgrade, and the Royal College for Defense Studies in London and Higher School for Chief of Staff in Serbia, and he fluently speaks English and Russian.

It is obvious that Zdravko Ponoš has adequate and top education, which causes additional envy among his senior colleagues (in 2007 Ponoš turned 45). On the other hand, for the Serb conservative camp Ponoš's high education does not given him any edge or advantage. Namely they think that the primacy should be given to "patriotism and love of the Serb people", and of course, "inherent military genius of Serbs". Ponoš is frequently criticized for holding such a high military post, despite "not having commanded even a –squad, in his career."

A large number of tabloids-whose proliferation is engineered by hidden centers of power frequently in collusion with the incumbent authorities, notably domestic secret services, disclosed the results of the poll conducted by a certain agency "Impres": of 771 adult respondents 54.99% think that "today the Army of Serbia is not able to defend our territory." Intention of that poll was to prove that "this humiliating fact results from awareness of citizens that the Army of Serbia is led by generals-trainees of foreign, military seminars, with the experience of command of a 30-soldier strong squad."<sup>234</sup>

The objective of a smear-campaign targeting Ponoš was to stop the Serb Army's accession to Euro-Atlantic integrations, and even *Partnership for Peace*. Serb nationalists loathe the fact that Ponoš was the first (and to date-the only) Serb general to publicly acknowledge that the Army of Serbia (as part of the armed forces of former SFRY and FRY) took part in the recent wars. Or in other words that it was –misused. In vilification of Ponoš, it is oft stressed that he is from Croatia, that his parents still live there. A candidate of the patriotic camp, a retired general Božidar Delić, a

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234 Editorial: "The Army Has Been Weakened", Glas javnosti of 16 April 2007.

member of the Serb Radical Party, has long ago put up his candidacy for the topmost military post, the one of Head of Chief of Staff and also for the position of the Defense Minister. It bears stressing that he was a defense witness of Slobodan Milošević.

## Military retirees – stronghold of conservatism

There are numerous differences between active servicemen of the Serb Army and the military retirees. But there are also similarities between the two groupings. Their ties are the following: they belong to the same profession; military retirees regularly visit their former units and institutions and high military commands, notably during national holidays and festivities, as well as on the special days dedicated to those units and institutions; active senior officers of the Army and the Defense Ministry, civilian employees thereof, and military retirees (including the civilians with military pensions) jointly take part in regular gatherings of informative nature; some retired experts are still engaged in performing their active-service duties (notably those from the military-education system), etc.

According to General Ponoš, Serbia in 2007 had about 55,000 military retirees.<sup>235</sup> Category of military retirees is a very conservative, social category. There are no public data on the exact number of retirees who in any way took part in the “defense of Serbhood” in Milošević’s war decade, but according to some available estimates, nearly two-thirds of them in one way or another gave their “contribution” to the break-up of the SFRY.

That grouping is still active, and for over a decade now has been devising – successfully- the methods of hiding Ratko Mladić, Radovan Karadžić and other “Serb heroes” from the the international justice embodied in the ICTY. Obviously they have also been bankrolling hiding and –hide-outs of those “heroes”. Added to that they represent one of the strongholds of retrograde ideas and election pool of the Serb right-wing political

235 Dejan Anastasijević, Filip Švarn: “Army of Serbia in line with NATO standards”, weekly “Vreme”, 19 July 2007.

parties, notably of the Serb Radical Party. A special place in that grouping is occupied by the *Clube of Generals and Admirals of the Army of Serbia*.

Most members of that club are retired generals and admirals, a total of 756 of them, according to the official, 2007 data. During the Milošević era, and Vojislav Koštunica's presidential (FRY) tenure they were a respectable factor in the Serb political arena. So it is indeed surprising that only on the 30th of June 2005 they managed to organize the *Club of Generals and Admirals of the Army of Serbia and Montenegro*,<sup>236</sup> which after dissolution of the state union of Serbia and Montenegro, was re-named, the Club of Generals and Admirals of the Army of Serbia.

At the April 2006 founding assembly there were 186 generals and admirals. In early stages it had 245 members, while in late 2007 its membership rose to 300. Members of the club are Branko Krga, Geza Farkaš, Aco Tomić and Momir Stojanović, that is, generals, former heads of intelligence military services. Some unofficial information indicate that most club members were active members of intelligence or counter-intelligence services.

The said club is "funded by membership fees, royalties of its members, lecture fees, donations, sponsorship, etc."<sup>237</sup>... That fact amply demonstrates that the Club has close political and ideological ties with hidden centres of power and that it plays a certain political role. On the other side, the Club members do their best to deny their political affiliations, by reiterating their lack of political interest and leanings. Thus, for example, Ljubiša Stanimirović, one of Club members, explained that "members of the club, as former professionals, simply wish to continue to deal with the same issues they had tackled during their officers' careers" and that "the Club simply cherishes the tradition of the Army of Serbia."<sup>238</sup>

However, the Club members took to task the army reforms and General Ponoš, by maintaining that "Ponoš is destroying the army." Such generals' criticism acquired very harsh tones especially after 10 September 2007, when the Defense Ministry ruled that the Club in the future would have

236 Dušan Marinović: Good Services ", magazine "Odbrana",  
no. 14 as of 15 April 2006, pages 44-46.

237 Ibid

238 Ibid

to pay a rent for its premises in the Central Army House in Belgrade. Then General Spasoje Smiljanić, President of the Club's Assembly, stated that they were forcibly evicted from the Army House, because they cautioned the high officials, including the President and Prime Minister of Serbia, the Defence Secretary and Head of Chief of Staff, against oversights in the army overhaul and constituting of the defense system in the new geopolitical conditions and relations. He underlined: "We concluded that there were some bad solutions, notably those relating to downsizing of the army to 25,000 soldiers, that is, by 0.3 % with respect to population of Serbia without Kosovo and Metohija. Our criticism is legitimate, for, some NATO members, notably Greece and Bulgaria have 170,000-strong armies. If the plans of the incumbent Defense Secretary are implemented, the Kosovo Liberation Army would have more soldiers than Serbia."<sup>239</sup>

The club organized on 24 May 2007 a round-table discussion "Causes, character and consequences of crisis in Kosovo and Metohija"<sup>240</sup> Most prominent speakers were: Dr. Slobodan Samardžić, Dr. Ratko Marković, Dr. Slobodan Terzić, dr Smilja Avramov, Živojin Jovanović (the FRY Foreign Minister in Milošević era), in other words, "the flower" of the Serb nationalistic elite. Generals Milan Mijalkovski, Miloš Djosan, Ljubomir Domazetović, Ljubiša Stojimirović, Slobodan Petković and Radomir Gojović were most prominent speakers from the military camp.

## Council for National Security

After the 1 June 2007 government's decision on founding of the *Council for National Security of Serbia* (in line with the government's competence), on 5 June 2007 the council held its first constituting session, chaired by President Boris Tadić.<sup>241</sup> Under the said decision the Council is composed of

239 Editorial, Glas javnosti, issue of 11 September 2007.

240 Aleksandar Antić: "Contribution to Quest for Solution", magazine "Obrana", no. 41 of 1 June 2007, page 21.

241 R. Mutavdžić: "Top Leadership Decisions", magazine, "

President of the Republic of Serbia, Prime Minister, the Defense Minister, the Interior Minister, the Justice Minister, Head of Chief of Staff, Director of Security-Information Agency and Heads of Military-Security Agency and Military Intelligence Agency. In line with that decision the session was attended by President Tadić, Prime Minister Vojislav Koštunica, the Defense Secretary, Dragan Šutanovac, the Interior Minister, Dragan Jočić, the Justice Minister, Dušan Petrović, Head of Chief of Staff, General Zdravko Ponoš, Director of Security-Information Agency, Rade Bulatović, Head of Military Security Agency, a retired general Svetko Kovač and Colonel Zdravko Jelisavčić (shortly after the session promoted to the rank of the general).

It is obvious that all the most prominent figures of the security apparatus were represented in the Council. What was puzzling was a conspicuous absence of representatives of the Foreign Ministry's Intelligence Services and Research and Documentation Service. However, that absence was quickly clarified, when both services, some time later, were disbanded. But the matter of continuing concern is the absence of representatives of parliamentary committees for security and finances-the latter is supposed to control the budgetary allocations for the Council's work-in the Council. The same applies to absence of representatives of the Supreme Court and an independent security expert.

It seems that the above oversights prompted the constitution of the *Bureau for Co-ordination of the Security Services* whose full-time members are heads of the aforementioned secret services and the Council's secretary. In the work of the Bureau may participate (but without the decision-making right) director of police, heads of police departments, the republican public prosecutor, director of Customs Services and other high officials of state bodies and institutions directly or indirectly tied to the security sector.

Beside many mystifying factors, the main reasons, for the Bureau's founding, remain unclarified. One of the possible reasons may be the intent to separate secret services from other bodies and thus allow them to even more obfuscate their work. Judging by all appearances the only purpose of the Council's forming was to get across a message to the Hague Tribunal (perhaps to the European Union) – that Serbia "is making concerted .....

Odbrana", no.42 of 15 June 2007, page 14.



efforts” to arrest Ratko Mladić! Public at large to date has not been informed of any other task or activity of the Council for National Security.

## Act on National Defense and the Army

On 11 December 2007 the Serb Parliament adopted two acts, *Defense Act* and *Act on the Serb Army*<sup>242</sup>. Their promulgation was preceded by years-long discussion in the Defense Ministry and Chief of Staff on the need for a thorough regulation of the defense sphere of Serbia by dint of adoption of basic strategic-doctrinaire and their legal operationalization. However, the Serb civilian authorities failed to respond to all such demands, warnings and messages from the Defense Ministry and the army. There are indications that the defense system was intentionally left untouched or aside, because of uncertain denouncement of the fate of the state union of Serbia and Montenegro, or rather expectations that Montenegro would not secede.

Only after independence of Montenegro, a serious work on drafting of acts and most important strategic and doctrinaries documents (Strategy of National Security, Strategy of Defense, Doctrine of the Army of Serbia, Long-Term Plan of Defense System Development) began. The importance of the aforementioned acts is best reflected in the fact that by their entry into force (1 January 2008) many, obsolete acts and amendments shall become invalid. Drafts of the Defense Act and the Army Act have been posted on the Defense Ministry’s site as early as on 1 August 2007.<sup>243</sup>

Parliamentary discussion on military laws was mild, and short of valid and convincing arguments. The majority of opposition MPs maintained that laws were being adopted by a summary procedure, for their adoption conditioned the calling of presidential and local elections. In his introductory remarks during the parliamentary debate, the Defense Secretary, Dragan Šutanovac underscored that “adoption of those acts represented a major contribution to a continuing process of reform of the army and defense system of Serbia.”

242 [www.parlament.sr.gov](http://www.parlament.sr.gov)

243 Radenko Mutavdžić: “Development of Defense System”, magazine “Obrana” no. 46, pages 14-17.

In its gist the Defense Act succeeds in specifying competences, rights and duties of state bodies, administrative bodies, economic bodies, other organizations, private entrepreneurs and civilians in the defense sector. Special emphasis is, however, placed on competences, rights and duties of key actors in the Defense Ministry and the army, while rights and obligations of the Interior Ministry are also extensively spelled out. The Act also specifies lines of operations and jobs in the inspection, intelligence-security and air traffic management sector.

One of the upsides of the Defense Act is the fact that for example Article 4 defines a total of 23 basic notions, ranging from the defense system and defense forces, emergency state and state of war, human and financial resources, to transparent financing of defense and multinational operations. However, the public and parliamentary debate failed to make a clear distinction between the emergency state and state of war, and pertinent rights and commitments of competent state bodies in both cases. Added to that the act is somewhat confusing because many legal solutions overlap and interweave.

The most important novelties in the *Army Act* are the following: firstly, the Army of Serbia is defined as “an armed force defending the country from an external armed threat”, and as “the armed force performing other missions and tasks, in line with the Constitution of the Republic of Serbia and international law principles regulating the use of force.” What was precluded was the traditional commitment of the army to defend the constitutional order. Secondly, the army is no longer commanded by a collective body, but rather by the President of the Republic. Thirdly, the law for the first time defines an ideological, political and interest neutrality of the army of Serbia. Fourthly, army employees are for the first time entitled to have their trade-unions, but without the right to strike. Fifthly, the law envisages the founding of a sub-officers corps, at the proposal of Chief of Staff, rather than by the decision of the Defense Secretary. Sixthly, religious services are introduced in the army.

Seventh, civilians employed by the army are, as the law lays down, divided into the two categories: a) military employees (persons doing jobs “from competence of the Army of Serbia”, or “the related, general legal, information,

financial, accounting and administrative jobs”); b) employees (persons doing “auxilliary technical jobs”). Eighth, civilian control over the Army was legalized, though the former was ambiguously defined (article 29): “The Army of Serbia is under the democratic and civilian control”. It should mean that the army is subjected to two different controls, democratic and civilian ones. (It was expected that the law would remove that ambiguity.) And finally members of the army, when joining the army, make the oath of allegiance by swearing that they would honestly serve their homeland, instead of swearing they would even give their lives in order to be loyal to their homeland.

## Instead of conclusion

At its session of 26th December 2007, attended by the top leadership, the Serb parliament adopted the document: “Resolution of the National Parliament of the Republic of Serbia on Protection of Sovereignty, territorial integrity and constitutional order of the Republic of Serbia.”<sup>244</sup> That document is better known as a Resolution on Military Neutrality of Serbia. It has seven points, but in fact the said neutrality is spelled out in point 6, which reads:

“Due to the total role of NATO, including its unlawful, unauthorized by the SC United Nations bombing of Serbia and most recently the Annex 11 of rejected Ahtisaari plan, determining NATO as ‘the ultimate body of power’ in ‘the independent Kosovo’, National Parliament passes its decision on proclamation of military neutrality of the Republic of Serbia vis a vis the existing military alliances until a possible referendum to take the final decision on that issue.”

Such a formulation heralded the peak of anti-NATO campaign, which caused more confusion among the populace at large. The objective of political authorities of Serbia is to convince the Serb citizens that “NATO unlawfully bombarded Serbia”, and that it intends “to establish its power in Kosmet”.

Frustrated and impotent conservative camp, spearheaded by Vojislav Koštunica i Tomislav Nikolić, pursues its virulent anti-Ponoš campaign and accuses Head of Chief of Staff of “destroying the Army” with the West’s assistance.

244 [www.parlament.sr.gov](http://www.parlament.sr.gov)



# Security Services: Beyond Democratic Control

Despite the fact that regulations stipulating operation of police services (public security service and intelligence services) have been passed in Serbia in the past two years, the entire domain is still beyond public control. Those services have always strongly influenced political developments in Serbia (throughout the entire 20<sup>th</sup> century) and their activities have never been channeled towards the state's top security priorities. The security concept is not about individuals' safety but planned to maintain certain structures in power and control them simultaneously. After Slobodan Milošević's ouster, the entire security structure is not controlled from a single center. As the state disintegrated institutionally, the services became either partisan or independent.

Adoption of the *Law on Organization of Security Services in the Republic of Serbia* was the key event in the life of intelligence and security services in 2007. Expert circles and general public were impatient to see the law, expecting it to constitute Serbia's security-intelligence system after disunion with Montenegro and proclamation of a new Constitution in 2006. The law was among the legislation the adoption of which preconditioned calling of presidential elections. The more so was the general public interested in it.

After Montenegro's separation, Serbia was left with five intelligence and security services, out of which only the Security-Information Agency /BIA/ was actually "Serbian," i.e. belonged to Serbia throughout the union with Montenegro. The other four services had been under the jurisdiction of the Federal Republic of Yugoslavia and, later on, the Union of Serbia and Montenegro. The former federal Ministry of Defense included the Military-Security Agency (VBA), i.e. counterintelligence service, and the Military-Intelligence Agency (VOA), i.e. its intelligence service. As for the former federal Foreign Ministry, it had the Research and Documentation Department (SID), i.e. intelligence service, and the Security Service

(SB). When Montenegro left the union, “federal services” were left in a legal vacuum. So they continued to operate under the 2002 federal law on security services that was not only outdated but also contrary to Serbia’s 2006 Constitution.

Under new circumstances, BIA, always a hybrid of security and intelligence, became the pillar of Serbia’s security system. BIA officials tried to profit from such position and subordinate other service by „BND model“<sup>245</sup> and even merge them in a unique national service with BIA as the backbone.

In 2007, all the attempts to set up teams for drafting the law on service failed. For, a clear-cut stand on the future of Serbian intelligence-security system was practically non-existent, while the team members recruited from different services tried to impose their concepts and met with the resistance of the others.

After the parliamentary elections of January 2007, the office of the BIA Director became a key stumbling block to formation of a new cabinet. The public has speculated for months about the BIA chief, while potential candidates were in the limelight. The stumbling block was removed when Koštunica played a trick on Tadić and kept “his man” in the office.

The public was taken aback when the government all of a sudden adopted the draft. The draft that has been argued for months was adopted overnight. Expert circles were not consulted at all. It was obviously adopted just for the sake of presidential elections. And, obviously, the lawmakers had not planned at all to arrange a security-intelligence system. For, no political agreement had been reached about this specific matter.

245 BND-*Bundesnachrichtendienst* – a German intelligence service of the Federal Chancellor’s Bureau. The advocates of the merge of all security and intelligence services claimed that the BND performs all intelligence-security tasks in Germany. Their argument was misleading, since Germany also has BfV, the security service of the Interior Ministry in charge of the safeguard of constitutional order, and BSI tasked with informatics security. Besides, the German Defense Ministry has a military intelligence service, ANB, and a military security service, MAD. There are also security services at provincial level. The advocacy of the “BND model” was, therefore, nothing but an attempt to manipulate decision-makers and general public.

## The Law

The *Law on Organization of Security Services in the Republic of Serbia* provides the basics of Serbia's security-intelligence system, harmonizes the operation of various services and stipulates control over their work. However, it is not clear why the law's title omits intelligence services but refers to security ones solely.

Security services operate by the Constitution, laws and bylaws, the national security strategy, the defense strategy and Serbia's security-intelligence policy. Security officers are duty bound to respect the Constitution, laws, bylaws, regulations and professional rules, as well as to act impartially and in a politically neutral way. Besides, the law bans their membership in political parties. Interestingly, it refers to legal documents that have not been adopted yet – the national security strategy and the defense strategy.

The Law provides that all security services shall be a part of a unique security-intelligence system of the Republic of Serbia and establishes the National Security Council – already formed by a governmental decree – as well as the Security Services Coordinating Bureau.

Under the Law, security services operation is under the control of the People's Assembly, the President of the Republic, the government, the National Security Council and the general public. The latter provides foundation for civilian control over security services.

The Law details the following security services: BIA (a separate service), the Military-Intelligence Agency and the Military-Security Agency (departments of the Defense Ministry). All the quoted security services have the status of legal persons. In this section, the Law makes no reference to the status of the security services operating within the Foreign Ministry. It should be noted that the so-called diplomatic intelligence services /such as domestic SID/ are the backbones of intelligence operations in most countries in the world. For decades, the ex-Yugoslav diplomacy and foreign policy have relied on SID for trustworthy information and analyses. The reason why lawmakers have ignored this service in the Law is hard to

understand, the more so since it would be most valuable at this point of Serbia's foreign policy.

The Law defines the National Security Council as a coordination body of the entire national security system. But what's absurd here is that such an important body has been formed by a governmental decree. The National Security Council was a matter of dispute between the President of the Republic and the Premier, who argued over chairing the Council, calling its meetings and setting its agendas.

The Council's composition and authority should have been laid down in the Constitution but were not due to the lack of political will. Therefore, the governmental decree had to be practically copied in the Law. To all appearances, that was the only compromise coalition partners could possibly reach.

The National Security Council performs the following duties in the domain of national security:

- Considers the issues related to defense, interior affairs and security services' operation;
- Considers cooperation between the institutions in charge of defense, interior affairs and security services, as well as their cooperation with other relevant state bodies, and with security services of foreign countries and international organizations;
- Submits the measures for improvement of national security for the consideration of relevant state bodies;
- Considers the measures for the improvement of national security submitted to it by the institutions in charge of defense and interior affairs, by security services and other state bodies;
- Considers the issues of significance for national security in the domain of state administration, autonomous provinces, municipalities, towns and the city of Belgrade;
- Considers all other issues of significance for national security.



When it comes to directing and coordinating security services, the Council:

- Deliberates intelligence analyses and reaches decisions on the priorities in the attainment of national interests through intelligence-security operations;
- Reaches decisions related to the functioning of security services and the Coordination Bureau;
- Reaches decisions meant to direct and harmonize the operation of security services;
- Reaches decisions meant to direct security services' cooperation with security services of foreign countries and international organizations;
- Reaches decisions meant to harmonize operation of state bodies in the domain of international cooperation and national security and defense;
- Follows realization of the decisions made;
- Comments security services' draft annual and short-term plans;
- Comments the governmental proposals on services' budgets and follows expenditure of approved subsidies;
- Comments governmental proposals on appointments and dismissals of security services directors.

The Council looks after appropriate implementation of regulations and standards for the protection of personal files, as well as after other regulations for the protection of human rights against information exchange and other activities.

Members of the Council are:

- President of the Republic;
- Prime Minister;
- Defense Minister;
- Foreign Minister;
- Minister of Justice;
- Chief of the General Staff;
- Directors of security services.

The Head of Office of the President of the Republic is ex officio the Secretary of the Council. The Secretary attends the Council meetings but has no vote. He/she is in charge of the implementation of the Council's decisions and other duties laid out in the Council's statutes and other acts.

The composition of the Council is notable disputable. Since the Council is supposed to make major political decisions in the domain of national security, membership of the figures without political legitimacy such as the Chief of the General Staff and directors of security services is a total absurdity. Namely, non-political members of the Council hold four votes, which mean that with their support a minister could vote down the President of the Republic and the Prime Minister. In the Helsinki Committee's view, the Council should include the President of the People's Assembly and the President of the Parliamentary Committee for Defense and Security in its membership. The Chief of the General Staff and directors of security services need to partake in the Council and contribute to its decisions with their expertise, but should not have the right of vote. Further, the President of the Supreme Court of Serbia should also attend the Council meetings.

As it seems, the Council's composition was determined by actual cadres rather than by the significance their offices have in the national security system. That is the only explanation for such an absurd composition that, at the same time, struck a balance between the Democratic Party and the Democratic Party of Serbia.

The President of the Republic convenes Council meetings. The President of the Republic and the Prime Minister set agendas for meetings. The President chairs meetings, while the Prime Minister only if the President is absent. The President signs decisions and other acts. Meetings are convened whenever necessary, though at least once in three months.

At the President's initiative, or at the initiative of a Council member, heads of governmental agencies and institutions, and other persons can be invited to attend meetings.

Provisions of the governmental decree whereby the Council was formed in the first place that relate to the Coordination Bureau were also copied in the Law. The Bureau coordinates security services operations

and implements the Council's decisions dealing with the issue under its jurisdiction.

The Coordination Bureau:

- Defines the tasks necessitating coordination between security services and other state bodies, and coordinates their activity;
- Decides on operative coordination in specific cases;
- Forms mixed teams for the operations necessitating coordinated activities, and assigns the tasks to those teams;
- Analyses the results of operative coordination and submits reports to the Council, whenever necessary but at least once in six months;
- The Council's Statutes details the Bureau's functioning.
- The Bureau includes directors of security services and the secretary of the Council;

The Bureau may invite to its meetings:

- Representatives of the Foreign Ministry;
- Director of the Police Service and heads of police departments;
- Republican Public Prosecutor;
- Director of the Customs Agency;
- Persons of responsibility of other state bodies, organizations and institutions.

The Coordination Bureau is defined as an expert body tasked with implementing the decisions of the National Security Council. The effectiveness of the entire national intelligence-security system considerably depends of the Bureau's efficiency.

A special section of the Law provides the control over the functioning of security services. The control is based on the following principles:

- Security services' subordination and accountability to democratically elected authorities of the Republic of Serbia;
- Security services' political, ideological and interest neutrality;

- Security services' duty to keep the public informed about their tasks, as stipulated by law;
- Responsibility of 'controllers' of security services to inform the public about the outcomes of their control;
- Professional accountability and operational independence of the members of security services in the execution of their tasks, and responsibility of the heads of services;
- The Law establishes parliamentary, direct and public control over the functioning of security services.
- The People's Assembly controls the functioning of security services directly and via its relevant committee.
- The parliamentary committee:
  - Controls constitutionality and legality of the functioning of security services;
  - Controls the adjustment of security services' operation to the national security strategy, defense strategy and security-intelligence policy of the Republic of Serbia;
  - Controls security services' respect of the tenets of political, ideological and interest neutrality;
  - Controls the legality of special procedures and measures for secret collection of information;
  - Controls the legality of budget expenditures and other operational costs;
  - Considers and adopts the reports submitted by security services;
  - Considers draft laws and other regulations and bylaws related to security services;
  - Initiates and submits draft laws related to security services;
  - Considers proposals, petitions and appeals by citizens, which deal with service's functioning and are submitted to the People's Assembly, puts forward the measures to be taken about questionable matters and provides relevant information to appellants;
  - Asserts facts about noted illegality or irregularity in the work of services and their members, and makes relevant decisions;

- Informs the People's Assembly about its conclusions and recommendations.

The Director of the Security Service is duty bound to attend the Committee's meeting upon invitation. If he cannot attend for justifiable reasons, he must delegate his deputy or authorized representative.

The Committee's meetings can be held behind closed doors. In that case, the president of the Committee is obliged to inform the public about the Committee's work in accordance with the decisions the Committee makes.

At least once in the course of the People Assembly's regular session the Director of the Security Service submits a report on the service's work for the Committee's consideration (regular reports).

When necessary and at the Committee's request, the Director of the Security Service submits a report to the Committee (exceptional reports).

At the Committee's request, the Director of the Security Service is obliged to enable inspection of the service's premises and documentation by members of the Committee, provide them information about the service's operation and answer their questions.

Members of the Committee are entitled to request security services to provide them information about:

- Actual and former agents;
- Undercover agents;
- Third persons who might be harmed if the above-mentioned information is revealed;
- Methods of collection of intelligence information;
- Ongoing actions;
- Methods of implementation of special procedures and measures;
- Information compiled through information exchange with foreign services and international organizations;
- Classified information of other state bodies the service has in its possession.

Members of the Committee and persons participating in its work are obliged to protect and keep confidential information submitted to the

Committee even after the end of their membership of and engagement in the Committee.

Members of the Committee sign statements on confidentiality after election, while the persons participating in the work of the Committee prior to their engagement.

Security services inform the public about their work through the bodies to which they submit their reports, and in the manner that violates not citizens' rights, national security and other interests of the Republic of Serbia.

Security services are allowed to directly inform the public about certain security-related developments and events.

The provisions on the control over security services have been mostly taken over from current laws. They adequately guarantee the control and, at the same time, uphold the principle of secrecy as the foundation of services' operation.

However, implementation of those provisions is often problematic. Ombudsman for Information of Public Significance Rodoljub Šabić often complained that BIA, as a rule, turned a deaf ear to his requests for specific information. Information Mr. Šabić has requested were not of the type that could have jeopardized either national security or services' legitimate interests.

President of the Committee for Defense and Security Ivica Dačić also drew attention to the problems related to the control over services. According to him, one of the most serious problems was that the Committee can only note some irregularity or turn down a report submitted by a director of service, but cannot initiate any procedure whatsoever or decide on punishment for inadequate or illegal work of a service.

The Law's transitional and final provisions lay down that services' work shall be regulated under separate laws. Until those laws are passed the provisions of the 2002 Law on Security Services of the Federal Republic of Yugoslavia and the Law on the Security-Information Agency /BIA/ shall be in force unless contrary to this Law.

## Conclusions

Serbia's intelligence-security system did not undergo a major reform in 2007 despite a new law regulating the basics of the national security system.

The provisions defining the composition and authority of the National Security Council and establishing the Communication Bureau made progress in the domain since they created the conditions for coordinated work of the entire intelligence-security system and narrowed the possibilities for misuse. However, the composition of the Council is disputable as opens the door to the influence of non-political figures such as security service directors and the Chief or General Staff and invests them with authority to make major political decisions. Besides, the Council does not include the Foreign Minister, the President of the People's Assembly and the President of the Committee for Defense and Security, who are key figures in the national security system.

Despite relatively good legal provisions, the system of control over security services still suffers from the same diseases. The major problem here is that services turn a deaf ear to legitimate requests for information, while the parliamentary control over services is nothing but formal – members of the parliamentary Committee for Defense and Security are invested with no authority to take adequate measures against noted irregularities. Besides, members of the Committee are neither qualified nor willing to cope with the problems plaguing the work of security services.

Appointment of a general inspector could solve the problem of qualified control. The office is provided under the 2002 Law on Security Services of FRY that is still in force. Since no one has been designated general inspector, there seems to be no adequate political will.

The statuses of the Foreign Ministry's Department of Information and Documentation /SID/ and Security Service are blurred. The Law omits those departments in the section detailing security services. On the other hand, transitory and final provisions of the Law underline that the 2002 Law on Security Services of FRY remains in force – and the role of the said departments are clearly defined under it.

Intelligence-security services have failed to fulfill their tasks related to the cooperation with the ICTY. This is about a longstanding problem that legitimately questions those services' competence or will to have the accused of war crimes brought to justice.

The impression is that the Law was passed just to serve partisan policies and enable calling of presidential elections, rather than to adequately reform Serbia's security system.



IV  
Religious  
Communities



# The State and Religious Communities

In the discussions about the relationship between church and state, emphasis has so far been placed mostly on the role of religious communities, especially the majority Serbian Orthodox Church, in the processes of redefining the relationship between state and religion(s) in Serbia. The process of desecularization has often been uncritically regarded as being initiated exclusively by some religious organizations, while the role and interests of the state in this process or, more precisely, the role and interests of the ruling political elites have often been neglected. Nationalism, which was induced and directed by a great part of the political and intellectual elite shortly before the collapse of SFR Yugoslavia, is now generated from the "grassroots", primarily in the form of social radicalism, while a good part of the political elite, due to its essential unreadiness for change, is consciously flattering with radicalization, which reveals the demagoguery, confusion and contradictions within the ruling elite and, above all, the lack of responsibility. Serbia's radicalization is the logical result of the legacy of its war policy and resistance to confronting its past as well as its present, while the process of rearchaization, which is paving the way for the consolidation of Serbian conservatism, is bringing some civilizational achievements, such as a laicist state, into question.

After the decades-long strict secularization, the processes of post-socialist transformation and democratic consolidation in Serbia (re)actualized the problem relating to the model of relationship between the state and religious communities. The protection of religious rights and freedoms in a multi-religious society in which, apart from the overwhelming majority of Orthodox believers, there are also the members of other Christian (Catholics and Protestants) and non-Christian (Muslims, Jews, etc.) religious communities, is conditioned by the redefinition of the relationship between the state and religious communities, as well as the degrees of democracy and tolerance achieved.

After the democratic changes, the majority church in Serbia established contacts with the Serbian state, that is, the representatives of its institutions very soon. The Serbian Orthodox Church established contacts with state institutions as early as November 2000 with the request of the Holy Assembly of Bishops relating to the introduction of religious education in state schools as a regular teaching subject. The introduction of religious education and giving the approval for the presence of priests in military institutions at the end of the same year marked the beginning of close political cooperation between the state and the majority church in Serbia. After 5 October 2000, the Serbian Orthodox Church began increasingly to provide the new ideological framework for state institutions such as, for example, army and school. Thus, at the end of December 2000 already, the Directorate for Morale of the then Yugoslav Army General Staff organized the round table at which it supported the idea about "the introduction of Orthodox chaplains in the Yugoslav Army". Shortly afterwards, one bishop was appointed for cooperation with the army; visits of military personnel to the Monastery of Chilandary and other Orthodox monasteries became more frequent and so did their collective baptisms. During the increasingly frequent reciprocal visits, joint initiatives and actions of the representatives of the Serbian Orthodox Church and the Yugoslav Army (later the Army of Serbia and Montenegro and now the Serbian Army), it was insisted on the revival of the traditional relationship between the army and the Serbian Orthodox Church, which was interrupted after the Second World War, and on their joint mission in the preservation of Serbian identity. The affirmation of Orthodoxy as the source of the army morale and motivation has become one of the main topics of the official army journal, previously named *Vojska* and now *Odbrana*. In Serbian schools the influence of theological discourse became so strong at one moment that the former Education Minister in Vojislav Koštunica's Government, Ljiljana Čolić, tried to delete Darwin's theory of evolution from the school syllabi by her "private decree". It is interesting to note that, very soon after the October changes, the representatives of the Office for Religious Education within the Serbian Patriarchate announced that "the state should protect its being and its nation and, to that end, establish Orthodoxy as

state religion or, in other words, our state should be verified as an Orthodox state".<sup>246</sup>

From 2000 onward and, in particular, in the most recent time, marked by Koštunica's government, a debate has frequently been conducted among experts and general publics (which is still relevant) as to whether the process of desecularization in Serbia can be characterized as the clericalization of society or the etatization of church, and whether it is the question of the politicization of religion or the religionization of politics – due to the increasing role of the majority church in the conduct of public policy and affairs of state, and the increasingly cooperative attitude toward the state toward the church.

## Legislation

The state of confusion in which both the religious organizations and the state found themselves during the 1990s has left a deep imprint on their further relations, which is evidenced by the still relevant discussions about the role of religious organizations in awakening Balkan nationalism and stirring up interethnic conflicts. During the 1990s, the relationship between the majority church and the state in Serbia underwent a very significant change, from cooperativeness to antagonism or, to be more precise, from the rally at Gazimestan to student protests in Belgrade. Additional confusion was also created by a legal vacuum, that is, the non-existence of the law on the legal status of religious communities, thus providing the scope for manipulation.

The Law on the Legal Status of Religious Communities, adopted in 1977, ceased to be valid in March 1993, under the Law on the Termination of the Validity of Certain Laws and Other Regulations, because it was not adjusted to the Constitution of the Republic of Serbia of 1990. As late as 2001, the Government of the Federal Republic of Yugoslavia prepared the Draft Law on Religious Freedoms, which did not come into force until

<sup>246</sup> *Politika*, 3 December 2000.

February 2003, when the Federal Republic of Yugoslavia also ceased to exist. With the formation of the State Union of Serbia and Montenegro, the Federal Ministry for Relations with Religious Communities was dissolved and its competences were assumed by the Department for Monitoring Religious Rights within the Ministry of the State Union for Human and Minority Rights.

With the introduction of religious education in elementary and secondary schools in 2001, the state opted for the model of recognized or historical, that is, traditional religions.<sup>247</sup> Namely, the controversial legal act, which came into force without a public debate and despite many protests, gave a privilege to seven “traditional” religious communities and established the model for regulating the church-state relationship. In contrast to other post-socialist communities, which first adopted the law on religious freedoms and then discussed the model of religious education model that should be introduced in public schools, the direction of legislation in Serbia had just the opposite direction, i.e. from particular to general or, in other words, from specific to principled. The new Serbian constitution and, possibly, the law on religious organizations were preceded by the decree which defined the status of seven traditional religious communities in its preamble already, although their status had not previously been specified by higher legal acts. The question that imposes itself is how one can say that religious communities are equal before the law and under the Constitution if only seven religious communities have the right to practice religious education in public schools. The question that also imposes itself is whether the schools in Serbia are still laicist institutions in the tradition of enlightenment.

247 The Decree on the Organization and Practicing of Religious Education and the Alternative Subject in Elementary and Secondary Schools (*Službeni glasnik RS*, 46/2001). Under the Decree, seven “traditional” religious communities are privileged: the Serbian Orthodox Church, the Roman Catholic Church, the Jewish Community, the Islamic Community, the Slovak Evangelical Church, the Christian Reform Church and the Evangelical Christian Church. It is interesting to note that the ethnic composition of almost all seven religious communities is almost one-national.

The preparation of the law on the legal status of religious communities was a very slow and non-transparent process. From 2004 onward, six law proposals or drafts were unofficially drawn up, but only some of them went into parliamentary procedure. What was common to almost all law proposals was the fact that there was no public debate and that the authors of the texts were unknown. Moreover, experts were excluded from this process to such an extent that it was the problem to obtain these texts.

The state or, more precisely, the competent Ministry of Religion granted a number of concessions to the church under these law proposals, although there was no concrete request on the part of religious organizations. For example, already the first draft of the republican law, which was made in July 2004,<sup>248</sup> stipulated the “immunity” of priests, as well as the duty of the local authorities to call a referendum if so requested by a church or religious community, which is without precedent in such legal acts. In addition, the establishment of the continuity of legal subjectivity and status enjoyed by religious organizations in the Kingdom of Yugoslavia, which was imposed by the introduction of confessional religious education in elementary and secondary schools, represents an attempt to define the model of relationship between the state and religious communities. The very title of the draft law, whereby all religious communities are classified into three categories (churches, religious communities and religious associations) pointed to the discriminatory intention of the proposed legal act. Moreover, the state renounced many things that one modern secular democratic state should not do and is not typical for it.

The mentioned legal acts are indicators of a new relationship between state and church, in which the political power structures are being increasingly adjusted to the religious structures and vice versa. There were also other decisions of the Serbian Government which confirmed this trend. So, for example, it was publicly speculated about the financial status of the Serbian Patriarchate during 2003 and various data on the financing of the Serbian Orthodox Church were carried in the media. Among other things, there was mention of numerous government subsidies and other

248 The Draft Law on the Freedom of Religion, Churches, Religious Communities and Religious Associations.

forms of assistance<sup>249</sup> and one such form of assistance was the Decree on the Issuing of the Extra Postage Stamp “Building of the Temple of Saint Sava”, whereby each letter or other shipment had to have this extra postage stamp.<sup>250</sup> The general public is probably not familiar with the dispute between the Association of Banks and the Serbian Orthodox Church over the right to use the image of the White Angel for the hologram on payment cards,<sup>251</sup> and that rather large amounts of money are at stake.

Severe reactions of one part of the public were caused by the Serbian Government’s decision, which was enforced in early 2004, that the Theological Faculty of the Serbian Orthodox Church should again become part of the University of Belgrade. This decision caused the reactions of many institutions and individuals, including the then Rector of the University of Belgrade.<sup>252</sup> Apart from many controversial issues concerning this decision such as, for example, the harmonization of the criteria of Belgrade University and the Theological Faculty and the agreement of most faculties within Belgrade University with this decision, which was not the subject of a public debate, the question that also imposes itself is whether the faculties of other religious communities will also be included in the University of Belgrade or in some other university, i.e. whether this means that one confession is granted the status of a privileged school institution by this decision.

On 20 April 2006, after several revisions of the draft law, the National Assembly of Serbia adopted the Law on Churches and Religious Communities (in further text: the Law) in which Article 4 stipulates the “entities of religious freedom”, which include “traditional churches and religious communities, confessional communities and other religious organizations”.

249 Danas, 18 November 2003; Pravoslavlje, No. 863, 15 February 2003; Pravoslavlje, No. 872, 15 July 2003.

250 This Decree is disputed for at least two reasons: 1) the Serbian Orthodox Church is formally granted preferential treatment relative to other religious communities; 2) this specification taxation of citizens violates the principle that tax and other payments must be stipulated by law and not by government decisions.

251 *Republika*, 1-20 November 2004, No. 344-345.

252 *Večernje novoeti*, 29 October 2003.



This Law guarantees religious freedoms and prohibits any religious discrimination, while churches and religious communities are characterized as being autonomous, independent from the state and equal in the eyes of the law. According to Article 6 of the Law, churches and religious communities are “free and autonomous in defining their religious identity” and have the right to “independently regulate and conduct their order and organization and to independently conduct their internal and public affairs”.

The clergy is free and independent in performing their liturgical services; liturgical services and religious rites can also be performed at public places. At the request of the competent body, liturgical services and religious rites may also be held in hospitals, police and army facilities, state penitentiaries, while in schools and welfare and children’s institutions only on the appropriate occasions. The clergy cannot be called to answer before the authorities for their acting when performing liturgical services; they are entitled to participate in all forms of public life and the state cannot restrict their civil and political rights. Also, a member of the clergy cannot be summoned to bear witness to the facts and circumstances learned about during a confession.

The register of churches and religious communities is kept by the Ministry of Religion, on the basis of their application for registration, with the data on the name, seat, fundamentals of religious teachings, religious rites, religious goals and sources of income, about which the Ministry will issue a decision within 60 days. The application for entry into the register of churches and religious communities can be refuted if their goals, rites or activities are contrary to the Constitution and public order, and threaten life, health, freedom and property of others. Under the Law, those are also the reasons for deleting churches and religious communities from the register.

The legal framework was finally completed after the republican referendum, when the National Assembly of the Republic of Serbia, at its special session on 8 November 2006, brought the Decision on the Promulgation of the Constitution of the Republic of Serbia (in further text: the Constitution). Article 11 of the Constitution rules out the possibility of state or mandatory

religion in the Republic of Serbia, while Serbia is defined as a secular state in which churches and religious communities are separated from the state. The secular character of the state is also stipulated in Article 44, which guarantees that churches and religious communities are "equal and free to organize independently their internal structure, religious matters, to perform religious rites in public, to establish and manage religious schools, social and charitable institutions, in accordance with the law". The prohibition of discrimination on the ground of religion and the incitement to religious hatred are stipulated by Articles 21 and 49, while the freedom of religion is guaranteed by Article 43 of the highest legal act.

After the adoption of the Constitution all deficiencies in the Law, to which it had already been pointed, became evident. Although the comments and some suggestions of the OSCE and the Council of Europe were incorporated into the adopted law proposal, immediately after its adoption the experts pointed to its deficiencies with respect to registration, terminological ambiguity and inaccuracy, wide powers of the authorities, restriction of the freedom of speech and the expansion of religious communities. The most frequent remark referred to the possibility of practicing religious rites in state institutions, such as schools, hospitals, and army and police facilities. The remarks were also made by the OSCE, Council of Europe and Venice Commission, holding that some articles are not in conformity with the European Charter of Human Rights. This refers especially to Articles 18 and 19, which contain discriminatory elements, which were enhanced in July 2006, after the adoption of the by-law regulating the Rules on the Registration of Churches and Religious Communities.

The provisions of Article 18 of the Law influence the non-registration of religious communities due to the content of the application that must be submitted to the Ministry of Religion. The application for entry into the register must contain the decision on the founding the religious organization with names, surnames, number of identification documents and signatures of at least 0.001% of the Republic of Serbia citizens of age with residence in the Republic of Serbia according to the latest official census, or foreign nationals with permanent residence in the territory of the Republic of Serbia. There is fear that the list of believers can be abused.

The provisions of Article 19 of the Law preclude the registration of some religious communities whose name contains a name or a part of the name reflecting a certain religious community already entered into the register, or which had already filed an application for registration. The direct consequence of the application of Article 19 of the Law is the impossibility of registering the Romanian Orthodox Church, the Macedonian Orthodox Church and the Montenegrin Orthodox Church. Article 19 of the Law created the currently insurmountable problems to some Adventist and Baptist churches.

According to the September 2007 data, the so-called non-traditional religious communities that were registered include only the Christian Adventist Church, the Evangelist Methodist Church, the Church of Jesus Christ of Latter-Day Saints, the Evangelical Church of Serbia, the Love of Christ Church and the Spiritual Church of Christ. Registration was denied to Baptists, Old Catholics, Pentecostals, Jehovah's Witnesses and Seven-Day Adventist Reform Movement.<sup>253</sup> Not one non-Christian religious community was registered, although there are some in Serbia.

## Religious Discrimination

If we turn attention to the attitude of the state towards the minority churches and religious communities, as well as to small religious communities, including those which are "traditional", we will find out that the treatment of the protection of the fundamental human rights and the freedom of religion is selective and frequently in the service of daily politics.

Since 1991, various explosive devices have been thrown on the Bajrakli Mosque in Belgrade seven times, but the competent bodies have not brought any of the assailants to justice to the present day. After the escalation of the inter-ethnic conflicts in Kosovo and Metohija on 17 March 2004, in which many Orthodox places of worship were destroyed, there followed

253 See: Snežana Ilić (ed.) (2007), *Smanjivanje verske diskriminacije u Srbiji*, Zrenjanin, Centre for the Development of Civil Society, p. 76.

the stormy reaction of the Serbian citizens who, that same night, went out into the streets and expressed their discontent by burning the Bajrakli Mosque in Belgrade and Islam-Aga Mosque in Niš. In Belgrade the madrasa was also burnt and in the clashes with the protesters ten or so policemen were injured and several official vehicles were destroyed.

At the press conference, held after the statement made by the head of the Belgrade City Secretariat for Internal Affairs that the Ministry of the Interior assumes the responsibility for the burning of Belgrade's mosque and that the assessments did not show that it could be burnt, it was explained that the response of the police was not adequate, because the only way to stop the hooligans was to use very serious force. The Interior Minister's statement at the same conference, as well as his prohibition of the use of force<sup>254</sup> raised many questions relating to the reaction of the law enforcement authorities in this case. Less than one month later, the head of the Museology Department of the Kalemegdan Military Museum removed and destroyed two 15<sup>th</sup> and 16<sup>th</sup> century shahid nishans<sup>255</sup>, very rare cultural monuments dating from the period of the Ottoman Empire.

In their numerous statements for the press, the Federation of Jewish Communities pointed to the increasingly frequent appearance of the books that openly incite religious, ethnic and racial intolerance and discrimination, which is one of the most dangerous anti-Semitic elements.<sup>256</sup> The publishing of the books like *Protocols of the Elders of Zion* and *Mein Kampf* is prohibited in the European countries. In our country, however, these books are not only reprinted,<sup>257</sup> but there are also publishing houses whose special editions regularly contain anti-Semitic pamphlets. Anti-Semitism in Serbia is especially evident at the forums and in the proclamations of paraclerical organizations and some political parties, in private publishing houses, statements of some priests and bishops, as well

254 *Danas*, 20 March 2004.

255 *Danas*, 13 April 2004; *Republika*, 1-13 May 2004, No. 332-333.

256 For example, *Danas*, 17 August 2001.

257 Although *Protocols of the Elders of Zion* was prohibited by law in 1984, the book has been published several times since the late 1980s, mostly as a reprint of the 1939 edition..

as in the concrete activities of hooligans, such as the writing of anti-Semitic graffiti and desecration of Jewish cemeteries and other sites of religious and cultural significance in Serbia.

Although the state made significant steps towards the promotion of human rights, various forms of discrimination and intolerance vis-à-vis small religious communities after “5 October” are present almost on a daily basis. In 2002 and 2003, the places of worship of the Christian Adventist Church in Bačka Palanka, Omoljica near Pančevo, Belgrade, Sremska Mitrovica, Smederevo, Deliblato, Kragujevac, Zrenjanin, Negotin, Ruma, Stapar, Kikinda and Novi Sad, as well as those of Jehovah’s Witnesses in Vrbas, Roma Evangelical Church and the Protestant Evangelical Church in Leskovac, Evangelical Methodist Church in Vršac, Christian Baptist Church in Pančevo and the Islam-Aga Mosque in Niš were broken into, stoned and desecrated on several occasions. Physical assaults on the employees and believers of small religious communities or on their private property were also not rare. The gravestones at the Jewish cemeteries in Subotica, Niš and Novi Sad, at the Lutheran cemetery in Bačka Palanka, as well as at the Catholic cemeteries in Novi Sad and Mužlja near Zrenjanin were not spared either.<sup>258</sup>

This trend has continued with the same intensity to the present day. During 2006, the assaults on the believers and/or places of worship of the Catholic Church in Smederevo, Subotica, Kač and Novi Sad, the Christian Baptist Church in Novi Sad, Evangelical Church in Kraljevo, Hadrović Mosque in Niš were also recorded. In addition, the gravestones at the Catholic cemeteries in Temerin and Novi Sad were desecrated. In 2007, the premises of the Christian Adventist Church in Stapar, Kraljevo, Bačka Palanka, Kikinda, Sombor, Novi Sad, Belgrade and Rumenka, as well as those

258 The survey of the frequent assaults on the members and facilities of small religious communities in Serbia see in: B. Bjelajac (2002), “Manjinske verske zajednice: incidenti u 2001. godini”, in: Zorica Kuburić (ed.), *Religija, veronauka, tolerancija*, Novi Sad, CEIR; B. Bjelajac (2005), “Napadi na manjinske verske zajednice tokom 2002. i 2003. godine u Srbiji”, *Religija i tolerancija*, No. 3, January-June, Novi Sad, CEIR.

of the Catholic Church in Subotica and Bačko Petrovo selo, and the Evangelistic Church in Čelarevo were assaulted.<sup>259</sup>

Small religious communities are derogatively called “sects” and are exposed to permanent discrimination, while the actors of control culture – while protecting the normative society contours from the subversive elements – persist in maintaining and enhancing the established negative stereotype. The cases of moral panic, associated with small religious communities, whereby some brutal murders are hastily linked to their activities have become a standard pattern of maintaining the mentioned negative stereotype. So, for example, the double murder in Novi Banovci, which was committed in early September 2007, was immediately linked by the representatives of the executive authority to the activities of destructive sects and cults. The hasty statements by the chief inspector of the Serbian Interior Ministry, Zoran Luković, that the crime may be the consequence of a “sect ritual”, as well as by Interior Minister Dragan Jočić, who announced that the police would intensify the struggle against sects whose rituals have the lethal outcome, or which exert pressure on their members to commit suicide,<sup>260</sup> resulted in the assaults on absolutely innocent small religious communities, which are stereotypically regarded as sects. Just due to the possible consequences of the haste statements by state representatives, Milorad Janković, the former head of the Požarevac Secretariat of the Serbian Ministry of the Interior and the former member of the Commission for the Prevention of the Negative Impact of Destructive Sects on Young People within the Ministry of Education, has warned that one must be cautious when determining whether it is the question of a ritual or “ordinary” murder.

Various forms of discrimination, in a broader sense of the word, are often not perceived in the general public as the instance of intolerant behaviour, which points to the urgent need for the education of the population and greater and more resolute intervention of government institutions and civil society. However, it is still necessary to remind ourselves that the

259 See: Snežana Ilić (ed.) (2007), *Smanjivanje verske diskriminacije u Srbiji*, Zrenjanin, Centre for the Development of Civil Society, pp. 81-85.

260 *Danas*, 3 September 2007.

state is obliged to prevent the activities of individuals or groups that incite ethnic, racial and religious hatred, and to sanction every act of violence or treat motivated by religious intolerance.

However, it is not the question of inter-religious intolerance to such a degree; rather, it is the question of an indifferent attitude of government institutions and the judiciary toward the acts of inter-religious hatred and violence. Unfortunately, such a behaviour of the competent institutions is accordance with the overall situation in our society with respect to ethnocentrism and a great social distance vis-à-vis other ethnic and religious communities. The state is obliged to equally protect the religious rights and freedoms of all citizens (tax payers) regardless of their ethnic origin or religious affiliation. The unequal treatment of the protection of the fundamental human rights is contrary to the elementary civilizational achievements of modern society, verified by international agreements, and poses a serious threat to multicultural, multiethnic and multi-religious environments.

## The Role of the Judiciary

In March 2004, several days after the burning of the mosques in Belgrade and Niš, the Republican Prosecutor's Office brought charges against a certain number of people due to their participation in the group intending to commit violence. Although Article 134 of the then basic Criminal Code of the Republic of Serbia (incitement to ethnic, racial and religious hatred, discord and intolerance) sanctioned the violence leading to the incitement and/or inflammation of hostile feelings, resistance and intolerance toward the people of different religion, it was not applied on this occasion.<sup>261</sup>

As for the burning of the Islam-Aga Mosque in Niš, the group of young men was charged with the criminal offence of participating in the

261 For more detail about the consequences of the assault on the Bajrakli mosque and the status of Muslims in Belgrade and Serbia see: S. Barišić (2005), "Iz našeg neposrednog susudstva: muslimani", *Teme*, XXIX/4, pp. 597-612.

group intending to commit violence, which is punished by imprisonment of up to five years. The principal process in the Municipal Court in Niš was postponed six times due to the absence of the accused, their lawyers and witnesses, as well as due to the request by the defence for the exception of the Niš judiciary. After more than 15 months after the event, the court pronounced the verdict of 11 accused: one was punished by imprisonment of three months, seven were punished by imprisonment of three months and two were acquitted.<sup>262</sup> After the pronouncement of the verdict, the group began to sing in front of the Municipal Court: "After the years in prison because of the Islam-Aga Mosque, I am singing again – death to the Muslims". It is evident that all the time the case was treated as the disturbance of public order.

Symbolic sentences were also pronounced for the members of the neo-Nazi group "Nacionalni stroj" (National Front) who provoked an incident at the Faculty of Philosophy in Novi Sad, in November 2005. Their violence was also not treated as a criminal offence, but as infraction. They even received indirect support from the republican official from the Serbian Radical Party, Milorad Mirčić, Chairman of the Security Committee of the National Parliament. Namely, Mirčić accused primarily Professor Milenko Perović, who organized an anti-fascist forum, for the incursion of 25 neo-Nazi into the Faculty of Philosophy.

In addition to these disputable verdicts, it is necessary to mention two legal proceedings whose epilogue caused stormy and controversial public reactions in 2007. Both legal proceedings were conducted against the officials of the Serbian Orthodox Church and ended in almost the same way.

In the criminal proceedings against the former Abbot of Hopovo monastery in Fruška Gora, Ilarion, who was accused of indecent assault as early as 2001, the Municipal Court in Novi Sad brought the decision to stay the case due to the absolute prescription of legal action, on 4 July 2007. The Municipal Court in Novi Sad pronounced the first verdict after five years or, more precisely, on 9 October 2006, whereby Ilarion was punished by imprisonment of 10 months. The District Court in Novi Sad, as the court of second instance, commuted this sentence to imprisonment of one year,

<sup>262</sup> *Danas*, 27 July 2005.



on 26 December 2006. The final decision was brought by the Supreme Court on 17 April 2007 – it returned the case for a new trial. Namely, the Supreme Court established the fundamental violation of procedure and the violation of the right of the accused Jovan Mišić to defence in the principal process.

The criminal proceedings against Bishop Pahomije – which were initiated in the Municipal Court in Vranje in 2003, then transferred to Niš in April 2005, pursuant to the decision of the Supreme Court – were stayed in March 2006, partly due to the prescription of legal action and partly “due to the lack of evidence”. Although the Supreme Court established that the proceedings against Bishop Pahomije for the sexual abuse of four minors were dragged out, that the witnesses for the prosecution were not properly heard, that the injured minors were not protected and, after the testimony, had to remain in the courtroom,<sup>263</sup> the proceedings were not repeated due to the prescription of legal action.

Under public pressure, Justice Minister Dušan Petrović submitted a request for the relief of the Supreme Court judges from duty due to the prescription of legal action and omissions in the case against the former Abbot Ilarion, but the High Personal Council of the Supreme Court did not observe this request and just reprimanded most of these judges.<sup>264</sup> As the epilogue of this case, suffice it to quote Prosecutor’s Office spokesman Toma Zarić that the “Supreme Court established that this was the so-called secondary victimization of the victims”.<sup>265</sup>

263 *Blic*, 3 November 2007.

264 *Blic*, 19 November 2007.

265 *Blic*, 9 November 2007.

## The Influence of the Serbian Orthodox Church on the Affairs of State and Inter-governmental Relations

The public appeal of the Holy Synod of Bishops, on 1 October 2004, in which “the Synod invites all political factors in Serbia not to call the Serbs in Kosovo and Metohija to participate in local elections” probably represents the most direct interference of the Serbian Orthodox Church with the affairs of state of the Republic of Serbia after the 5 October changes onward. Patriarch Pavle appealed to Serbian President Boris Tadić and Prime Minister Vojislav Koštunica not to call the voters to participate in the Kosovo elections. Since Serbian President did not observe the Patriarch’s appeal, he was harshly criticized by Bishop Artemije of Raška and Prizren. In an open letter to President Tadić, he condemned his move as being “the treason committed by the President of our home country”. One year later, in the message of the Assembly of Bishops of the Serbian Orthodox Church relating to the Kosovo negotiations of November 2006, it is warned that the “act of seizure of Kosovo and Metohija from Serbia, no matter how concealed, will have the character of occupation”.<sup>266</sup>

With the inclusion of its representative in the state negotiating team for the future status of Kosovo and Metohija, the Serbian Orthodox Church became one of the key actors in the settlement of this issue. During 2007, as the “crucial” year, the firmest stand among the church officials was taken just by Bishop Artemije of Raška and Prizren. Insisting on the view that the Serbs will never renounce any part of their territory, “because God’s title deeds are stronger than the world mafia”<sup>267</sup>, the Bishop criticized the UNMIK officials and international community harshly and often insultingly on several occasions. Artemije’s interpretations, like this one, are also interesting: “The international community is not doing its job in Kosovo for its own reasons, its personal interests and the need to penetrate

<sup>266</sup> *Danas*, 5-6 November 2005.

<sup>267</sup> *Novosti*, 3 December 2007.

the East still further and threaten Russia.”<sup>268</sup> It is evident that the policy of Koštunica’s Government – rapprochement with Russia and drifting away from European integration processes – was met with the absolute approval of the officials of the Serbian Orthodox Church. Thus, at the presentation of the book “Atlas of Old Serbia – European Maps of Kosovo and Metohija”, Metropolitan Amfilohije of Montenegro and the Littoral said that “at this moment, the key to the solution of the Kosovo problem lies in one short Russian ‘nyet.’”<sup>269</sup>

As the announced unilateral proclamation of the independence of Kosovo and Metohija was approaching, some officials of the Serbian Orthodox Church were taking the increasingly firmer stand on this moot question and were increasingly criticizing the official government representatives. Provoked by the statements of the Serbian top officials what they will do if the leaders of Kosovo Albanians proclaim the independence of Kosovo and Metohija unilaterally, Bishop Artemije criticized the Serbian Government harshly: “Various anemic statements and reservations like ‘we won’t intervene’ or ‘our army won’t go to Kosovo’ represent the renunciation of the province and cannot serve for the defence of Kosmet.”<sup>270</sup> Several days before the unilateral proclamation of Kosovo’s independence was announced for 10 December, Bishop Artemije repeated his criticism of the insufficiently firm and resolute policy of the Serbian Government and proposed a set of measures as its response to the possible unilateral moves of Priština: to close the administrative border of Kosovo and Metohija toward Serbia for three days; to call the monitoring mission of the Shangai Cooperation Organization; to carry out the mobilization of all persons subject to military conscription on the pretext of checking their readiness and for education for three days; to hold military drills in region close to Kosovo and Metohija, and to organize mass protests in Belgrade and other towns in Serbia.<sup>271</sup> Under the motto “prevention is better than cure”, Bishop Artemije was warning that any action after the procla-

268 *Pravda*, 25 September 2007.

269 *Danas*, 30 April – 2 May 2007.

270 *Pravda*, 12 October 2007.

271 *Danas*, 4 December 2007; *Glas*, 5 December 2007.

mation of independence would be senseless and that it is necessary to use all available means for “legitimate defence, no matter who the conqueror is”. The initiative of Bishop Artemije received exceptional support from Aleksandar Simić, an advisor to the Prime Minister, as well as the DSS-NS coalition and SRS. Such statements represent the continuity of “defensive war” rhetoric that was dominant among the dignitaries of the Serbian Orthodox Church during and after the wars of the 1990s.

In the official public discourse of the Serbian Orthodox Church one can also find utterly ambivalent views on democracy and Europe. Contrary to the views of modern theologians, who advocate a sober and realistic view on the relationship between church and society, some bishops very often voice their views against liberal democracy. The views of Nikolaj Velimirović and Justin Popović on the secular and “de-Christianized” West and Europe are uncritically in the books and at the forums of the leading church dignitaries like Atanasije Jevtić, Artemije Radosavljević and Amfilohije Radović. So, for example, Metropolitan Amfilohije holds that “NATO membership means the fall of Serbia”.<sup>272</sup> Apart from the antidemocratic and anti-European views, the attitude of the Serbian Orthodox Church toward the indicted for war crimes is especially alarming. Numerous statements by church dignitaries that “the whole Serbian people has been brought before the Hague Tribunal” and that the Hague indictees Karadžić and Mladić are “national heroes who are hidden by the people” point to the unreadiness of the representatives of the Serbian Orthodox Church to confront the most recent past.

The relationship between the Serbian Orthodox Church, on one side, and the Macedonian Orthodox Church and the Montenegrin Orthodox Church, on the other, has a great influence on Serbia’s inter-governmental relations with the neighbouring countries. The non-recognition of these two Churches is *de facto* the non-recognition of these two states and the identity of the two peoples, so that the dispute over their canonic status has assumed distinctly political connotations. The dispute between the Orthodox church structures in Macedonia and Serbia – which dates from the Church and People Assembly in Ohrid 1958 or, more precisely, from

272 *Glas*, 21 September 2007.

1967 onward, after the Macedonian Orthodox Church declared its autocephaly, which was not recognized by the Serbian Orthodox Church – was revived in the spring of 2006, by the initiative of the Serbian Orthodox Church that the Churches find a compromising solution about the canonical status of the Macedonian Orthodox Church. However, the unrecognized Macedonian Orthodox Church wishes autocephaly, that is, the canonical “absolution” from the Serbian Orthodox Church, while the latter offer to it autonomy at the most.

This inter-church dispute had a great influence on the relations between Serbia and Macedonia on several occasions. In the prevention of the Macedonian state delegation to organize a gathering in the monastery of Prohor Pčinjski on the occasion of the anniversary of Macedonian statehood on 2 August 2003, the high dignitaries of the Serbian Orthodox Church – Bishop Irinej of Bačka and Bishop Pahomije of Vranje – had the main say. Next year, however, a similar inter-state scandal was avoided thanks to Patriarch Pavle’s letter to Macedonian President Crvenkovski whereby the Macedonian state delegation was permitted to mark the anniversary of its statehood in the monastery of Prohor Pčinjski.

After the failure of the Niš agreement between the Serbian Orthodox Church and Macedonian Orthodox Church, the dispute over the Ohrid Archbishopric and the appointment of Metropolitan Jovan Vraniškovski of Veles and Povardarje as Exarch of the Serbian Patriarch for the autonomous Ohrid Archbishopric led to numerous legal proceedings, hearings, verdicts and arrests.<sup>273</sup> In May 2005, after the session of the Holy Assembly of Bishops of the Serbian Orthodox Church, the Assembly’s *tomos*<sup>274</sup> was published, whereby the Exarchy in the territory of the Republic of Macedonia was elevated to the rank of the autonomous Orthodox Ohrid Archbishopric within the Serbian Orthodox Church, headed by Archbishop Jovan who thus returned under the tutelage of the Serbian Orthodox Church. The arrest of Archbishop Jovan, who is a Macedonian citizen, caused stormy reactions and protests of Serbia’s government bodies, which went so far that the national air carrier JAT, at the request of Minis-

273 *Danas*, 20 August 2004.

274 The decree of faith dealing with Christological doctrinal issues.

ter Velimir Ilić, grounded two airplanes rented to the Macedonians, “due to unsettled debt”.

In contrast to the case of Macedonia, where it has no supporters among the people and high government officials, the Serbian Orthodox Church in Montenegro has the strong Metropolitanate which is supported by the significant parts of the population and political leaders. The Montenegrin Orthodox Church is supported by the ruling political structure in Montenegro, while the Serbian Orthodox Church is supported by the strong Montenegrin opposition, as well as the leading political structures in Serbia. The relationship between the two Churches, as well as the members of the then state union was additionally complicated by the controversial role of the army (the Yugoslav Army, which was later renamed into the Army of Serbia and Montenegro) which, as a state and secular institution, demonstrated its support to the Serbian Orthodox Church in Montenegro on several occasions. Apart from the increasingly frequent restitution of the army property to the church (e.g. Miholjska prevlaka<sup>275</sup>) and restoration of the monasteries (e.g. Zetska sveta gora<sup>276</sup>), the most heated public debate was caused by the erection of a metal church on Mt Rumija in June 2005. This “military assistance” to the Serbian Orthodox Church was most severely condemned by the Montenegrin authorities, which accused the military establishment of directly and openly interfering with the state-church relationship in Montenegro and supporting the political activities of the Serbian Orthodox Church in Montenegro. The independist political authorities in Montenegro were openly supporting the uncanonically elected head of the Montenegrin Orthodox Church, Metropolitan Mihailo (Miraš Dedeić), condemning Metropolitan Amfilohije of Montenegro and the Littoral as the political mouthpiece of the Serbian Orthodox Church.

With the winning of independence, after the referendum held on 21 May 2006, the problem of filetism manifested itself in its most complex form. The disputes and conflicts between the two church structures over the church property and historical right led to an open conflict between their followers on several occasions. By labelling the Metropolitan House

275 *Vojska*, No. 485, 17 May 2001.

276 *Vojska*, No. 527, 14 March 2002.

in Cetinje as a sect and Metropolitan Mihailo as an unfrocked priest, the church structures of the Serbian Orthodox Church, headed by Metropolitan Amfilohije, the political representatives of the Serb national minority in Montenegro and the Serbian authorities in Serbia bring the independence and identity of the Republic of Montenegro into question.

The Montenegrin Government's decision to forbid Bishop Filaret from entering the country in August 2007 provoked stormy reactions by the Serbian authorities. Filaret was forbidden to enter Montenegro because he was on the list of suspects aiding the Hague indictees from Serbia and the Republic of Srpska. Bishop Filaret's hunger strike at the border crossing where he was stopped, led to the aggravation of the relations between Serbia and Montenegro, which was most strongly supported by the representatives of the Serbian Radical Party, who were among the first to visit the Bishop, as well as by the representatives of the Socialist Party of Serbia and Capital Investment Minister Velimir Ilić. The statement made by Aleksandar Simić, an advisor to the Serbian Prime Minister, that Montenegro is a "quasi-state" was sharply condemned by the Montenegrin Embassy in Belgrade and some ministers from the ranks of the Democratic Party, who regarded this statement as the violation of international law. Thanks to a strong diplomatic effort of Foreign Minister Vuk Jeremić, the dispute over the prohibition of Bishop Filaret from entering Montenegro was "surmounted", but this initiative did not "remove" Bishop's name from the list of suspects aiding the Hague indictees.

## The Status of Muslims in Serbia

During 2006 and 2007, Sandžak was shaken by many incidents, which raised once again the question concerning the attitude of the Serbian authorities toward religious and ethnic minorities. According to the 2002 census, in Sandžak or, more precisely, in the municipalities of Novi Pazar, Tutin, Sjenica, Prijepolje, Priboj and Nova Varoš, there are 142,655 Muslims, thus accounting for 60.56% of the total population in these

municipalities.<sup>277</sup> The Bosniaks constitute almost an overwhelming majority of the Muslims in Sandžak and they practice their religion in more than 120 mosques.

As one of the economically least developed regions in Serbia, whose population suffered from strong repression and terror during the 1990s, Sandžak is also one of the potentially most sensitive spots. The shooting in front of the Arap Mosque in Novi Pazar, on 3 November 2006, was preceded by an incident inside the mosque during the regular afternoon prayer. Namely, a group of believers, known as Wahhabis,<sup>278</sup> interrupted the prayer in an attempt to impose their way of performing religious rites. According to the President of the Majlis of the Islamic Community for Novi Pazar, seventy or so Wahhabis attacked the employed and believers in the mosque on which occasion three persons were injured.<sup>279</sup> Several months earlier, in early June, Wahhabis interrupted a concert by the group *Balkanika* in Novi Pazar.

In mid-March 2007, in the village of Žabren on Mt Ninaja, in the municipality of Sjenica, the police discovered a camp with a few tents and a cave in which the members of the Wahhabi “terrorist group” were trained. One month later, in the village of Donja Trnava, 70 km far from Novi Pazar, during the raid on the group of Wahhabis, they clashed with the members of the special police units. As a result, one Wahhabi was killed and one policeman was wounded. The following day, at the funeral of the killed Wahhabi in Novi Pazar, one journalist was attacked, which was sharply condemned by numerous journalists’ associations and non-governmental organizations.

277 *Veroispovest, maternji jezik i nacionalna ili etnička pripadnost prema starosti i polu* (2003), Belgrade, Republican Statistical Office.

278 In essence, Wahhabism is a conservative, puritan reform movement in Islam, rather totalitarian, which was founded by Mohammad ibn Abd-al-Wahhab (1703-1792) in the 18th century. Wahhabis (here popularly called *vehabije*) are the followers of the Hanbalite religious-law school in Sunni Islam, characterized by its literal interpretation of tradition, integrism as well as fundamentalism. They are the opponents of Sufism, music, pluralism in Islam, saints’ tombs, mausoleums, as well as the celebration of the Prophet’s birthday (Mevlud).

279 *Danas*, 6 November 2006.



The action against Wahhabis lasted from mid-March 2006 to June 2007, resulting in the arrest of 14 members of the Wahhabi group. The Special Prosecutor's Office brought charges against them in September 2007. During the arrest, the police discovered a large quantity of explosives, infantry weapons, ammunition and Medical supplies.

The arrest of the Wahhabi raised the question as to whether they are a religious sect or terrorist group. Some experts on Islam agree that Wahhabis are a typical puritan sect and not a terrorist organization. Through the Wahhabi phenomenon the thesis about the threat of Islamic fundamentalism was revived. Wherever they appeared, Wahhabis were the most dangerous for mostly moderate Muslims and the official Islamic organization, since they wish to impose their conservative understanding of Islam. As long as they do not go beyond this point, they are the internal problem of the Islamic community. It is implied that the police should conduct the investigation and inform the public where the Wahhabis got the weapons and what they intended to do, but the equalization of this religious movement with a terrorist organization represents the proven method of provoking moral panic.

During 2006, the initiative for the unification of all Muslims in the territory of Serbia into a unique Islamic Community was intensified. The proponents of unification held that it would improve the protection of the Muslim religious rights and status. After the collapse of the former Yugoslavia, the one-time rivalry between Priština and Belgrade was switched to that between Novi Pazar and Belgrade. The Meshihat of the Islamic Community in Sandžak is an autonomous organizational unit within the Islamic Community in Bosnia and Herzegovina, while the Meshihat of the Islamic Community of Serbia is an independent organization. Both Meshihats were interested in the unification of all Muslims in Serbia into one organization, but the stumbling block in the negotiations between the two Islamic Communities included the relations of this unique Islamic Community with the Riyaset of the Islamic Community in Bosnia and Herzegovina, and the future seat of the organization.

In 2006, the Assembly of the Islamic Community in Sandžak formed the nine-member Committee on the Unification of the Islamic Community in

Serbia, which was comprised of the representatives of Sandžak, Preševska dolina, Vojvodina and Central Serbia. During several meetings of this Committee and encounters with the representatives of the Committees of the Islamic Communities, the proposal for the Constitution of the Islamic Community in Serbia was prepared, whereby four muftiluks (mufti districts) were anticipated in the territory of Serbia: Sandžak Muftiluk, Preševo Muftiluk, Belgrade Muftiluk and Novi Sad Muftiluk. It also stipulated that the highest bodies of the Islamic Community should be the Assembly and the Meshihat, while the murasela (authority) to muftis in Sandžak, Belgrade and Novi Sad would be granted by the Reis-Ul-Ulema in Sarajevo and to the Preševo mufti – by the President of the Presidency of the Islamic Community of Kosovo.

On the other hand, the Islamic Community of Serbia, that is, the Meshihat of the Islamic Community in Belgrade proposed the formation of the separate Riyaset in Serbia and that the unique Islamic Community should be comprised of three meshihats with their seats in Belgrade, Novi Pazar and Preševo. Under this proposal, the top administration of the Islamic Community of Serbia would be within the Republic of Serbia and its seat would be a rotating one. Each meshihat would be entitled to preserve the existing organizational structure, i.e. to remain within the Islamic Community to which it now belongs, while the Islamic Community of Serbia would have observer status in the highest bodies in Sarajevo and Priština.<sup>280</sup>

Despite numerous meetings between the high representatives of the Islamic Communities from Belgrade and Novi Pazar the agreement on the issues of principle was not reached. The Meshihat of the Islamic Community in Novi Pazar insisted on the tradition of relations with the Islamic Community of Bosnia and Herzegovina, while the Meshihat of the Islamic Community of Serbia insisted on the tradition of Serbian Muslims, heterogeneous ethnic composition of the Muslims in Serbia and territorial integrity of the Republic of Serbia.

Ob 19 February 2007, after a delay in the negotiations on the formation of a unique Islamic Community in Serbia, the Assembly of the Islamic

280 <http://www.izs.org.yu/vesti/aktivnosti/index.php#47>; Danas, Belgrade, 30 January 2007.

Community of Serbia in Belgrade adopted the Constitution of the Islamic Community of Serbia and formed the Riyaset. In accordance with the adopted Constitution, the elections for the representative bodies and organs of the Islamic Community of Serbia at all levels were scheduled; in the meantime, the present Mufti of Belgrade was elected Acting Reis-Ul-Ulema. The officials of the Islamic Community of Serbia are optimistic and hold that this decision will not erode the relations among the meshihats in Serbia. "They did not close the door to negotiations with Novi Pazar".<sup>281</sup> This decision of the Assembly of the Islamic Community of Serbia was regarded in Novi Pazar and Sarajevo as a unilateral and illegitimate act.

A little more than a month later or, to be more exact, on 27 March 2007, the Unification Assembly of the Islamic Community in Serbia, which was held in Novi Pazar, adopted the new Constitution of the Islamic Community in Serbia and formed the Meshihat of the Islamic Community in Serbia with the seat in Novi Pazar. The present Mufti of Sandžak was elected President of the Meshihat. The Assembly was also attended by the Reis-Ul-Ulema from Sarajevo, as the supreme leader of the community. This decision of the Islamic Community in Sandžak was not recognized by the Islamic Community of Serbia with the seat in Belgrade.

The relations between the leading structures of the conflicting Islamic communities became finally complicated on 4 October 2007, with the session of the Supreme Assembly of the Riyaset of the Islamic Community of Serbia at which the new Meshihat of the Islamic Community of Sandžak was formed. Meshihat President Muamer Zukorlić was replaced and the official transfer of duties between Hamdija Jusufspahić and the newly appointed reis Adem Zilkić was carried out. That same day, the "replaced" Meshihat of the Islamic Community of Sandžak, led by Muamer Zukorlić, who was in Morocco at that time, issued the statement in which it emphasized that by this latest act only Sulejman Ugljanin's decision was implemented. Namely, last September he said that the "Meshihat of the Islamic Community does not exist any more" and that "the question of the Bosniak religious community falls within the competence of the Bosniak National Council". It was also pointed out that a few months ago Zukorlić

281 <http://www.izs.org.yu/vesti/aktivnosti/index.php#50>

demanded the opening of secret police files on collaborators among imams from the Serbian Government and that those persons are now the main protagonists in these illegal activities.

Three days later, at the session of the Extraordinary Assembly of the Islamic Community in Serbia, the bodies of the Islamic Community and chief mufti Muamer Zukorlić were given full support, while the activity of a group of imams “against the legal and legitimate organs of the Islamic Community with a view to destabilizing the institutions and the system of the Islamic Community in Sandžak in Serbia” were sharply condemned. The Minister of Religion and the judiciary, police and government bodies were warned of their obligation to observe the Law on Churches and Religious Communities “which clearly provides for the existence of only one traditional Islamic Community and resolutely forbids the formation of a new religious community bearing the same or similar name, based on the infrastructure and facilities of the existing one.”<sup>282</sup>

The intrusion of several policemen (in boots) into the central mosque in Sjenica and the physical assault on two imams of the Meshihat of the Islamic Community in Serbia represented the direct interference of the executive authority with the settlement of the dispute between the conflicting religious organizations. This accident provoked a severe reaction by the Meshihat of the Islamic Community led by Zukorlić and the Sandžak Democratic Party, which decided that its three deputies should not participate in the work of the Serbian Parliament until the police punishes the policemen who entered the central mosque in Sjenica on 7 October 2007 and beat the employees of the Islamic Community in Serbia. Reacting to the sharp condemnations, Serbian Interior Minister Dragan Jočić stated that “each policeman who is found to have participated or issued the orders being contrary to the regulations will be punished”. This event in Sjenica was differently interpreted in the seat of the Islamic Community of Serbia which, in its communiqué, named Muamer Zukorlić and his “armed” imams as the main culprits.

Amid the dispute within the Islamic Community, Religion Minister Radomir Naumov received the new reis of the Islamic Community of Serbia,

<sup>282</sup> *Danas*, 8 October 2007.

Adem Zilkić, who organized the reception for Ramadan Bayram in the Serbian Parliament Hall, naturally with the permission of Parliament Speaker Oliver Dulić. Due to such a behaviour of the state and state media, mufti Zukorlić – in his holiday message – called on all Muslims in Serbia to stop paying TV subscription and, before journalists, renounced his diplomatic immunity and the passport of the Republic of Serbia. Minister Rasim Ljajić said for the behaviour of his colleague Naumov that it was “politically reckless, to say the least”. He also said that the Minister of Religion made a “political error” by receiving the “delegation of the self-proclaimed Islamic Community led by Adem Zilkić” and thereby “the Minister aligned himself with one side”.<sup>283</sup>

As can be seen, the state itself violates the constitutional competences as well as its own laws, proposed by the Government and the Ministry of Religion. Article 7 of the Law on Churches and Religious Communities clearly stipulates that “... the state shall not interfere with the application of autonomous legislation of churches and religious communities”, so that such an alignment of state bodies with one side and giving of the clear signals whom they support in this dispute represent the gross violation of the provisions of their own law. It may be useful to repeat something to which Mirko Đorđević had already warned. Namely, “the mixing of competences between the power structures in religious communities and the power structures in the state may have very bad consequences.”

The behaviour of the state in this case can be related to the problem of Bosniak community constitution in Serbia. Namely, the political elite in Sandžak is extremely divided and burdened by internal conflicts, so that the Islamic Community in Sandžak, which is led by effendi Zukorlić, is the only institution that gathers all Bosniaks in Sandžak. The political capital of mufti Zukorlić is incomparably greater than that of the most significant political figures in Sandžak, Rasim Ljajić and Sulejman Ugljanin. Thus, the impairment of his reputation is the best way to weaken the already weak capacities for the further constitution of Bosniak identity in Serbia. Politically divided, and now organizationally divided in a religious sense, the Bosniak minority has even less chance of adequately articulating its

283 Danas, 10 October 2007.

requests for the constitution of its own identity and its integration into the Serbian society, as well as decentralization, reform, European integration, confrontation with the past and more resolute cooperation with the Hague Tribunal.

## Conclusion

The irresponsible approach of Koštunica's Government to the very important issue of religious freedoms and rights of the Serbian citizens could be seen as early as 15 May 2007, with the formation of the Government and the appointment of the former minister of energy, Radomir Naumov, as Minister of Religion. The appointment of an expert on "the problems of transient surcharges in low-voltage circuits and devices, as well as the problems of electromagnetic compatibility of different systems" was justified by his life in accordance with the religious norms and his active singing in the chorus of St Mark's Church in Belgrade.<sup>284</sup> At his first encounter with Patriarch Pavle, a few days after his appointment, the new Minister announced that his Cabinet would ensure the continuity of the hitherto relationship between the state and the Serbian Orthodox Church and the established priorities, the most important being the preservation of the heritage in Kosovo and Metohija, as well as religious freedoms, regardless of confession.<sup>285</sup>

The completion of the legal framework for regulating the issue of religious freedoms and rights did not solve the problems of the legal (and real) discrimination of so-called non-traditional or small religious communities in Serbia. Discriminatory Articles 18 and 19 of the Law on Church-

284 It is interesting to note that in the biography of Religion Minister Radomir Naumov on the official Internet web-site of the Ministry of Religion of the Republic of Serbia, apart from the data on his expertise in the field of energy, there even no mention of his active participation in the church chorus, which would be his only link with the Ministry of Religion to which he was appointed as its Minister. See: [http://www.mv.sr.gov.yu/cir/index.php?option=com\\_content&task\\_view&id=121](http://www.mv.sr.gov.yu/cir/index.php?option=com_content&task_view&id=121)

285 *Blic*, 21 May 2007.

es and Religious Communities are not in conformity with the provisions of the Constitution of the Republic of Serbia, which proclaim the secular principles and freedom of religion, and represent an insurmountable obstacle to one part of the Serbian citizens to realize their religious freedoms and have their religious rights protected. In legal proceedings against the persons threatening the religious freedoms and rights of members of minority and small religious communities, the application of the provisions of the Criminal Code is still avoided. At the same time, the practice of provoking moral panic and feat of subversive act by sects is taking an increasingly sophisticated form.

The Serbian government violated its own competences and directly interfered with the “settlement” of the Islamic Community’s internal problems on several occasions. By the politicization of the religious structures and constant impairment of the only (religious) authority of the minority Bosniak community in Serbia, the state is persistently eroding the basic principles of a democratic and secular system, as well as the fundamental rights and liberties of its citizens. Due to its actions, the state has brought into question both the religious and collective ethnic rights of the Bosniak community in Serbia.

The only religious community that can “match up to” the state, the majority Serbian Orthodox Church is still not ready for the confrontation with its responsibility. It is still trying to institutionalize and legitimize its national project as the basis for national policy. As an equal partner in the protection of national interests, especially in Kosovo and Metohija, the Serbian Orthodox Church maintains close relations with Koštunica’s Government and often acts as the main protagonist in the reconsideration of diplomatic relations with the neighbouring countries and the aspirations of the “Serbian national being”.





V

**Constitutional  
and Legal Framework I**



# Making Parliament Meaningless

Since the break-up of the state union with Montenegro and its subsequent independence, Serbia had its first parliamentary elections on 21st January 2007. Though the elections were called in keeping with the force of law, after adoption of the constitutional law and promulgation of the new Constitution, in early November 2006, already strained relations between the political prime movers, became even more strained. Despite an apparent unity at the time of the Constitution drafting, and a shameful referendum, which was tantamount to a total ridicule of democracy, old and new differences in a turbulent political scene of Serbia, became even more pronounced, and the true, politicking nature of compromises between the leading parties, allegedly reached for the sake of higher goals, became even more evident. After loss of credibility of the minority government, in the wake of 2003 snap parliamentary elections, and at the time of the last stage of (non)-resolution of status of Kosovo, new parliamentary elections, even without the weight of a binding constitutional obligation, became the only possible way-out.

Such a perception was also shared by citizens of Serbia, as confirmed by their unexpectedly high turn-out -60.55%- on the day of parliamentary elections, 21st January 2007. Their expectations, despite contradictory statements and messages of leaders of political parties, could be glimpsed through electoral results. The election results were the following: the Serb Radical Party won 81 seats, Democratic Party won 64 seats, Democratic Party of Serbia and New Serbia coalition got 19 MPs, the Socialist Party of Serbia got 16 MPs, coalition between the Liberal Democratic Party, the Civic Alliance, Social-Democratic Union, and the League of Social-Democrats of Vojvodina got 15 seats, the Alliance of Vojvodina Hungarians got 3 MPs, List for Sandžak won 2 seats, and Union of Romany of Serbia, Romany Party and Coalition of Albanians of Preševo Valley got one seat each. Though it remained the strongest parliamentary party, the Serb Radical

Part recorded a negligible growth (about 100,000 votes) vis a vis its 2003 election results. On the other hand Democratic Party of Serbia doubled the number of conquered votes, while all other parties lost to some extent the trust of voters. It bears mentioning that the minorities parties did not have to meet the mandatory 5% election census, while the coalition spear-headed by the Liberal Democratic Party at its first elections, thanks to constant votes of the League of Social-Democrats of Vojvodina, managed to meet the census and make it to the Serb parliament.

It goes without saying that citizens of Serbia were disappointed by the work of previous government, especially with its economic performance, its slow and indecisive European integration-gearred policy and controversial backing of the Socialist Party of Serbia. The foregoing was grist to the mill of Democratic Party led by President Boris Tadić, which thus managed to impose itself as a promoter and guarantor of Euro-Atlantic integrations. However, the strongest party from the so-called democratic camp attracted a number of conservative voters and in its strengthened rhetoric prioritizing the state-forming and national interests, kept underscoring a feasible link between a satisfying resolution of the Kosovo issue and Euro-Atlantic aspirations of Serbia. President of Serbia and Democratic Party, Boris Tadić, undoubtedly played a crucial role in creation of such a policy, which he started espousing as early as in his 2004 presidential campaign. Though such a policy increased the number of disgruntled high-ranking members of Democratic Party, and even produced some internal shifts, the most renowned DP members remained in the party because of a visibly increased party's rating. Foundation of the Liberal Democratic Party in late 2005 marked a definitive parting of company with the mainstream DP by those DP members who saw Tadić's policy as the one becoming increasingly distant from the goals and vision of the late Prime Minister Zoran Đinđić. The birth of the new party also heralded the appearance of a weak, but important correcting factor of other EU-minded and democratic parties.

Despite sporadic closing of ranks between DP and DPS, and the backing which Democratic Party in the previous period extended to Koštunica-led government, after the January 2007 elections, it turned out that a

political compromise between parties from “a democratic camp” was not easily attainable. The foregoing was only a hint of major differences between the coalition partners, which throughout last year kept shaking the new government, and ultimately led to its downfall and calling of snap parliamentary elections for 11 May 2008.

Namely, forging of a post-election coalition with a capacity to form the parliamentary majority and government turned out to be –a nearly impossible mission. It took Democratic Party, G17 and Democratic Party of Serbia-Nova Srbija alliance almost three months to reach a compromise. That coalition-forming “fete” produced for Koštunica, the post of Prime Minister and 6 ministerial positions, 13 ministries for Democratic Party, 4 ministries for G17 plus, and 1 ministerial position for New Serbia. The new government was cobbled together on 15 May, in late evening hours, just 15 minutes after the expiry of the pertinent constitutional deadline. Thus at the eleventh hour the calling of new, snap elections was avoided. How difficult talks on government-forming would be, became evident at the first, constituent session of the National Parliament, which began on 14 February and was resumed only on May 7, when Tomislav Nikolić was elected parliamentary president. The Serb Radical Party candidate got 142 MP votes, and his election was backed both by Democratic Party of Serbia and Socialist Party of Serbia. It is noteworthy that the voting was public, that is, each MP was asked to vocally name his nominee for the post of the parliamentary president. Since the only counter-candidate to Tomislav Nikolić was Milena Milošević, a Democratic Party member, the said outcome was expected. The Serb public was shocked by the course of the session and MPs’ exposes – broadcast live in its entirety. Public at large was also alarmed by the fact that there was apparently no chance for an agreement between Democratic Party and Democratic Party of Serbia. 15-hour-long session abounded in insults and accusations, and after Nikolić had been named the parliamentary president, MPs of Democratic Party, G17 plus and Liberal Democratic Party left in protest the parliamentary chamber.

After such a development, the European Union renounced its idea of greenlighting cum signing a visa-free regime with Serbia, while the

Council of Europe called off the hoisting-of-flag ceremony, as a symbol of start of Serbia's chairing of the institution. The European Commissioner for Enlargement, Olli Renn, was also alarmed by the unexpected turn of events in the Serb parliament. He thus expressed his misgivings: "I am concerned over the inability of the pro-European and pro-reform parties to co-operate in the formation of government." Renn also went on to note: „Serbia is at the crossroads, it may backslide into nationalistic tendencies, or it may continue along the pathway leading it to the European future“<sup>286</sup>. In the following days DP and DPS representatives hinted at a possibility for the emergence of a new government. However, as G17' condition for entering such a coalition was replacement of Tomislav Nikolić, that move proved to be – necessary. Thus Tomislav Nikolić, after an indeed short run as a parliamentary president-three days-, was dislodged from that position. Though Democratic Party of Serbia succeeded in getting the two key positions, the one of Prime Minister and the other of the Interior Minister, the previous, tentative coalition-forming with the Radical Party only harmed that party in the long-term for it indicated a substantive drawing closer of the two parties, and not, as many appraised, the Democratic Party of Serbia's attempt to merely pile pressure on Democratic Party. On the other hand due to the party's (DPS) inability to attract the Radical Party voters, its rating sharply fell, and it currently on the very brink of necessary parliamentary census.

However, the Serb Radical Party managed to draw some benefits from a swift appointment of Nikolić and his as swift replacement as the parliamentary president. Namely, it showed that it was a responsible and constructive force, daring even to expose its first man to a blame for the sake of state interest, at a delicate moment of time when all the other parties amply manifested their immaturity and irresponsibility. The Serb Radical Party furthermore strengthened its position by renouncing to take part in debates on the amendments to the Act on Ministries, which enabled the formation of the government at the eleventh hour. In the following days, Tomislav Nikolić, in an open letter asked the newly-appointed Prime Minister to publicly divulge the „real truth“, to counter speculations

286 *Vreme* no..853, 10 May, 2007.

that the Radical Party had received hefty kickbacks to obstruct the election of government. But it remained unclear whether the said letter was just a marketing mover, or a successful pre-empting of a potential scandal. However, the fact is that the Serb Radical Party was not willing to take an active part in governance at the time when Serbia was facing the last round of Kosovo status-related talks, whose outcome was expected to be negative for Serbia. Thus it is possible that a drama enacted in the parliament was only a performance engineered and well-acted by Radical Party members in which all others were just-supporting actors. The fact that the Radical Party was not losing strength was amply manifested by the last presidential elections result held on 20 January and 3 February 2008 respectively. Namely the Radical Party presidential contender, won as much as 47.9% votes, while the representative of the democratic option, Boris Tadić, won by a narrow margin, having garnered 50.5% votes. Moreover Tadić's victory was only cinched in the run-off, after massive mobilization of all those averse to even imagining the Radical Party representative as a head of state.<sup>287</sup>

The very beginning of the parliamentary work was marked by the parties' attempts to replace the parliamentary secretary, the DPS member, appointed only several days earlier, during Nikolić's short-lived chairing of the Serb parliament. But Democratic Party persisted in its intention, and Oliver Dulić, a DP member, became the youngest president in the history of the Serb parliament. His candidacy was strongly opposed by the Radical Party and the Socialist Party of Serbia, on grounds of "his youth, lack of experience and inadequate profession...all of which makes him an unsuitable candidate for the most important state position." Dulić was

287 It bears underscoring that Tomislav Nikolić in the first round of presidential elections, on the 20th January, got more votes than Boris Tadić. Namely he won 1,612,612 that is 39.4% votes, while Tadić won the confidence of 1,448,912 or 35.4% of voters. Votes won by the remaining 7 presidential contenders, in the run-off were divided by the two first-ranking contenders. However, an incredibly high turn-out of voters – 67.6%- and 850,000 additional votes garnered by Boris Tadić, confirm the thesis that mobilization of population was very large, and that their intention was to prevent the Serb Radical Party leader from getting the presidential post.

especially criticized for having stated the following: : “I cannot prioritize Kosmet over European integrations.”<sup>288</sup> Against the naming of Dulić was also the Liberal Democratic Party, but on the principled grounds, for his naming was backed by the whole ruling coalition: „We are Koštunica’s opposition and we think that in that regard there is no room for any shift in our stance. This is not a personal attitude towards Dulić, but rather our stance on the wrong policy which is contrary to needs of parliament and the Serb society”<sup>289</sup>. Liberal Democratic Party even renounced the position of parliamentary vice-president, to which it was entitled under the law, and let the minority representative take it on.

During its very short mandate the Serb parliament, to put it succinctly, underperformed. It just managed to swiftly pass the constitutional law and subsequently promulgate the new Constitution. Moreover there were many failures and oversights in its procedure, due to the coalition members in-fighting, and obsession with Kosovo. The opposition, notably the Serb Radical Party tended to overcriticize any parliamentary proposal, thus contributing to extensive, but insubstantial parliamentary debates, which totally disregarded their agendas. The first session was immediately interrupted because of “unconstitutional situation” in the which the Serb parliament found itself, namely the adverse situation caused by its failure to honor the imperative provision of the Constitutional Act <sup>290</sup> that at the first session the acts relating to election of the protector-Ombudsman-of citizens and the right of citizens to information, the body in charge of monitoring the full exercise of the right of citizens to information, the Governor of the National Bank of Serbia and the Council of the State Auditing Institution, had to be fine-tuned with the Constitution. The ensuing candidates-related discussions and agreement-making ended only in late September. And while Ombudsman was appointed on 29 June, the Council of the State Auditing Commission was elected only on 24 September, while, the Governor of the National Bank of Serbia was elected only on 26 September. Despite criticism and protests by the opposition

288 *Glas*, 23 May 2007.

289 *Pravda*, 23 May 2007.

290 Article 5 of the constitutional law, *Official Gazette of the Republic of Serbia*, no. 98/06



that the candidates for the State Auditing Commission were the ruling parties members<sup>291</sup>, the MP majority acted in keeping with orders of their parties.

In addition to the fact that Serbia was the last country in the region to form the important institution of the State Auditing Commission, the aforementioned course of events, made nonsensical the very existence of parliament for, as Borka Vučić had underscored it, “it is quite certain that the executive by dint of parliament shall control –that institution, instead of making it independent.”<sup>292</sup>. The foregoing was just a continuation of the old practice of merely formal setting up of various bodies, intended to control the work of state bodies. Moreover, once they became operational, they were kept on a shoestring budget, and their recommendations and demands were totally ignored. That was frequently the case with the Council for Anti-Corruption Combat, and Ombudsman for Information. Namely all initiatives and actions of both bodies were either obstructed or ignored. Rodoljub Šabić, the appointed Protector of Citizens’ Right to Information publicly disclosed that all his demands went unanswered or unmet. He added that he was totally ignored by the Security-Information Agency, and also by the Infrastructure Ministry which failed to present to the general public the notorious Contract on Concession for Horgoš-Požega Highway, and the Contract on Purchase of Trains from Sweden. The Interior Minister, Dragan Jočić, long-ignored and cheated the general public about official minutes on his meeting with Milorad Ulemek Legija. Committee for Resolution of Conflict of Interests had similar problems. Namely it has never been forwarded the requested reports, nor it had any say in implementation of measures envisaged in case of confirmation of existence of conflict of interests. However, there was an independent body which in the previous period had a totally different experience.

Director of „Transparency Serbia“, Nemanja Nenadić, who repeatedly criticized political parties and cautioned against the corruption sources,

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291 Democratic Party of Serbia candidate was elected the president of the Council of the State Auditing Institution, while the three other members of that commission became officials of Democratic Party, G17 plus and Nova Srbija.

292 *Glas*, 19 September 2007.

underscored the following: „Radio-Diffusion Agency is included among so-called independent state bodies. Its decisions are regularly implemented. That agency has even more power than the Supreme Court, and it may even send the police to enforce what it has in mind. “<sup>293</sup> Since the said agency is in charge of all the electronic media, the granting of broadcasting licences and distribution of frequencies, the control of work and binding instructions and recommendations related to the course of all election campaigns, it is clear that the agency’s prerogatives by far exceed those of other, also important and independent control bodies. However, the foregoing also indicates the fact that the said agency does not merit the adjective “independent”. In fact its last year’s conflict with Radio Television Serbia confirmed its –lack of independence. Namely the Radio-Diffusion Agency first forwarded to the RTS instructions on live broadcast of parliamentary sessions, only to later re-draft those instructions, after strong response by the “public service of citizens” and the RTS appeal to the Supreme Court. The ensuing conciliatory tones of both sides signalled that the political parties finally reached a pertinent agreement. At this point it bears underscoring that throughout 2007 the media promotion was in focus of all the parliamentary sessions.

Even an overview of the activities of the Serb parliament suffices to appraise negatively its “work” or to call it flatly- a visible underperformance. There are also other reasons for concern. Namely the Serb parliament adopted only acts which under the constitution in force were mandatory for calling presidential, local, provincial and parliamentary elections, as well as acts related to the 2007 and 2008 budgets, which were of key importance for the state functioning. All the while the constitutional obligation that judiciary acts had to be fine-tuned with the constitution, was –ignored. The foregoing does not augur well for the judiciary status in the future. The other parliamentary activities related to the judiciary sphere, were mostly related to technical amendments of some acts and ratification of several international treaties. What was however of major importance, was the adoption of the Act on the Right to Gratis Shares and Compensation to Citizens in the Process of Privatization, the Act on the Constitutional

<sup>293</sup> *Kurir*, 27 July 2007.

Court which finally managed to remove the blockade of that institution, and as regards the international documents, ratification of the European Charter on Local Self-Rule.

Though the government- cobbled together with such a difficulty- tried to become fully functional and thus lessen the evident political damage incurred by the parties after months of their irresponsible conduct and unprincipled conditioning, its overall performance gave little reason for optimism. Democratic Party and Democratic Party of Serbia in fact engaged in hard and time-losing bargaining over any important position, ranging from the post of a parliamentary secretary, to the topmost positions in executive boards of the largest public enterprises. Only in late October members of executive boards of biggest public enterprises were appointed. However the Serb parliament, until its dissolution, continued to deal mostly with the election and naming of members of various committees and delegations. Though negotiations between the principal coalition partners were held far from the public eye, and the government tried to give the impression of its unity with respect to pursuance of the state policy, at parliamentary session differences and even open intolerance between representatives of various political options- regardless of their position or opposition status- became glaringly evident.

Despite sporadic bickering with permanently criticism-minded Radical Party, Democratic Party of Serbia and New Serbia by their actions have grown closer to the Serb Radical Party program. On the other hand, Democratic Party and G17 plus have kept manoeuvring between their wish to preserve their positions in the top state leadership and their wish to make some progress on the road to European integrations, or at least lessen the consequences of an inevitable loss of Kosovo. They also strove to achieve a turnaround in a stagnating economy. But it turned out that attainment of such diverse goals at the same time, was not possible. Moreover, Democratic Party by its concessions and "policy of cohabitation" disappointed a good part of democratically-minded citizens. MPs of parliamentary parties, though elected by citizens, continued to act exclusively as representatives of narrow interests of their parties. Hence it is not surprising that parliament, though the most important, democratic institution, in fact has

the lowest rating among the citizenry. Since election and backing of government hinges to the largest possible extent on parliamentary parties, whose most influential officials make up that very government, and under Constitution, the government determines and pursues a certain policy, it is clear that the government by dint of political parties has the upper hand in the Serb parliament.

Total degradation of parliament was also evidenced by the 2007 absurd demand of the Administrative Committee made to the Protector of the Rights of Citizens to Information, to provide that committee with relevant data on work compensations of directors and members of executive committees of some state-run enterprises, and agencies, the data which the Finance Ministry had refused to submit. That committee's demand and the previous refusal of the Finance Ministry definitely had to do with the memberships of those bodies. Namely the Administrative Committee is predominantly composed of opposition MPs and its president comes from the ranks of the Radical Party of Serbia. Thus the government's appointees flat refusal to provide the said data. It also bears mentioning that even the Protector of the Citizens' Rights to Information was not given all the relevant data. The foregoing indicates farce-like relations between the government and parliament, a very low parliamentary culture, and a low democratic potential of all political prime movers. Furthermore, it is government, and not the parliament which proposes all the laws. But it often flies in the face of its mandatory obligation under Constitution to enforce all the laws, and meets that commitment only in an extremely selective way. Due to such an under-enforcement of many key acts, the credibility of parliament is at its lowest.

Interests of parties and diverse lobbies were easy to identify even during the drafting and submitting of various bills, and were also seen as a reason for obstruction of their implementation, once they were passed. This particularly holds true of acts regulating in any manner „politically sensitive issues,“ notably so-called Act on Lustration. Though the said act was adopted four years ago, no-one seems to be interested in its enforcement. In June 2007 president of the Liberal Democratic Party, Čedomir Jovanović, announced that his MP group would submit to the Serb parliament a bill

on opening of personal files, a move aimed at facilitating the enforcement of the Lustration Act. However, lustration would be made possible by simple, free access to documents, greenlighted by the Security-Information Agency. But such a positive development is not feasible in the near future. One of the most important and contested agencies is still firmly controlled by several parties, since it is the convergence point of many interests, and its first man, Rade Bulatović, retained his position despite announcements of the ruling coalition that he would be replaced by a non-party personality with high moral and professional standards. LDP's leader insistence on lustration process was rejected anew. Though the parliamentary president responded by announcing nomination of all members of the lustration commission,<sup>294</sup> when asked whether lustration would be carried out, he answered: „It is not very likely, for there is no political will or mood for lustration. There are ongoing debates within the fold of many political parties whether this is the right moment for kicking off the process of lustration. Many think that it is too late for such a process, while I think that we currently first have to deal with more pressing issues.“<sup>295</sup>

It seems that MPs considered insufficiently serious the topic of “Delta” Company multifold businesses and connections between its owner, considered “the most powerful man in Serbia” with politicians. After the Liberal Democratic Party demand that the parliament set up a committee to launch a probe into “Delta” business deals, and a strong, adverse response by its owner, Miroslav Mišković, and protracted consultations

294 Commission for Examination of Responsibility in Cases of Violations of Human Rights (so-called Lustration Commission) was elected in July 2003, after adoption of the pertinent act. It had a 6-year long tenure, and although it held sessions, set up councils and adopted its work agenda and rules of procedure, it practically never became fully functional. Without adequate working conditions (offices, staff, budget.....), ignored by the government and parliament, the commission failed to tackle a single case. In September 2004 its members handed in their resignations, which the Serb parliament consequently failed to discuss. One of members of that Commission, Professor, Dr. Vesna Rakić-Vodinelić deemed that “the Serb parliament wanted to show how strongly it berated the aforementioned law, and the very lustration idea, while the government, also in many ways, indicated its strong opposition to lustration.” *Politika*, 5 June 2007.

295 *Evropa* no. 166, 14 June 2007.

between MPs committees, the Serb parliament finally in early December officially tackled the aforementioned demand. MPs of the ruling coalition (DP, DPS and G17 plus) with 117 “no” votes rejected to put on the daily agenda that issue, while the Serb Radical Party abstained from voting. Since the highest officials of all parties were visibly vexed by the whole story, and the public prosecution did not react to it in any way, it became evident that the economic stagnation of Serbia during the 90’s and the newly-acquired power and wealth of its “tycoons” would remain a taboo topic for some time to come.

Also the practice of governance and alteration of sense/meaning/and gist of legal acts by dint of decrees and other sub-legal acts passed by the government, although anti-constitutional and unlawful, is still commonplace, much-liked, much-used and unchallenged by MPs, on the aforementioned grounds. The fact that the government increasingly avails itself of the opportunity to propose acts by summary procedure,<sup>296</sup> indicates, on the one hand, serious political differences which make more difficult the search for a satisfactory compromise solutions, and, on the other hand, confirms an open tendency of all the parties participating in the government to portray themselves as the only creators of and participants in the political life. Parliamentary parties have additionally strengthened their sacrosanct role by including in the constitution the provision on the imperative party-MP mandate (Article 102 of the Constitution of the Republic of Serbia) which strips the MP of his or her elementary autonomy and subjects him or her to the will and rules of the party. The foregoing totally degrades both the parliament and citizens who are only virtual carriers of sovereignty (Article 2 of the Constitution of the Republic of Serbia)<sup>297</sup>.

296 Government’s demand that an act be discussed and adopted by a summary procedure must be based on essential and justifiable grounds, notably that such an act cannot be debated in a regular procedure, or because of some emergency reasons or circumstances imposed by the defense and security of the country. Thus in 2001 the Serb parliament by summary procedure passed 23% of its acts, in 2002, 40% of acts, in 2003, 56% of acts, and in 2004, even 80% of acts. Slobodan Vučetić: (Im)Potence of the National Assembly, *Blic*, 15 June 2007.

297 Constitution of the Republic of Serbia, *Official Gazette of the Republic of Serbia*, no. .83/06

Arrogant and unrestricted actions and activities of the government and parties, holders of ministerial positions, have repeatedly caused protests by the opposition MPs in the Serb Parliament, and even a blockade of its work in late November, when on the day scheduled for MPs questioning of ministers' work, none of the former appeared in the chamber. And finally it bears mentioning that the Serb Parliament was just an impotent witness of the most recent turn of events, when after the collapse of the ruling coalition Prime Minister Koštunica suggested to President Tadić to dissolve the parliament and call snap parliamentary elections. The majority of MPs were in the dark about the said dissolution-related decision. The aforementioned parliamentary impotence was also manifested by that the highest representative body's total lack of response to its own fate.

Although it is not parliament's job to pursue the state and national policy, due to the lack of legal initiatives and proposals, and primarily because of the imposed unity of the government on the issue of Kosovo—the only issue which the government dealt with in the course of 2007—MPs spent most part of their short tenures in vying for the title of the greatest patriot and diverse party promotions. The reasons for continuing party promotions were also impending local and provincial elections. Therefore it can be said that all the political parties (and unfortunately the government and parliament too) have been engaged in a continual election campaign.

Obviously consideration and pursuance of national policy and interests is quite a legitimate task of any state; however, because of the failure to effect a clean break with the war-minded, nationalistic policy of the 90's, in Serbia that key task continues to be burdened by the legacy of (ir)responsibility for war crimes, ethnic cleansing campaigns and gross violations of human rights. Although the Serb government presented to the general public its fine-tuned five program goals,<sup>298</sup> and the Serb President

298 In his expose before the MPS of national parliament, Prime Minister, Vojislav Koštunica set out five goals of the new government: preservation of sovereignty and integrity of Serbia, finalization of co-operation with the Hague Tribunal, betterment of living standards of citizenry, continuation of European integrations and combat against organized crime and corruption. *Politika*, 18 May 2007.

and Prime Minister underlined that jump-starting the talks on association and stabilization with the European Union as one of the principal tasks of the new government it turned out that the coalition partners were without agreement on both the priorities and the key issue of the identity and nature of the highest state goals and interests of Serbia. That issue was in fact a juncture which brought about new ideological and program re-aligning in the political arena, and ultimately led to parting of the ways of the ruling coalition. Despite the fact that stances on Kosovo of most high state officials were uttered in unison, parliamentary debates demonstrated amply a widening gap in Kosovo-related opinions between the DPS-New Serbia, Socialist Party of Serbia and the Serb Radical Party on the one hand, and Democratic Party and G17 on the other hand. Liberal Democratic Party MPs remained true to its stand that Serbia must effect a clean break with its nationalistic past and accept consequences of its past actions and the current reality. Minorities parties shared that stance, but were often compelled to look for compromise.

Such a compromise-gearred conduct was quite expected, for the minority parties were well aware of the sensitivity of inter-ethnic relations, of numerous minorities-related problems in Serbia and the constant striving of the majority people to assimilate the smaller minorities and marginalize the bigger ones. Although since the 2000 democratic changeover in Serbia the status of national minorities was considerably improved, some of them still don't have a satisfactory status. The latter is due to inactivity and disinterest of some political parties. Policy of isolation and neglect, instead of integration stems from the ranks of some political parties, and is also recognizable in the work of the Serb parliament.

It is also note-worthy that manipulation and bribing of minority parties, through their parliamentary representatives, who are considered a fully-authorized representation of the relevant electorate, is a practice which was not discontinued even by parties of so-called democratic camp. Serious conflicts resulting from division among the Islamic community are a consequence of such a policy pursued both by Democratic Party and Democratic Party of Serbia. The extent of MPs irresponsibility and their inability to properly build the authority of the parliament was best



evidenced by responses to developments in Sandžak, and an unexpected mid-December decision to organize a reception in the local parliament to celebrate in an appropriate way the holiday of Ramaddan bairam. The said reception, which was staged for the first time, and could hardly be considered a sign of the deep respect for the Bosniak minority and Islamic religion<sup>299</sup>, was characterized by selective appearances of the highest state officials and MPs. That show of friendliness was aimed at covering up the genuine background of the newly-forged ties and alliances, and political misuse thereof. On the other hand, parties of national minorities accepted the offered “rules of the game” and benefits which they stood to gain from such a “co-operative stance.” Their sporadic conflicts with informal political partners were enacted primarily for the purpose of protection of their party positions, and not for the sake of protection of minorities interests. Relations between minorities parties which make part of the Serb Parliament and those which don't and the minorities which are not politically organized, are rather strained, because the former tend to have the upper hand. The same holds true of relations between the majority nation parties and minorities parties.<sup>300</sup>

299 The reception in the parliament was organized by the Islamic Community of Serbia and the newly-elected reis-ul-ulema, Adem Zilkić. Part of the Islamic Community which recognized Zilkić is considered to be close to the Party of Democratic Action, its leader, Sulejman Ugljanin and Democratic Party of Serbia; on the other side are members of the Islamic Community recognizing the authority of head of Meshihat, and replaced principal mufti Muamer Zukorlić. They are considered to be close to the Sandžak Democratic Party and Democratic Party. Both Bosniak political options have two MPs each in the republican parliament. Ugljanin's List for Sandžak in the 2007 elections ran independently, while the SDP headed by Rasim Ljajić was on the electoral list of Democratic Party.

300 Most illustrative in that regard was a harsh-worded and toned, early October parliamentary discussion between representatives of Romany and the League of Vojvodina Hungarians over the statement of Andras Agoston, the leader of the Democratic Party of Vojvodina Hungarians. Namely Agošton stated that Romany should not be settled in the majority Hungarian localities in Vojvodina, for “that would be tantamount to alteration of the ethnic structure of those localities.” Vojvodina Hungarian MPs justified such a stance of theirs by invoking the article 78 of the Constitution expressly banning taking of measures which

In addition to the squabbling between Bosniak MPs, the Serb Parliament was also the scene of harsh discussions between representatives of the Romany parties. MPs of the big parties (Democratic Party, Democratic Party of Serbia, the Serb Radical Party and the Socialist Party of Serbia) on such occasions tended to openly support one minority grouping in a bid to thus also lobby for the voices of national minorities.

Though votes of the Serb diaspora to date had little impact on the elections, the strategy of increasing the number of citizens was continued. In September parliament adopted amendments to the Citizenship Law<sup>301</sup>, which enabled granting of the Serb citizenship to Montenegrins, in possession of the residence permit in Serbia after the break up of the state union between Serbia and Montenegro. However the same September parliamentary session adopted the 3 DPS-proposed amendments enabling all the Serbs living abroad to get the Serb citizenship (while retaining the foreign one), if they are adults, that is over 18-years old, and labour fit. Under the same conditions citizenship may be granted to members of other peoples or ethnic communities living in Serbia, but only within two years from the Law's entry into force. Such legal solutions were contested by the Liberal Democratic Party and the League of Social-Democrats of Vojvodina MPs, on grounds that such a law had to be preceded by full co-operation with Montenegro, a pertinent agreement with it,<sup>302</sup> as well as the full

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could alter the population composition in minority milieus. But they have forgotten that Romany are a national minority too. They have also disregarded the fact that advocacy of national exclusivity either by the majority or minority peoples is not acceptable in multi-national states and civil societies.

301 Act on Amendments to the Citizenship Law of the Republic of Serbia, *Official Gazette of the Republic of Serbia*, no. 90/07.

302 Montenegrin provisions don't envisage the possibility of dual citizenship, thus such a legal solution is highly problematic. It puts Montenegrins in a very delicate situation, for they don't know how the state of Montenegro shall react to their taking of the Serb citizenship; due to lack of reciprocal agreement, Serb citizens are in an equitable position; the property, taxation, employment issues shall also have to be addressed urgently, for currently Serbia and Montenegro don't have a unified tack on them. In practice a discriminatory, short time-frame envisaged for the citizenship application by the members of other peoples and ethnic groups is also likely to cause many problems.

acknowledgement of the Montenegrin sovereignty. Radical and Socialist Party MPs were of different opinion. Namely they sharply criticized the status of Serbs in „a break-away state,“ but ultimately backed the Citizenship Law. During the debate the Interior Minister Dragan Jočić stated that “those were only temporary solutions”, but failed to make a clear reference to parts of the law which were thus considered.

The Serb Parliament in 2007 also paid a due attention to the Serb people across river Drina, by adoption of the Act on Confirmation of Agreement on the Establishment of Special, Parallel Relations between the Republic of Serbia and Republika Srpska<sup>303</sup>. That act was sharply criticized by the opposition, but from different viewpoints. The Serb Radical Party saw that act as the ruling coalition attempt to curry favour with part of electorate originating from Bosnia. To counter that legal act, the Radical Party MPs reminded the general public of its principal political goal, unification of all the Serb countries. MPs of the Liberal Democratic Party and the League of Social Democrats of Vojvodina assessed the said agreement as a mere tool of political manipulation and cautioned the parliament and parties against a dangerous and unacceptable treatment of Republika Srpska as a state. That parliamentary debate prompted many MPs to reminiscence about the war and crimes in Bosnia and Herzegovina, genocide in Srebrenica, (non)co-operation with the Hague Tribunal, war criminals, “war heroes”, “traitors”, and “patriots”...and once again indicated a wide rift among the Serb population and its representatives and Serbia's need to face up to its recent past.

MPs of the ruling coalition visibly avoided any polemic about unpleasant questions, due to their lack of unity on the latter. Such a cowardly behaviour sent a negative message to the public at large, and definitely was not a constructive tack to the regional stabilization. Also it was not conducive to the genuine problem-resolution process. President of the Serb Parliament during his visit to Bosnia and Herzegovina underscored Serbia's recognition of its wholeness, but also Serbia's right to establish special ties with Republika Srpska. He expressed his regret for Serbia's failure to take a clear stance on the Srebrenica massacre even 12 years on,

303 *Official Gazette of the Republic of Serbia*, no. 70/07.

and announced the adoption of a pertinent declaration condemning „the most heinous crime of the bloody 90’s wars” by the end of his mandate.<sup>304</sup> But such an obvious voicing of Dulić’s party stances, revolted the DPS, the SRP and the SPS MPs. However, Democratic Party failed to act on its promise, for only a month earlier they renounced the Srebrenica-related declaration mentioned by President Tadić. Then DPS made it clear that it could possibly back a declaration condemning all the war crimes, while ruling out an exclusive mention of Srebrenica as it “would lead to a dispute among the coalition members.” As a trade-off, the DPS MPs in early November refused to back the Radical Party Draft Resolution On the Mandatory Respect of Constituent Rights of the Serb People in Bosnia and Herzegovina, though Prime Minister Koštunica sharply reacted to recent High Representative measures, assessing them as “reduction in the entity rights of Republika Srpske.”

Democratic Party and Democratic Party of Serbia demonstrated anew their high level of party discipline when they backed amendments to the Act on Organization and Competence of State Bodies in the Judicial and Legal Proceedings Related to War Crimes.<sup>305</sup> Those amendments in fact expanded prerogatives of the war crimes prosecutor. The amendments were rejected by MPs of the Serb Radical Party and the Socialist Party of Serbia. The pertinent debate shall be remembered for the scandal provoked by the Radical Party MP, Aleksandar Vučić, who from the parliamentary rostrum raised high the poster with the message „Safe House for Ratko Mladić”. Even more scandalous was the following response of the president of parliament: „This parliament shall never be a safe house for any war crimes indictee, but I cannot prevent any speaker in this house from espousing his opinion at this rostrum.<sup>306</sup>”. Oliver Dulić manifested his odd “tolerance” also in the case of sale of Vojislav Šešelj book “The Hrtkovci affair and the Ustashi whore Nataša Kandić”, organized by the Serb Radical Party in November in the Serb Parliament proper. Added to that the par-

304 *Danas*, 17 July 2007.

305 *Official Gazette of the Republic of Serbia*, no. 101/07.

306 *Danas*, 5 October 2007.

liamentary president was indifferent<sup>307</sup> to the fact that the parliament or its sessions were openly misused by some parties. He also failed to resolutely condemn and punish the misbehaviour of the Serb Radical Party members. Dulić did not even try to protect the Chair of the Humanitarian Law Fund, Natasa Kandic, from insults and humiliation to which she had been exposed by numerous speakers during a day-long parliamentary session. Consequently the dignity of parliament, MPs and all citizens of Serbia was tainted. Added to that the chair of the session (vice president of the Serb Parliament, Esad Džudžević) and all MPs of the ruling coalition did not even try to put an end to the Radicals' harangue. Only Vojvodina and Liberal Democratic Party MPs intervened in a bid to protect Kandic's dignity. But then they were also insulted and criticized. By the way the most important democratic institution was too frequently the scene of indecent conduct, and parliamentary exposes abounded in hate speech. But such conduct was never called into question by a public prosecutor. Moreover Radio Television of Serbia continued its live broadcast of parliamentary debates though under the law in force it could have taken them off the air. Radical Party members excelled in uttering snide, humiliating and sexist remarks aimed at female MPs. Of great concern is the lack of general culture and good manners among the female MPs too. They, alike their male counter-parts, continue to prioritize their party interests over an elementary human solidarity and decency.

The most important or rather, the vital national and state interest was, of course, Kosovo. The impending, definitive loss of part of territory would be treated as a priority issue by any country, unfortunately Serbia's wrong tack to the problem well-ahead in time determined resolution thereof. Hard-line nationalistic policy which tended either to ignore or suspend interests of the Albanian people, stubborn toeing of a single, exclusivism-minded line, egotistical perception and hyping of Serbia own

307 This is what Oliver Dulić, who on that day did not chair the parliamentary session, told a group of journalist: "We all know where those books are sold. If you have a video recording of the sale of any such book then forward that recording to the Finance Ministry to enable it check whether a pretinent sale receipt had been issued". *Blic*, 15 November 2007.

importance and rights, were definitely a wrong basis for embarking upon a mutually satisfying dialogue and the quest for a compromise solution. Long-running and systematic discrimination of Kosovo Albanians, which evolved into gross violations of humanitarian law and human rights in the late 90's, as well as a subsequent failure to offer any excuse or make any good-will gesture to Albanians, in recent years have considerably lessened the chances for reaching any compromise agreement. Developments in the province proper, wrong assessments and obscure political calculations of the international community were not either propitious for the creation of a mood which could have partly relieved both sides from an onerous historical legacy. However, the fact remains that Serbia lacked sufficient inner capacity and democratic potential to take a different tack to the Kosovo problem. Economically and morally exhausted, and faced with consequences of its numerous, unacknowledged defeats, led by an immature political elite, Serbia, especially since the assassination of Prime Minister Đinđić oscillated between the pull of the past and the pull of the present, that is between the forces which represented them. But despite many aggravating circumstances Serbia had both enough time and room to define its Kosovo policy in a different, more forward-looking way. When a total failure started staring in the face of the Serb political leaders, they suddenly realized that the chosen platform was dead-ended. And thus the blind insistence of the top state officials on only one final solution, ultimately met with a total rout.

Since Kosovo for years now has been „the uppermost topic for a competition in patriotism“, the Serb parliament last year also expended a lot of its energy and spent most of its time in empty and mindless stories and talks abounding in populist demagogy and devoid of any rational and responsible tack on the pressing problems. Barring the Vojvodina MP group, the Liberal Democratic Party, and minorities representatives, other MPs used most frequently the parliamentary rostrum for their party promotions and criticism, even demonization of other parties. Presence and speeches of the highest state officials in sessions discussing reports of Kosovo negotiating teams and Kosovo-related resolutions, additionally discouraged even the greatest optimists; their rhetoric was quite similar to

the street lingo, and their arguments were devoid of statesmen wisdom and vision. MPs of parties making up the ruling coalition by and large emulated their leaders, while Radicals and Socialist humiliated them by accusing them of not fighting enough for Kosovo. Thus Parliament and the government, before the eyes of the Serb citizens and the whole world, demonstrated a farsical and sorry unity in the face of probably the impending, biggest historical defeat of Serbia.

In late June and early July the Serb Radical Party stage-managed another marketing manouevre in the Serb parliament by first submitting and then withdrawing its motion of vote of confidence.<sup>308</sup> That motion was backed by the Socialist Party of Serbia MPs, while the withdrawal thereof was justified by the need to preserve the state unity ahead of adoption of the new Resolution on Kosovo. And the Serb National Assembly adopted that Resolution in late July, after protracted fine-tuning and negotiations between the ruling coalition members.<sup>309</sup> Minister for Kosovo and Metohija, Slobodan Samardžić, in his talks with MP groups tried to ensure full support for the motion, but failed in his intent. That prompted an obviously disappointed Minister Samardžić to angrily state that “those who decline to vote for the Resolution have a serious problem with the country in which they live.”<sup>310</sup> That remark was aimed at MPs of Liberal Democratic Party, League of Social-Democrats of Vojvodina and one representative of the Albanian minority, who had voted against the resolution. MPs of the Alliance of Vojvodina Hungarians abstained from voting. That parliamentary session also adopted the Report of the negotiating team on talks held in Vienna from 21 February to 2 March 2007, and the government was tasked with setting up a new negotiating team. Many run-of-the-mill

308 Vote of confidence motion was submitted after the arrest of General Zdravko Tolimir and his hand-over to the Hague Tribunal. Both General Tolimir and the Serb Radical Party maintained that the General was arrested on the territory of Serbia, and then illegally transferred to Republika Srpska to be taken over by the NATO force.

309 Resolution of the National Assembly of the Republic of Serbia on the need for a just solution of the issue of autonomous province of Kosovo and Metohija based on the international law, 25 July 2007. [www.parlament.sr.gov.yu](http://www.parlament.sr.gov.yu)

310 *Kurir*, 15 July 2007.

phrases were heard in the course of that session. The text of the Resolution also abounded in empty phrases, oaths, archaic linguistic constructions. Obviously the resolution was aimed at coalescing domestic public. Few opponents of the Resolution in vain underscored its futility and indicated that the policy of strings-attaching and conditioning was just a follow-up to the Milošević era nationalistic policy because of which Serbia had lost four wars and fallen out with the whole world.

Though the Serb Prime Minister and President espoused a unified policy one could not help but notice the existing political differences in the parliamentary chamber. Those visible differences heralded the imminence of the coalition's collapse after a negative outcome of negotiations and final resolution of status of Kosovo. In the following months at the parliamentary rostrum different visions of the future moves of Serbia, in case of proclamation of independence of Kosovo-which was increasingly becoming the most realistic outcome- were expounded. Though the leading men of the state of Serbia refused even to discuss such a possibility, party communiques and MP speeches clearly indicated the formation of a hard-line faction represented by Democratic Party of Serbia, New Serbia, the Serb Radical Party and the Socialist Party of Serbia, and of a more dovish, pragmatic faction made up of Democratic Party and G17 plus. After the last round of talks chaired by the Contact Group Troika, the Serb Parliament adopted the new Report of the state negotiating team and subsequently adopted another Resolution<sup>311</sup>, the last one before the unilateral declaration of independence.

Resolution was then adopted by the majority of MPs. Like in the past, the Liberal Democratic Party and the League of Social Democrats of Vojvodina voted against the resolution, while the Alliance of Vojvodina Hungarians abstained from voting. As Kosovo's declaration of independence was looming, by dint of the said Resolution the Serb Parliament took a clear stand on that probability, by declaring it in advance as null and void. However the Resolution text also spelled out that all the future international

311 Resolution of the National Assembly on the Protection of Sovereignty, Territorial Integrity and Constitutional Order of the Republic of Serbia, 26 December 2007. *Official Gazette of the Republic of Serbia*, no. 125/07.



agreements, including the Stabilization and Association Agreement primarily had to aim at preservation of sovereignty and territorial integrity of the country. The Resolution also declared Serbia's neutrality with respect to the existing military alliances, until the calling of referendum to take a final decision on that issue. Even during the parliamentary debate, visible differences between MPs of the ruling coalition emerged, notably as the future of European integrations was concerned. Prime Minister Koštunica was resolute in his stance that „Serbia may accede to those agreements, only as a whole and not as a mutilated country“, while Democratic Party had the following interpretation: „In no case we should call into question the resumption of our talks with the EU and signing of what we had already agreed on.<sup>312</sup>“ In the following months due to the growing differences over the issue of European integrations, the coalition partners drifted even further apart. The end result of such an inevitable process was the blockade of government and the Prime Minister's demand that the parliament be dissolved and snap parliamentary elections called.

Although governments tend to be unstable in the countries undergoing the transition process, in Serbia the root-causes of that instability are not of economic nature, that is, they are not economic difficulties, low production, low unemployment, low living standard of citizens and all the other negative spin-offs of the transition. In fact Serbia is still weighted by its recent history, that is the legacy of Milošević era, responsibility for the break-up of the SFRY, its role in recent wars, etc. Added to that it is neither ready or resolved to make a clear and final break with Milošević's war-minded and nationalistic policy. The latter constantly emerges as an insurmountable barrier to Serbia's moving forward. Both the Serb elite and Serbia's citizens seem to lack inner strength to effect that break. The failure to take that difficult, but necessary step has slowed down differentiation in the political arena, which consequently, creates confusion among the electorate, and its loss of confidence in democratic processes and institutions, as well as dissipation of an already insufficient energy for the key changes in the state. Though the current political elite is both the product and reflection of the existing capacities of the whole society, it should

312 *Politika*, 27 December 2007.

in parallel, be also a reflection of its best part, the creative and visionary one, able to ensure the best solutions for citizens at any moment of time. Instead Serbia continues to be a hostage to continual politicking, political demagogy, cheap populism, and lack of political wisdom and vision. And the way out from that vicious circle cannot be not even glimpsed.

Citizens by and large view politics as a necessary evil, and its prime movers as amoral personalities exclusively interested in accumulating personal wealth and career-making. However, continual political crises, either artificially provoked by an immature or incompetent elite or as natural manifestations of an unfinished disintegration of the SFRY, are in fact the most important mainstay and guarantee of survival in the political arena of that very elite. However, a successful two-decade long manipulation of great „state –forming and national“ topics is drawing to a close, and Kosovo is the last in a series of losses which Serbia shall have to face. Attempts of nearly all parliamentary parties, barring the Liberal Democratic Party, the League of Social Democrats of Vojvodina and minorities parties, to prioritize that issue on the agenda of important state business shall in the months to come continue to slow down any progress of Serbia towards European integrations and a much-needed shift towards tackling of internal problems and those of vital importance for population at large. And though political platforms of the current (and future) parties don't offer grounds for much optimism to the civil and Europe-minded part of Serbia, the results of the forthcoming elections are of key importance, for they shall trace the future direction of the state of Serbia, in addition to the pace of either stagnation, or progress. Namely, despite quite justified criticism of Democratic Party and Boris Tadić, political balance of power does not permit their elimination or marginalization. Hence it is far better to root for and hope for their better election results and their proven pragmatism which could consequently lead up to its reform and enable it to assume anew the leadership role among those parties and individuals who see Serbia in the European Union, and think that the EU is the only viable prospect for Serbia.

Failure of the joint, poorly pursued and incompetent policy towards Kosovo, freed Democratic Party and G17 plus from bonds with its former

partner, DPS, and left them enough space to finally treat the priority theme and issue, economics. Thus a mindless policy to which whole Serbia and all its citizens were held hostage, finally collapsed. Though President Tadić, while holding that position, shall be compelled to „wage a diplomatic struggle for the return of Kosovo to the sovereignty of Serbia“, what is evident is a mild shunning of that topic by his Democratic Party. It was obvious during a scandalous rally „Kosovo is Serbia.“ MPs and ministers from the ranks of Democratic Party were absent from the rally, while President Tadić suddenly departed for an official visit to Romania. Though Democratic Party compromised itself considerably by growing closer to the nationalistic parties, DP cadres must be still reckoned with as the prime movers and executors of reforms. It is also true that they may be influenced and that a constructive co-operation with them is viable. Still weak, but very important opposition parties (Liberal Democratic Party, League of Social-Democrats of Vojvodina, for example) should conquer or be accorded a more important role; the foregoing would be good for citizenry, and also for Democratic Party, which, in turn, should treat smaller parties with more respect, and less arrogance.

As regards the work of parliament, no-one should have any illusion about the betterment of its performance in the near future. Building of authority of parliament as the highest representative and legislative body, is a long process which hinges on a previous democratization of political parties, improvement of level of general and parliamentary culture, and strengthening of all the control mechanisms existing in the society. And in Serbia all those processes are still in embryo.



V

**Constitutional  
and Legal Framework II**



# Judiciary: Tardy, Inefficient and Corrupted

In 2007, Serbia's judiciary remained the "dark side" of the country's generally deficient socio-political system, and was such at almost all levels: from municipal courts to the Supreme Court of Serbia, developments in public prosecution offices included. Despite the promises of the incumbent Justice Minister Dušan Petrović and his predecessor Zoran Stojković that the launched "thorough reform" would result in an efficient, fair and independent judiciary, nothing changed. The findings of all public opinion polls show that the judiciary still tops the list of corruption "suspects." In practice, tardiness is still Achilles' heel of courts of law. Scores of cases have been waiting for years to be processed. Therefore, cases – either criminal or litigations – often become barred under the statute of limitations. According to a survey conducted by the Ministry of Justice, as many as 4,503 cases were statute-barrred in the period of five years.<sup>313</sup> Speaking of tardiness of proceedings and pre-trial activities last year was no exception. Some trials that have been running for years such as the trial of the accused of Premier Đinđić assassination (the sentence in this case has not come into effect by the end of 2007) indicate obstruction courts of law and judges are unable to (or would not) stand against. The said trial was marked, to put it mildly, by a series of "strange" occurrences such as resignation of prosecutors and the presiding judge, Marko Kljajevic, the murder of a collaborating witness and many other that only testify that the process was not conducted on purely "legal terrain." The fact that courts are overburdened with cases, particularly the Special Court for Organized Crime that simultaneously processes "bankruptcy," "highway," "traffic," "customs," "oil," "tobacco," et al. mafias just adds to their inefficiency.

A flagrant example of a criminal prosecution barred under the statute of limitations was the case of monk Ilarion, accused of pedophilia. Eventually, the case was simply proclaimed closed. When this reoccurred in

313 *Vecernje Novosti*, November 20, 2007.

another proceeding for the same crime (pedophilia) of which monk Pahomije (Tomislav Gacic) was now accused, Minister Dušan Petrović launched the procedure to disbench Katarina Randjelovic, judge of the Nis Municipal Court, for improbity and tardiness. Namely, it turned out that the court had been unconcerned with the statute of limitations in two criminal proceedings. Serbia will still have to prove that it respects in practice the *Convention on the Protection of Children from Sexual Abuse and Exploitation* it signed at the ministerial meeting in Spain in late October 2007. A comment by an anonymous blogger of the B92 website probably best illustrates the situation in this domain. "As it seems, crimes pays in Serbia. If you have money to bribe 'the right person' your case is 'somehow' neglected...and then 'closed,' wrote the blogger.

Of course, this is only one (though significant) segment telling of / in/efficiency of the Serbian judiciary. Its relationship with the executive branch is still the one of subjugation, which is more than evident in appointments and deposals of judges and prosecutors, as well as in the arbitrariness by which laws are interpreted and implemented. The absence of professional (rather than political) supervision of judges and the absence of a clear-cut anti-crime strategy is more than obvious in Serbia's penal policy. It is only logical, therefore, that the majority of "serious" media and legal experts note that incompetent and often ethically problematic people have been appointed judges and prosecutors, thus degrading the profession itself. The same as in previous years, nothing came out of the promised lustration and general reelection of judges. Committed professionals were often replaced by noddors. Scores of illogical, biased and even shameful sentences are only a natural result of such practice. Clear-cut criteria for reelection of judges have not been set, lustration has been skipped and independent bodies for /re/election in the judiciary have not been established. Unlike politicians, the Society of Judges of Serbia takes that "the Constitutional Law does not apply to reelection of judges since it just technically regulates implementation of the Constitution, which provides permanency of the office of a judge."<sup>314</sup> The highest legal act also

314 *Glas Javnosti*, May 12, 2007.



guarantees independent judiciary. However, the executive power dominates the judiciary and wants to keep it under its control at all costs.

On the other hand, judges can do much for the country's normalization, its coping with transitional problems and establishment of a democratic society, warn experts. But the long-awaited reform of the judiciary has not even brought about reorganization of courts of law, let alone some progress towards independence (that would be reflected in the procedure for the election of judges and prosecutors, establishment of an independent judicial budget, etc.). A reformed court system – with administrative, appeal and misdemeanor courts – was supposed to become functional in early 2007. However, it did not by the end of 2007, while the constitution of new courts was postponed once again under the blurred provisions of the Constitutional Law.

Besides, in 2007, many professional working for judicial services were fired. This is hardly imaginable in a democratic society as those services secure continuity even in the case of (forceful) change of the regime. Numerous strike by the employees of judicial services showed that extremely low salaries could hardly motivate them for work (for instance, in November 2007, the employees of as many as 400 courts from all over Serbia were on strike). Citizens dissatisfied with the situation in the judiciary, lengthy proceedings and court decisions seek justice outside Serbia. President of the European Court for Human Rights Jean Paul Costa said the court had received 1,200 complaints from Serbia and he expected more as the time went by. Out of 1,200 complaints, he added, 200 were forwarded to the Serbian government, while four sentences were passed. "The number of cases from Serbia submitted to the European Court for Human Rights is proportional to the size of population."<sup>315</sup> According to Director of the General Directorate of the Council of Europe Philippe Boyer, over 50 percent of the complaints filed with the European Court for Human Rights would not have been filed at all had Serbia's judicial bodies worked properly.

315 *Danas*, September 21, 2007.

## Major Trials and Rulings

In 2007, the Special Court for Organized Crime was simultaneously conducting 30 trials along with 30 newly instituted proceedings. In that year the Court ruled two major cases – the one of the accused of the Premier Đinđić assassination, who appealed to the Supreme Court and the “Zemun clan” case. In the first case, ex-commander of the Unit for Special Operations /JSO/ Milorad Ulemek Legija and his deputy Zvezdan Jovanović, who gunned down the Premier, were sentenced to 40-year imprisonment each. Aleksandar Simović, Ninoslav Konstantinović, Vladimir Milisavljević and Sretko Kalinić were sentenced to 35 years in prison each, while Zeljko Tojaga, Branislav Bezarevic, Miloš Simović, Milan Jurišić and Dušan Krsmanović to 30 years each. Sasa Pejaković was sentenced to 8 years in prison. In 149 workdays the Trial Chamber and Presiding Judge Nata Mesarević studied 12,672 pages of court documentation, heard 89 witnesses, four collaborating witnesses and 18 court experts, and considered 37 expert opinions. The Chamber ruled out 36 motions by the lawyers of the Đinđić family and Milan Veruovic, the wounded head of the Premier’s security, as well as 72 motions by the lawyers of the defendants.

Concluding the case, Justice Mesarović said, “Dr. Đinđić was murdered after democratic changes in Serbia, at the time the great majority of citizens believed words, work and actions could save Serbia.” “Hardest of all is to accept that in this country a hostile criminal organization can gun down a premier, just outside the governmental building, for the purpose of attaining criminal-political goals. This was a premeditated political murder aimed at undermining the state. The accused Ulemek and Dušan Spasojevic were plotting crimes with the criminal part of the JSO and Spasojevic’s gang. Characteristic of their criminal enterprise were close ties, coordination and precise duties, while its duration was determined by its goal: to assault constitutional order and the state’s security and then influence the change of the regime.”<sup>316</sup> The accused did not hear this section

and the rest of the speech – they requested guards to take them out of the courtroom and walked out in protest.

Members of the so-called Zemun clan, accused of 18 murders and kidnapping of three businessmen, were also sentenced in the Special Court in 2007. Milorad Ulemek was sentenced to 40-year imprisonment, the same as Miloš Simović, Vladimir Milisavljević and Sretko Kalinić, who are still at large. Aleksandar Simović, Nikola Bajić and Đorđe Slavković were sentenced to 35 years in jail, while Milan Jurišić-Juriško to 34 years behind the bars. Milan Jurišić-Jure and Dušan Krsmanović got 20 years each. The court decided that the accused should pay 12 million Euros to compensate three kidnappings. All in all, Milorad Ulemek Legija was sentenced, under all charges, to total 95-year imprisonment. In February 2007, the Trial Chamber of the Belgrade Municipal Court sentenced Ulemek to 15 years in prison for the “Ibar Highway” crime, while the Supreme Court of Serbia made a final decision in the case against the accused of the murder of Ivan Stambolić and assassination attempt at Vuk Drašković. This decision refers to the rulings by which lower courts have sentenced Ulemek to 40-year imprisonment. However, since actual legislation provides maximal imprisonment of 40 years the sentences in different cases cannot be summed.

In 2007, Investigating Judge Vucko Mirčić concluded his investigation of the murder of Zoran Vukojević-Vuk, the protected collaborating witness, found dead on June 2006 in Belgrade. Vukojević had been chief bodyguard of late Dušan Spasojević, leader of the Zemun clan. Vukojević had been given the status of a protected witness in the trial of the accused of the Premier Đinđić assassination and had been guarded by the police for almost two years. Then he decided to leave the program for protected witnesses due to inadequate protection, according to the media. In his testimony, Vukojević imparted important information that, among other things, brought Aco Tomic, Vojislav Šešelj and Rade Bulatović – not included in Prosecutor Jovan Prijic’s indictment – with the Premier Đinđić assassination. No doubt that reconsideration of the roles they might have played in the Premier’s murder would throw significant light on the crime’s political background. The then prosecutor for organized crime, Slobodan Radovanović, said he had completed documentation for the case “political background of the

assassination of Serbian Premier Zoran Đinđić.” However, his office has never informed the public about the activities taken in this case.

In 2007, a number of proceedings were instituted before the Special Court. Out of 33 cases involving 240 suspects, 28 were decided on. The trial of 53 accused members of the so-called highway mafia opened the same as the one of 28 accused of money laundry. The proceedings against “Vehabits” were instituted, as well as against the suspects in the case of “bankruptcy” crime. Mihalj Kertes was finally in the dock for illegal transfers of state money to Cyprus. Stanko Subotic-Cane and his group were indicted for cigarette smuggling, and the trial of the so-called customs mafia opened.

In April 2007, the Chamber for War Crimes ruled the “Scorpions” case. Members of this para-military unit (or, participants in the criminal enterprise) Slobodan Medić, Branislav Medić and Pera Petrasevic were found guilty of the war crime against civil population. Sloban Medić and Branislav Medić were sentenced to 20-year imprisonment each, while Petrašinović was punished with 13-year confinement. Another accused, Aleksandar Medić, was sentenced to 5 years in prison, while Aleksandar Vukov, charged with complicity in crime, was acquitted. The crime they were standing trial for was the one that had shocked both domestic and international public after the broadcast of the authentic tape-recording showing torture and shooting of six Bosniak civilians. Presiding Judge Gordana Božilović-Petrović, who also presided in the Suva Reka case (eight Serbian policemen accused of the war crime against civilians in Suva Reka, Kosovo, in March 1999) was disbenched soon after the ruling. According to her, President of the Belgrade Municipal Court Sinisa Važić had excluded her from the Suva Reka case, “because it was supposed to serve for anti-state campaign in the media that would undermine Serbia’s position in the negotiations on the Kosovo status.” Besides, she was excluded as the person immune to pressure, which was evidenced in the decision she made in the Scorpions case, she added. For his part, Judge Važić said she had not been reassigned to the Chamber for War Crimes due to “inadequate efficiency of her overall performance.” His decision was yet another “addition” to the compromised Serbian judiciary.<sup>317</sup>

317 *Glas Javnosti*, October 17, 2007.

## Constitutional Frame and /Un/Blocking of the Constitutional Court

As a *sui generis* body, the Constitutional Court is one of key institutions of the centralized constitutionality control system. According to experts in constitutional matters, the purpose of “constitutional deciding” is depoliticization, i.e. solution of constitutional issues by legal means and through legal reasoning. To be able to function apolitically, the Constitutional Court must remain outside the domain of the regime and influential political parties – that is, it must be guaranteed a legal milieu in which it could function without being exposed to political pressure. The Constitutional Courts – as denoted by its very name – operates by the highest legal acts: the Constitution, the Law on Implementation of the Constitution and, naturally, the Law on the Constitutional Courts. What was that legal milieu like in 2007 and how did the Constitutional Court operate against such backdrop? Was the legal frame for its role in the society adequate?

The Constitutional Court of Serbia was blocked for over a year because it was incomplete in terms of elected judges. The only protector of the constitutional order under the very Constitution, the Constitutional Court was inoperative because the Serbian parliament failed to elect a new president and judges in due time. Instead of 15 judges, as laid down by the new Constitution, there were only six constitutional arbiters. After its president, Slobodan Vučetić, retired there was no one with authority to convene sessions. Besides, it was impossible to change the decision on the Court’s organization and thus enable it to function with six judges only. True, President of the Republic Boris Tadić put forth his candidates for the president and two judges, but the parliament did not vote them in. It was only in early October 2007 that the government adopted the Draft Law on the Constitutional Court and thus created conditions for the election of constitutional judges and unblocking of the highest legal body after a one-year break. Under the said draft, the Constitutional Court shall protect the law and control constitutionality and legality of governmental acts. However, the draft introduced a novelty – a constitutional appeal to

protect citizens' human rights. Some provisions of the draft were strongly criticized before it was submitted to the parliament for consideration. For instance, experts were critical about the limitations that ruled out amendments to the law given that the Constitution, as the highest legal act, had already stipulated the functioning of the Constitutional Court. The said limitations affect its efficiency – for, under the Constitution, the Constitutional Court's decisions are made by majority vote, which means that to be valid all decisions necessitate a plenum.

During parliamentary debate on the draft, Vesna Pesic, MP from the Liberal Democratic Party, indicated the possibility of thousands and thousands constitutional complaints and wondered whether the Constitutional Court would be capable of solving them timely and efficiently, and performing other duties in its jurisdiction. Further, expert circles questioned the Court's independence given that it was the parliament that composed the list of candidates for judges. That was done under a new regulation according to which all parliamentary caucuses were entitled to put forward their candidates who are then short-listed to ten people. Such practice indicates that the Constitutional Court is formed by coalition agreement.

Constitutional provisions on termination of a judge's term of office, i.e. his or her discharge, indicate that constitutional judges are treated as if they were delegates of the bodies that have nominated them in the first place – for, only those bodies are authorized to request their discharge. By the election criteria, judges of the Constitutional Court must be outstanding jurists, not younger than 40 and with 15-year experience. On the other hand, the Constitution does not provide their moral competence. Unlike the Constitution, the Law on Judges lays down, under Article 14, that a candidate should be worthy of the office of a judge.

Adoption of the above-mentioned law unblocked the Constitutional Court in mid-December 2007 as it enabled election of ten new judges out of 15 (the old law provided nine judges). For, under the new Constitution, the President of the Republic nominates ten candidates and the parliament elects five of them. For its part, the parliament also puts forth ten "favorites" to the President of the Republic, who then "picks" five. From the list submitted to him the President appointed the professor at the

Belgrade Law School, Olivera Vučić, the state secretary at the Ministry of Education, Vesna Ilić-Prelic, the extraordinary professor at the Novi Sad Law School, Agnes Kartag-Odri, Justice of the Supreme Court of Serbia Katarina Manojlovic-Andric and the professor at the Nis Law School, Dragan M. Stojanović. The judges the parliament selected from the presidential list of ten also took oath – Justice of the Constitutional Court of Serbia Bosa Nenadić, Justice of the Supreme Court of Serbia Dragiša Slijepčević, Deputy Republican Public Prosecutor Stanko Milanović, Professor at the Belgrade Law School Marija Draškić and the assistant director for legal and administrative affairs, Novi Sad DDOR, Predrag Četković. President of the Constitutional Court was elected by secret ballot.

The Supreme Cassation Court is supposed to complete the list of judges. However, this court has not been formed yet. It must be given the possibility to select five judges out of ten nominated by the Supreme Judiciary Council and the State Chamber of Prosecutors at a joint meeting, writes the *Vreme* weekly.<sup>318</sup> But the latter two bodies are still non-existent in the Serbian judiciary. The weekly also warns that judges of the Constitutional Court are elected by partisan standard. So, MPs were firstly presented just the names of candidates and only then provided their brief CVs. Some CVs quote that candidates were members of no party whatsoever, despite the fact parties are those that nominate them in the parliament.

On the other hand, there are no bylaws regulating constitutional judges' public statements. Only Minister of Justice Dušan Petrović once said the matter should be "clearly defined and they /constitutional judges/ should not be prohibited from partaking in public life and commenting developments."<sup>319</sup> Namely, last year (the same as in previous years) officials of different parties criticized President of the Constitutional Court Slobodan Vučetić for his interviews, comments and commentaries focusing legal provisions vis-à-vis political topics. In late 2007, Vučetić was criticized for saying that calling of presidential elections could be considered an unconstitutional act, given that it would be contrary to a provision of the Constitutional Law. "The parliamentary speaker's decision /to call

318 *Vreme*, November 15, 2007.

319 *www.B92.net.*, November 20, 2007.

presidential elections/ is in line with the Constitutional Law in the matter of the set deadline, which is December 31.<sup>320</sup> However, the Article 3 of the Law provides yet another condition and that is enactment of the last in the series of six laws regulating the election and authority of the President of the Republic,” said Vučetić. Unlike him, many legal experts were of the opinion that the Constitutional Law overmastered other law and, therefore, the deadline set by it, should be respected.

Last but not least, the newly elected president of the Constitutional Court, Bosa Nenadić, said new constitutional judges found on their desks 750 pending cases, including over 250 constitutional appeals.

## Amendments to the Law on Criminal Procedure

In May 2007, the Serbian parliament adopted the amendments to the *Law on Criminal Procedure* according to which a trial chamber decides on the period in which an indicted person shall be kept in custody. Further, having consulted a public prosecutor in the event a trial is instituted at his request, only a trial chamber can either place a charged person into custody or release him/her from the moment an indictment is filed to the end of a trial. A trial chamber is obliged – regardless of whether or not the parties in a trial have requested so – to consider validity of the reasons for keeping a person in custody and – within the period of 30 days from the day an indictment was filed and each two months after the indictment came into power – decide either prolongation or termination of custody. A custody related decision made by a trial chamber cannot be contested. The amendments provide that, at the request of a person sentenced to imprisonment, a presiding judge may decide on that person’s institutionalization even before the verdict is final. The amendments detail that a trial starts with reading of an indictment or a charge and that adjournment

320 [www.B92.net](http://www.B92.net)., December 13, 2007.



should be avoided if possible. Under the amended Law on Criminal Procedure a request for a judge's exemption can be filed only before a hearing. It was only after first trials for organized crime and, especially, the trial of the accused of the Premier Đinđić assassination opened that requests for exemption of judges – often filed by defense lawyers – came into limelight. Throughout the latter trial, defense lawyers requested exemption of judges several times. The general public, therefore, thought the trial much too slow-paced, while defense lawyers were alleged of delay and obstruction of the trial. Numerous experienced jurists, therefore, take that the provision would gradually extinguish on its own, the more so since in the history of domestic judiciary the cases in which judges were exempt at the request of defense lawyers can be counted on one's fingers.<sup>321</sup>

The amended law also provides that a court of law shall pass and publicize sentence without delay. The sentence must be put in black and white within 8 days from the day it was passed. In the event an indicted person pleads guilty and his/her plea is supported by other evidence, a court of law, with the consent of the parties involved, closes the trial and passes the sentence unless it has doubts about validity of the guilty plea. In its explanation of the amendments, the Serbian government quoted that they were necessary so as to avoid the possibility that the persons charged with the most serious crimes or organized crime defend themselves while free in the event the trials to them protract over four or two years. The law itself was passed in May 2006, has been partially implemented since January 1, 2007, and its full enforcement was expected on June 1, 2007. However, MPs voted its postponement till December 31, 2008. Leader of the Liberal Democratic Party Cedomir Jovanović said his party had voted for the amendments to prevent "release of the worst criminals."<sup>322</sup> And yet, warned Jovanović, the "manner in which the problem was solved opened the door to malpractice and abuse of fundamental human and civil rights by investing the executive and judiciary branches with power to endlessly keep someone in custody." "I think that is a precedent in Europe, let alone in Africa," said Jovanović.

321 *Glas Javnosti*, May 2007.

322 [www.b92.net](http://www.b92.net). May 29, 2007.

## Functioning of Prosecution Offices and Public Prosecutors: Constitutional/Legal Frame

As a part of the same legal system, public prosecution offices suffer the same fate as courts of law. Neither of the two is fully independent. Since the parliament and the government are under overt, strong influence of political parties, prosecutors – and judges to a certain extent – cannot act independently constitutional and legal provisions regulating functioning of prosecution offices and, in particular, their subjugation to the executive branch, are still blurred and incomplete. In early 2007, Professor at the University Union Law School Momcilo Grubač warned that public prosecutors were “in the hands of the executive branch,” while their independence was just nominal. In other words, the parliament only formally elects public prosecutors who are nominated by the government. The situation with deputy public prosecutors is somewhat better. They are elected by the High Judiciary Council. Unlike prosecutors who need to be reelected after the period of six years, they are engaged on full-time basis after 3-year probation. In other words, “unfit” prosecutors stand no chance to be reelected. And yet, according to Grubač, their situation can be improved through a well-thought-out law on prosecution offices. Independence and accountability are the key issues for the position of this and other institutions of Serbia’s judiciary. On the other hand, the Serbian Constitution provides no guarantees for the public prosecutor’s independent action but explicitly restricts his functions. Therefore, new laws can invest this public servant with no other authority whatsoever. Prosecutors are even less independent than judges. The new Law on Criminal Procedure provides that prosecutors are in charge of investigation, though the terrain for such a change has not been prepared.<sup>323</sup>

The future law on public prosecutors might improve the position and role of public prosecutors, and further the reform in this area. However, in 2007 public prosecution offices failed to voice a common stand on the necessary changes and provisions. In February 2007, the Republican Prosecution Office and the Special Prosecution Office disagreed over the draft law on

323 *www.b92.net.*, May 29, 2007.

the state bodies' role in the proceedings instituted for organized crime. The former thought the draft law unconstitutional and contrary to the recommendations of the Council of Europe. The Special Prosecutor for Organized Crime Slobodan Radovanović said he was "surprised" with the Republican Prosecution's criticism and underlined the draft law was meant to fight corruption in Serbia.

"We have all organizational and technical preconditions for the fight against corruption, but lack an adequate law. This is why I demanded that we should process even the most serious cases of corruption involving major state bodies and top officials," said Radovanović. He disagreed with the Republican Public Prosecution Office that the draft contains unconstitutional provisions. According to him, the Republican Prosecution's stand that the Special Prosecution should be in charge of the crimes "unknown to Serbia's jurisprudence and criminal law" shows that the former "missed the point." The priority of the fight against corruption and organized crime is a result, rather than a discussion over division of authority, added Radovanović.<sup>324</sup>

The Republican Prosecution warned that the draft should not be even considered before drafting a law on public prosecution, since its unconstitutional provisions question and restrict its authority as the highest prosecution chamber in the Republic of Serbia. As for Radovanović, he put forth that the Republican Prosecution should be consulted before the election of the Special Prosecutor, and suggested a provision saying, "the Special Prosecutor shall be accountable to the Republican Public Prosecution Office and the People's Assembly." To that, Jovan Krstić, deputy republican prosecutor,<sup>325</sup> commented, "The Republican Public Prosecution is outdated and organized as a revolutionary right of the working class." According to Krstić, modernization of prosecution offices necessitates adjustment of the entire institute of the Public Prosecutor to the Constitution. "This draft responds not to the recommendations of the Council of Europe and some recommendations of the International Association of Jurists and other expert organizations, as it does guarantee citizens' right to appeal and fair trial," he said.

324 Launch of the book "Public Prosecutors and Their Role in the Establishment of the Rule of Law," February 21, 2007.

325 *Danas*, February 14, 2007.

However, the present Constitution allows for a coherent and well-harmonized law on public prosecution, which would fully respect the division between special prosecution for war crimes and that for organized crime, including their particular authorities and competences. Krstić takes that a single act should cover all prosecution offices, the more so since, as he put it, “the so-called Anglo-Saxon solutions would not strengthen the fight against organized crime.” In his view, experts should not go public with their opposing views while a law is still under consideration and thus influence the work of a relevant parliamentary committee. “This creates a wrong impression that the Republican Public Prosecution opposes modernization,” he said.<sup>326</sup>

A member of the team that worked on the disputable draft, Law Professor Milan Skulić takes all that is not about a ‘legal conflict’ between the two prosecutors but about differing interpretations of certain provisions. Skulić also says that the section of the draft dealing with the Special Prosecutor does not differ much from the existing norms. “The Constitution defines the prosecution as a unique organization. However, the situation on the terrain required that some forms of special prosecution should remain. Of course, the manner in which they can be connected within the system of prosecution organization is open to discussion,” said Skulić.<sup>327</sup>

The Association of Prosecutors of Serbia put forward a draft law under which every prosecution office sets up an assembly and delegates a representative in the state council of prosecutors. Such a solution, according to the Association, secures the election of prosecutors who are nominated and backed by the profession itself on the one hand and, on the other, prevents election of a person not working for that specific prosecution office. Further, a mandatory order by higher prosecutors to their subordinates should be in the written form and contain adequate explanation. The Association also envisages the right to conscientious objection in the event a deputy prosecutor or a prosecutor sees the order issued by his or her superior contrary to professional standards or illegal.

Presently, any order issued by a higher prosecutor has to be implemented. The Association also suggests establishment of the *State Council of*

326 [www.b92.net](http://www.b92.net), January 3, 2007.

327 Danas, February 14, 2007.

*Prosecutors*, as an independent body securing independence of public prosecutors from the influence of political parties. The draft has been circulated to all relevant domestic and international institutions – OEBS, American Bar Association, etc. It goes without saying that the problem of functioning and competence of prosecutions need to be approached in a modern way. Some professional circles, therefore, take that prosecution offices and public attorney offices should be merged. The conventional division into legislative, executive and judiciary power is inoperative when the executive branch operates under the veil of the legislative one. The bottom line is that prosecutors' independence should be in the service of combating crime.

Public prosecution offices also need bigger budgets to be able to operate smoothly. Prosecutors should act autonomously and independently. The Constitution should be amended so as to guarantee better position to prosecution offices and detail their responsibilities. In the section dealing with prosecution offices the present Constitution is not adjusted to the recommendations and other documents of the UN, Council of Europe and the International Association of Prosecutors. Further, the overall situation in Serbia calls for the system by which some police units are under the control of prosecution offices (like in Italy). Prosecution offices should also have their say in the matters of personnel policy and disciplinary actions in the police. According to estimates, Serbia presently needs some 860 highly qualified prosecutors.

## Prosecution 'Scandals'

In 2007, the Association of Prosecutors requested introduction of disciplinary proceedings against the prosecutors suspected of having infringed professional standards. One in the series of cases when some prosecutors were /un/justly compromised was the "Terzić case." According to the media, prosecutor Terzić had order his subordinates to propose release of the members of the "Zemun clan." Terzić was arrested. However, it is still unclear whether he is indeed guilty of misconduct or all that was nothing but political manipulation. But be it as it may be, the office of a prosecutor was

once again compromised by the very fact that prosecutors ‘accused’ prosecutors. Biljana Radovanović, public prosecutor of the Fourth Municipal Prosecution Office in Belgrade, and Miodjub Vitorović, her deputy, were interrogated in the Terzić case. They testified about the circumstances under which Dušan Spasojević and Mile Luković, members of the Zemun clan, were released from the custody after being arrested as suspects in kidnapping of businessman Miroslav Mišković. They told the media they had disagreed with Terzić’s order but had to obey as it had been mandatory. For his part, Terzić told the media that the two, without having informed him, sustained the defense attorney’s motion to have Spasojević released.

Various accusations were also ‘showered’ on higher prosecutors. In July 2006, Slobodan Radovanović, special prosecutor for organized crime, was not reelected but appointed acting republican prosecutor instead. The decision was made at eleventh hour. Namely, the Democratic Party opposed the Democratic Party of Serbia and refused to have Radovanović reelected. His appointment to the office of acting republican prosecutor was actually a compromise solution. The first decision Radovanović made in his new capacity was to appoint Miljko Radisavljević, prosecutor from Krusevac, his successor in the office of special prosecutor. Such denouement was once again seen as a political bargain and meddling of parties and political bigwigs into ‘internal affairs’ of allegedly independent judiciary, i.e. prosecution.

As it seems, Radovanović himself has not expected such coup de theatre. For, just a couple of days before it took place, he gave his consent to the then republican prosecutor, Slobodan Janković, to prolong his term of office for another two years. Slobodan Radovanović has been in the office of the special prosecutor for two years by then. Some media were labeling him “Serbian Eliot Nash.” He will be remembered for having instituted numerous criminal proceedings: investigation into political background of the assassination of Premier Zoran Đinđić in the first place, but also criminal proceedings against the bigwigs of the Slobodan Milošević regime and various ‘mafias’ – tobacco mafia, police mafia, bankruptcy mafia, traffic mafia, customs mafia, etc. With him in office, criminal charges were brought against Mirjana Marković, Marko Milošević, Stanko Subotić,

Mihalj Kertes, a number of businessmen, some judges, prosecutors and lawyers. Nearly all those cases are on trial.

Unlike in some other cases, the media failed to 'dig up' dirty stories about Radovanović's personal life. He was mostly criticized in public for having refused to reappoint his deputy, Mioljub Vitorović, in mid-2007. He was also reprimanded for failing to meet the promise he gave that he would disclose names of the masterminds behind the murder of the newspaper owner, Slavko Curuvija, and reveal all he knew about the case should the investigation stall. Namely, back in December 2006, Radovanović said, "In the pre-trial procedure the police have asserted what actually happened on the day of Curuvija's murder. It's only a matter of time before citizens would learn who contracted the murder and why." "The police know who fired the gun, who stood guard and who provided logistic support," he added, announcing that the names of the accused would be publicized soon and that he would "open the file and tell the reasons why" he was prevented to start investigation. A year later he refused to answer why was it that he failed to meet his promise.<sup>328</sup>

Radovanović was criticized because Mioljub Vitorović, despite his renown of an unbribable and courageous person, was not reappointed deputy special prosecutor for organized crime. Vitorović claimed that was the Special Prosecutor's 'personal' decision made under various pretexts – ranging from alleged concern for Vitorović's personal safety, accusations that Vitorović has revealed classified documents, to the shameful assessment about his 'incompetence.' Radovanović spiced it all by telling the press that he chooses for his associates only the people he trusts and that the fact that one of his 'best deputies' was not reappointed testifies of the judiciary's independence.<sup>329</sup>

Just lately Radovanović was criticized, this time in his capacity as the republican public prosecutor, for failing to react to the Liberal Democratic Party's /LDP/ accusations that Minister for Infrastructure Velimir Ilić was responsible of violence and destruction in the streets of Belgrade following the rally against Kosovo's independence. The party release quoted that

328 *Blic*, 16. December 2007.

329 *Vreme*, No. 810, 2007.

“in any normal state it would be unimaginable for a public prosecutor to refuse to investigate a public lynch call.” According to the LDP, Radovanović “selectively interprets the law and thus continues his conscientious work in the Special Prosecution, where he did his utmost to hush up the political background of the Đinđić assassination and protect the image of /Premier/ Vojislav Koštunica.” Radovanović was persecuting Prosecutor Jovan Prijic, planned dismissal of Prosecutor Mioljub Vitorović and put Prosecutor Milan Radovanović in jail, where he died,” said the LDP.<sup>330</sup>

The LDP criticism also targeted Radovanović for “having exerted himself to block and annul the investigation into the longstanding involvement of the director of the Delta Company, Miroslav Mišković, in cigarette smuggling.” Further, the party accused him of having backed Premier Koštunica’s cabinet in the attempted “political showdown” with the LDP leader, Cedomir Jovanović, and of having detained Prosecutor Rade Terzić “without any legal ground.”

When Miljko Radovanović was elected (appointed) Special Prosecutor for Organized Crime, almost all the media called him “top professional” with 23-year experience in prosecuting drug smugglers. His appointment was justified by his results in the fight against crime, said the media.

## Prosecution for War Crimes

Despite the fact that war crime trials are not popular in Serbia, and that the Prosecution for War Crimes is permanently targeted by parties such as the Serbian Radical Party and the Socialist Party of Serbia, this important segment of Serbia’s judiciary functions adequately. In 2007, Prosecutor for War Crimes Vladimir Vukčević was bestowed the Cran Montana award reserved, since 1989, for most outstanding world figures. According to the Cran Montana Forum, Vukčević was winner of the 2007 award for his achievements in prosecuting war criminals and contribution to the legal system in Serbia and in the region. In 2007, the Prosecution investigated

330 *www.b92.net.*, June 30, 2007.



112 individuals and filed charges against 57. Besides, Serbia has extradited to the tribunal in The Hague 42 war crime indictees up to now, while Vukčević announced the end of two major trials for 2008. Referring to criticism of the Prosecution and pressures on it, Vukčević says, "A change in the perception of state officials is evident, and the support to the Prosecution's work is stronger and stronger." According to him, the public in Serbia begins to face the fact that war crimes have been committed on its behalf and that people in command "were mere criminals, rather than heroes." "We should not turn a blind eye to the fact that four fugitives from The Hague justice have not been arrested yet," reminds Vukčević.<sup>331</sup> In late 2007, he said he expected to have Mladić and the other three fugitives in Scheveningen soon.

Prosecutors for war crimes are exposed to constant threats and even physical assaults. The spokesman for the Prosecution, Bruno Vekarić, was receiving telephone threats and his car was damaged several times. Vekarić warned that the car of the prosecutor in the Ovcara case had been demolished, and that the same happened to the prosecutor in the Kosovo case despite security guards in charge of protecting him. According to him, almost all prosecutors and associates of Prosecutor Vukčević had been victims in some incidents. However, Prosecutor Vukčević and his associates are not the only ones threatened with liquidation. Justice Nata Mesarević, who chaired the trial chamber that sentenced the accused of Premier Đinđić's assassination, received a threatening letter in 2007. Judge Zoran Cvetanovic and lawyer Petar Savanović were gunned down in the courtroom in the town of Odzaci, some 100 kilometers away from Novi Sad. A stenographer was badly wounded in the shooting. The arm of the crime is evident within the judiciary but also in relation to it – since the state is incapable to protect it.

331 *Danas*, 30. June 2007.

## Conclusions and Recommendations:

The Venetian Commission, the European Commission and the Council of Europe were strongly critical about Serbia's judiciary. The most serious criticism relates to political influence, i.e. non-protection against political misuse in the process of election of judges and prosecutors.

Hardly any judge or prosecutor in Serbia is independent, given that "politicians and the executive power keep them all blackmailed with reelection or deposal." They are often threatened with lustration or with being accused of political disloyalty.

At politicians' order, they can be accused of complicity in crime and end up in prison. Judges and prosecutors are in the dock in almost every big trial for organized crime. Judges' and prosecutors' fear of 'punishment' is so strong that they refrain from participation in the trade union. Serbia's judiciary has thus been turned into a political service.

The Judges' Society of Serbia takes that the network of courts is irrational. Endless postponement of rationalization and unequal distribution of cases turn courts and judges inefficient and slow-paced. Cases are too many, and judges are too few. Election of judges is being delayed by the expected reorganization of courts. Regulations and bylaws are often passed overnight, without public debate and professional consultation.

The Belgrade judiciary deals with over 60 percent of total number of cases in Serbia, but has only 18 percent of total number of judges. Besides, almost all the big cases are processed in Belgrade, which means that trials will be inefficient and slow until a new network of courts is established.

The fact that executive and legislative branches blame the judiciary for the existence of organized crime, and vice versa, testify of a troubled relationship.

Judicial and political authorities should finally launch fundamental reforms that would indicate Serbia's option for Europe.

VII  
Regional  
Challenges



# Vojvodina: Undefined Status

The settlement of the Kosovo issue was followed with great interest in the Vojvodina public, which was not without good reason. The events in the broader community have a dramatic impact on Vojvodina as an ethnically very sensitive region. On the other hand, its vital interest, as the most European part of Serbia, lies in the unhindered continuation of European integration processes. The attempts of the conservative forces to shift Serbia from the European Union to other strategic partners, through Kosovo, would largely affect Vojvodina's pro-European attempts and make them senseless.

These two issues, Kosovo and European integration, were also on the agenda during the presidential campaigns of the two most powerful leaders in Serbia at the moment – Boris Tadić and Tomislav Nikolić. Boris Tadić scored a victory thanks to the votes from Vojvodina. Its citizens supported Tadić despite the fact that he and his Democratic Party (DS) stood behind the Constitution to which they said “no” at the referendum. This support to Tadić was not only the result of their approval of his political programme, promoted during the presidential campaign, but also of the fear that Serbia's European orientation would be compromised and reversed with the victory of Tomislav Nikolić. In the policy pursued by the Serbian Radical Party (SRS), the citizens recognize the continuity of the policy that is not inclined to Vojvodina's autonomy and whose tragic consequences they also felt to a large extent. The fact that the voters did not regard the presidential elections as a routine periodical verification of their will also impose certain obligations on the new President and his political party, including specifically their strong support to the processes of Serbia's decentralization and the requests for such a degree of autonomy that will enable Vojvodina to maximize its advantages and contribute to a strong and fast integration with the European Union as much as possible.

As the most-European part of Serbia and the key mobilizing factor of the pro-European option in Serbia, Vojvodina needs, first of all, the constitutional assumptions that will enable it to play its modernizing and developmental role. Thus, during the year it could be heard on a number of occasions that the “new Constitution has been adopted, but the constitutional question has not yet been closed”,<sup>332</sup> thus pointing to the need for the revision of the Constitution. “Serbia has never been so centralized; so many decisions have never been brought at one place; it has never been so inefficient nor has it ever had so many functional problems”. This was emphasized at the round table devoted to “Decentralization Within the New Constitution of Serbia and EU Integration”. “Even the telephone on the desk of any mayor in Serbia belongs is state-owned, because local self-government units do not have their own assets. When citizens wish to change the name of their street, they need the signature of the competent minister in Belgrade”.<sup>333</sup> The Constitution guarantees the right to autonomy only in principle which, in the opinion of the round-table participants, is not sufficient. If the content of this right is related to the Province’s direct competences, it turns out, as emphasized by Marijana Pajvančić, Professor of Constitutional Law, that the Province can adopt only its flag and coat-of-arms independently. All other competences are based on other laws that will stipulate what can be done in agriculture, education or health care.<sup>334</sup>

The new Constitution does not provide for all powers and competences that were requested by the civil and political autonomist actors. Instead, this year was continued with the underestimation of Vojvodina. So, for example, under the draft law on local government it is stipulated that in the future the provincial government must inform the republican government, that is, the competent ministry about each decision it takes within 12 hours.

332 *Dnevnik*, 8 June 2007.

333 *Dnevnik*, 26 November 2007.

334 *Građanski list*, 19 December 2007. Professor Pajvančić mentioned, as the most striking example of its ambiguity, the deficiencies in solving a constitutional dispute should the National Assembly fail to give its consent for the new Provincial Statute. There is no way out of such a situation, because the Constitution does not contain the necessary rules and procedures.

According Nenad Čanak, the proposed solution leads to the further centralization of the state, while the attitude toward Vojvodina is increasingly turning into the patron's and purely police supervision.<sup>335</sup> Marija Žekić, Secretary of the Provincial Assembly, called attention to some very interesting data. Namely, out of all draft laws submitted by the Vojvodina Assembly to the Republican Parliament after 2000, only one was adopted. "The Law on Establishing Specific Competences of the Autonomous Province of Vojvodina" (also known as the Omnibus Law) is not the only draft law proposed by the Vojvodina Assembly which was adopted but, as far as we know, it is the only draft law proposed of the Vojvodina Assembly which was found on the agenda of the Republican Parliament."<sup>336</sup>

Especially humiliating was the attitude demonstrated in the case of the concession for the construction of the Horgoš-Požega highway. To the publicly expressed doubts that this concession can be harmful to the interests of Vojvodina citizens, Minister Velimir Ilić responded by making especially disparaging comments about the provincial administration and Vojvodina's Assembly President. In early April, Bojan Kostreš, President of the Provincial Assembly, requested from Prime Minister Koštunica and the Ministers Parivodić and Ilić to see the text of the concession agreement. "The agreement has 1,100 pages and cannot be taken away; it can be seen only upon official request", said Minister Ilić.<sup>337</sup> When Kostreš appeared in his Cabinet, he was referred to the Ministry in 22 Nemanjina Street, where

335 *Dnevnik*, 31 May 2007.

336 *Dnevnik*, 19 March 2007.

337 *Dnevnik*, 11 April 2007. Ilić sent the message to Kostreš that he should have come to the Government at the time of decision making; he had a chance to say what he wanted when it was the right time to do that; he did not join any working group or government commission; he did not ask for a meeting with financial advisors, as required by the procedure; instead, he is holding press conferences. "I never officially received the decision of any institution from Vojvodina which was deciding about the concession, where it was asked something, that some view should be changed, that it was proposed to the financial advisors to delete one item and the like. The story that the Concession Law was not observed is not true, because Vojvodina gave its opinion and submitted it to the relevant Ministry, the Government and the Parliament during the work on the concession".

he saw the agreement on the desk, but could not read it: "State Secretary Marković, who was the Chairman of the Tender Commission, told me", said Kostreš, "that we cannot have an insight into the documents, because he has no approval from the Serbian Government. The agreement has the blue cover and that's all we could see."<sup>338</sup> "Kostreš saw the agreement today. He got the documents and looked through them", said Velimir Ilić to journalists. "During that time, he was as quiet as a mouse, he kept tight-lipped, but as soon as he came out, he stated that nothing had been shown to him... I don't know whether Kostreš expected me to read the agreement of more than a thousand pages for him and to waste time with him."<sup>339</sup>

In early September, Velimir Ilić accused the politicians from Vojvodina that they would force foreign concessionaires to give up the construction of the Horgoš-Požega highway by making such a fuss. He especially mentioned Bojan Kostreš, President of the Provincial Assembly, Bojan Pajtić, President of the Executive Council, and Tihomir Simić, Vice-President of the Executive Council: "They in Vojvodina have not done anything – neither one metre of embankment, nor one hectare of the irrigation system, nor roads. Everything has been done by Serbia"<sup>340</sup> In mid-November, the accusations against the Provincial Government also included the League of Social Democrats of Vojvodina (LSV). According to one of the top SRS officials, Igor Mirčić, the construction of the highway does not suit some forces in Vojvodina, because it would be a competition to the highway through Croatia and its concessionaires who would remain without one portion of the profit, since the bulk of transport from Western Europe to the south, especially to the Near East, would be redirected to the shorter route, via Hungary and Vojvodina. Moreover, as an extension of Croatia's arm, the LSV is lobbying for its concessionaires so as to prevent the construction of a highway through Vojvodina.<sup>341</sup>

The Concession Agreement on the Construction of the Horgoš-Požega Highway also actualized the issue of Vojvodina property. In mid-March, the

338 *Danas*, 14 June 2007.

339 *Dnevnik*, 14 June 2007.

340 *Građanski list*, 1/2, September 2007.

341 *Dnevnik*, 15 November 2007.



LSV deputies' club announced that it would request from the Vojvodina Assembly to adopt the resolution whereby the Republican Assembly would be requested to urgently adopt the law on property recovery. The request that Vojvodina should recover its property was also repeated at the round table on *Where Is Vojvodina Going*. The participants concluded that Vojvodina was 'plundered' from the abolition of its autonomy in 1988 onward and that this 'plunder' was cemented by the adoption of the so-called *Šešelj Law*, that is, the Law on the Assets Possessed by the Republic, in 1995. Under this Law, local self-government units and provinces were deprived of the right to manage their assets and all competences were transferred to the Republic. The experts pointed out that it would be impossible to precisely determine the losses incurred by the Province during the past 19 years, but agreed that they could be measured by tens of billions of euros.

Bojan Kostreš said that: "Without the recovery of its property, Vojvodina's autonomy is false and formal. Therefore, the Vojvodina Assembly will speed up its activities geared to the recovery of Vojvodina property, as well as the property of local self-government units".<sup>342</sup> "Vojvodina's property must be clearly defined; it must be recovered in full and not only one part of it or a single item; Vojvodina must recover everything that was taken away by Milošević. It includes, inter alia, Naftagas, roads, railways, DDOR – if it is not sold until then..."<sup>343</sup>

Vojvodina Parliament Speaker Kostreš announced that the recovery of Vojvodina property would be carried out in three phases: the first phase would include the identification of such property; the second phase would involve the work on the legislative model, while the third phase would consist in the takeover of property. However, at the end of October, Provincial Finance Secretary Jovica Đukić said that the Provincial Executive Council gave up drafting the law on Vojvodina property, because this issue would be settled at the republican level, by the preparation of a set of property laws.<sup>344</sup>

342 *Dnevnik*, 25 May 2007.

343 *Građanski list*, 24 October 2007.

344 *Građanski list*, 24 October 2007.

Like the new Constitution or the concession for the construction of the Horgoš-Požega highway, the privatization of the Oil Industry of Serbia (NIS) and the energy deal with Russia were also the subject of debate. At the round table "Where Are Oil Is Going", Bojan Kostreš expressed his hope that the Vojvodina Assembly would pass the resolution that the anticipated privatization would not be acceptable for Vojvodina. "We oppose the situation that Vojvodina ends up with the short end of the stick and is damaged in a financial sense". He said that this privatization and the deal with Russia demonstrated why the people in Vojvodina did not vote for the Constitution – because Vojvodina cannot decide about its property by itself. Dragan Surdučki, Provincial Secretary for Energy and Mineral Raw Materials, pointed out that nobody from the provincial administration was consulted about the deal with Russia, which was signed by the state delegation in Moscow. "Nobody consulted the President of the Vojvodina Assembly, or the President of the Executive Council of Vojvodina, or me, as the Provincial Secretary for Energy. Nobody asked us for our opinion about the energy deal and the sale of NIS to a Russian company", said Surdučki. He pointed out that consultations were necessary, since the seat of the company is in Vojvodina, just like all oil and gas fields and both refineries.<sup>345</sup>

The utterly ignorant and disparaging attitude toward Vojvodina was a frequent target of criticism. Criticism was directed not only at the Government and some ministers, but also at the major political parties in Belgrade. At the already mentioned round table on decentralization, Jovan Komšić, a professor at the Faculty of Economics in Novi Sad, argued that the Democratic Party of Serbia (DSS) was advocating the abolition of Vojvodina's autonomy through the concept of symmetric decentralization. Radivoje Stepanov, a professor at the Faculty of Law, was even more explicit. In his interview for *Gradanski list*, he said that Vojvodina was especially deceived by the Democratic Party: "I have an impression that the Democratic Party is working more systematically against Vojvodina's autonomy than all political parties which are openly against it".<sup>346</sup> Criticizing the cen-

<sup>345</sup> *Gradanski list*, 28 February 2008.

<sup>346</sup> "When they use it up completely, when they devastate Vojvodina's autonomy

tralism of the Belgrade authorities, their unscrupulous violation of the acquired rights, obstruction of regionalization and mocking the processes of Europeanization, Stepanov said that “this government and the right-wing Serbian opposition simply force the autonomy to aspire to statehood. As for Kosovo, this story has been finished. But, sooner or later, Vojvodina will become a state as the ‘product’ of such a policy”.<sup>347</sup>

This “absolutist centralism at the republic level” was also severely criticized by Živan Berisavljević, leader of the Social Democratic Party of Vojvodina (SDPV). He argued that “nobody thinks of advocating an independent Vojvodina”, but “the Vojvodina issue cannot be solved according the autonomist concept, but according to the federalist one. In his opinion, it is high time for “launching an all-Vojvodina initiative that will send a clear message to the political elite in Belgrade that the Vojvodina issue must be settled, but not through the concept of autonomy within Serbia. We now want to obtain the status that will be equal to that of the other entity in the Republic of Serbia, Serbia... The only solution lies in the federalization of the state of Serbia”.<sup>348</sup>

The idea about the federalization of Serbia did not remain without some reaction. Branislav Kovačević, leader of the Šumadija Coalition, argued that the idea about the federalization of Serbia was not realistic. He said for the Novi Sad daily *Dnevnik* that he views the theses about federalization primarily as a rebellion and a reaction to the disparaging attitude

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 completely, they will throw it away like a used condom and look for a new victim”, said Stepanov. *Građanski list*, 3/4, November 2006. Komšić and Stepanov also criticized the attitude of minority parties toward autonomy. Whenever a dispute over autonomy is initiated, said Stepanov, these parties regard it as the problem between the Serbs. “As if they live on Mars and not in Vojvodina. As if it is not their problem, too. They have their small autonomies, like ghettos, in which they feel better and safer at the moment but, over a longer term, these can produce only ethnic Lilliputians and pompous ethnic leaders – not free people”. According to Komšić, some national minority parties would agree to the abolition of the Province in exchange for the territorial autonomy of their communities. *Dnevnik*, 26 November 2007.

347 *Građanski list*, 4/3, November 2007.

348 *Dnevnik*, 13 August 2007, “If the Belgrade elite remains hostile toward our demands, the Vojvodina issue will have to be internationalized”, emphasized Berisavljević.

of the central authorities toward Vojvodina and other regions in Serbia. "That centralism evidently costs us our lives, because it still generates the extremes... As long as Belgrade closes its eyes to the need for Serbia's decentralization, there will be extreme ideas about how to solve this problem. I think that Serbia is too small to be federalized. But, this does not mean that Vojvodina should not have a much a higher degree of autonomy than today, within regionalization and decentralization".<sup>349</sup>

According to Dušan Bajatović, leader of the Vojvodina Socialists, the advocacy of Serbia's federalization is in line with the well-known separatist tendencies,<sup>350</sup> which are not realistic. "Behind all this there are one defeated concept and one absolutely defeated political elite which is now presenting itself as a pro-Vojvodina bloc... It is clear that there is an attempt to create a 'Vojvodina republic', which would constitute the Republic of Serbia together with another entity, as Serbia is now called... and that is the essence of this story. Serbia needs economic regionalization in order to ensure uniform development. As for politics, there is nothing else to say. Serbia is a unique state and that's the end of the story!"<sup>351</sup> On some other occasion, Bajatović said that the question of Vojvodina's autonomy "should be taken away from the autonomists", that it is "high time that this issue is removed from the agenda" and that Serbia is finally stabilized. He also pointed out that the autonomists "launched the second post-October offensive" and that the latest statements of its representatives are noth-

349 *Dnevnik*, 16 August 2007.

350 The accusations of the LSV of being separatists are not new. Velimir Ilić called on President Tadić not to enter into a coalition with Nenad Čanak's LSV after the provincial elections, even at the expense of the Government's survival, because that is a separatist party, which is working on the destruction of Serbia and secession of Vojvodina. Ilić also said that a similar view is held by Prime Minister Koštunica. Nenad Čanak responded: if we were separatists, we would already be arrested. And since we were not, either the police is incapable or Velja Ilić is lying. So, someone must leave the Government in any case. *Dnevnik*, 21 September 2007.

351 *Dnevnik*, 14 August 2007. In Bajatović's view, the announcements of the internationalization of the Vojvoda issue can be very dangerous, but they are not grounded in reality.

ing else but an “introduction to secession”.<sup>352</sup> Velibor Radusinović, leader of the DSS deputies’ group, also criticized the idea of federalizing Serbia. In his opinion, the Vojvodina issue does not exist. “Such ideas are in the service of breaking up the state... the masks have been taken off when the so-called pro-Vojvodina forces are in question.”

According to Jovan Komšić, federalization, as the method of settling the Vojvodina issue is not realistic at this moment. Vojvodina must not give up its demand for strengthening its autonomous status within Serbia’s constitutional and political system. Research has shown, says he, that the citizens of Vojvodina “wish a higher degree of autonomy, but they avoid extreme politicizations and radical options. Consequently, the most optimal concept would be the European model of an autonomous Vojvodina.”<sup>353</sup>

In the opinion of Radivoje Stepanov, the idea of Serbia’s federalization came too late. “The project of federalization could have been less painfully realized a few years ago, when the nationalist forces were less dominant on the Serbian political scene and when both Montenegro and Kosovo were still here. Therefore, it seems to me that this time has gone. At this moment, Serbia is in a confused situation. It is losing one of its provinces, while at the same time failing to acknowledge the fact that Montenegro has ‘seceded’”. Stepanov also said that the “centralization of Serbia and its current territorial organization are the main reasons for the erosion of state stability and the impossibility of state stabilization. That separated Montenegro from Serbia, that led to Kosovo’s independence. The territorial erosion of Serbia has not said its last word”.<sup>354</sup>

The Vojvodina issue provided a motive for speaking about some broader issues. Thus, in mid-November, Dušan Bajatović said that the raising of the Vojvodina issue was a part of the US strategy to ensure the inde-

352 *Dnevnik*, 15 November 2007.

353 *Dnevnik*, 14 August 2007. “The citizens are aware that redefining Serbia’s constitutional system in a more radical way would be burdened by strong emotions and potential conflicts on the political scene. Namely, the idea of federalism has always caused suspicion and has been labelled as separatism”.

354 *Dnevnik*, 16 August 2007.

pendence of Kosovo and Metohija. He criticized the provincial authorities because they did not react to the statement of the American Ambassador, Cameron Munter, that the United States would uphold Kosovo's independence. It is unacceptable, said he, that Vojvodina's Assembly and Executive Council "... failed to disclose such views of this US official. It is incomprehensible that the provincial bodies did not act in accordance with Serbia's official policy that the support to Kosovo's independence is contrary to our country's interests".<sup>355</sup> Bajatović reproached Vojvodina's Assembly President Kostreš for talking with the American Ambassador about decentralization, the situation in Vojvodina and recovery of its property, since those are Serbia's internal affairs".<sup>356</sup> "Judging by the statements of the American Ambassador after this meeting, we have got some support to the independence of Kosovo and Metohija according to the principle 'give us investments and we will suppress the fact that you have taken away 15 per cent of our territory'".<sup>357</sup>

In early June, SRS Deputy President Tomislav Nikolić announced the "struggle for Vojvodina"<sup>358</sup>, since "it is now Vojvodina's turn".<sup>359</sup> "We cannot say that we will preserve Kosovo and Metohija and that we won't give up our negotiations with the EU. I think that these negotiations should be

355 *Dnevnik*, 4 October 2007.

356 *Gradanski list*, 4 October 2007.

357 Bajatović called on the political parties in the Parliament to replace Bojan Kostreš from his position of Vojvodina's Assembly President due to the internationalization of the Vojvodina issue. *Dnevnik*, 4 October 2007.

358 *Dnevnik*, 6 June 2007. "The Democratic Party and Nenad Čanak must not be allowed to rule Vojvodina any more", said Nikolić.

359 Public attention was also attracted by the statement of Julijan Tamaš, President of the Vojvodina Academy of Sciences and Arts: "Kosovo will end up as it will. I cannot decide about it and nobody is asking me to do that, but I know that Strasbourg has already prepared the documentation for raising the Vojvodina issue". Unnamed diplomats have said for Tanjug that nobody in the Council of Europe intends to raise the Vojvodina issue after settling the status of Kosovo and Metohija. CE has no such plans nor does it have the capacity to deal with the territorial integrity of its members and this also applies to the territorial integrity of Serbia. Vojvodina has its representatives in the delegation to the Congress of Local and Regional Authorities, but has no CE support for any separatist aims. *Gradanski list*, 3/4, November 2007.

suspended until we see whether they will seize one part of our territory or not... The Government is telling us false stories about the EU so as to suppress the fact that this same EU is taking away Kosovo and Metohija from us".<sup>360</sup> After the proclamation of Kosovo's independence and its recognition by the United States, Germany, France and other countries, SRS official Milorad Mirčić accused the international community of its intention to transfer the focus of the crisis to Vojvodina. "According to him, the EU officials Xavier Solana, Olli Rehn and Doris Pack are "preparing to implement the already known scenario according to which the majority in the northern Serbian Province will be turned into the minority. like in Kosovo and Metohija, thus separating Vojvodina from Serbia as much as possible".<sup>361</sup>

Mirčić's statement caused the reaction of the Vojvodina ruling coalition. "The Radicals are raising some imaginary questions", said Aleksandar Kravić of the LSV. He pointed out that the situation in the country is "confused" due to the Kosovo problem, so that it is very dangerous to "frighten the Serbian citizens with some new conspiracies of the the world leaders, who are now allegedly planning to do something with Vojvodina".<sup>362</sup> Due to the current situation in the country, all those on the public scene, according to Istvan Pasztor, President of the Alliance of Vojvodina Hungarians (SVM), "should desist from the rhetoric that is frightening the citizens and causing tensions".<sup>363</sup> In his written statement, Bojan Kostreš, President of the Vojvodina Assembly, pointed out that "Milorad Mirčić is deliberately and maliciously trying to disturb the citizens of Vojvodina and create an atmosphere of persecution of his political opponents and divisions

<sup>360</sup> *Dnevnik*, 14 June 2007.

<sup>361</sup> *Dnevnik*, 26 February 2007. Mirčić added that, before the provincial and local elections, "the Solana – Pack – Rehn trio intends to force the political parties within the so-called democratic bloc to form unnatural coalitions in Vojvodina in order to prevent the patriotic parties from winning on 11 May".

<sup>362</sup> *Dnevnik*, 27 February 2008.

<sup>363</sup> *Dnevnik*, 27 February 2008, "It is clear to everyone that there isn't a grain of truth in the allegations that the international community is planning to transfer the Kosovo crisis to Vojvodina," said Pasztor. "Such rhetoric is in step with anti-European sentiments."

along national lines".<sup>364</sup> The aim of these statements, says Dušan Elezović, President of the Provincial Board of the Democratic Party, is to cause anxiety among the citizens. According to Elezović, it is not possible to draw a parallel between Vojvodina and Kosovo.

A similar view was held by other Vojvodina politicians. "Vojvodina and Kosovo do not have any similarity or common ground", said Nenad Čanak. "Kosovo is the attempt to solve the Albanian ethnic question, while the question of Vojvodina is a democratic one, within Serbia's internal system".<sup>365</sup> Ivana Dulić Marković, Vice-President of G17 Plus, also holds that drawing a parallel between these two issues is absolutely unfounded. "Historically speaking, Vojvodina and Kosovo are not identical", explained historian Ranko Končar. "Their political, national and economic circumstances have always been different. The genesis of their autonomous status is also different. Vojvodina's aspirations to autonomy are not motivated by national reasons, but by resistance to centralism and by economic discontent. On the other hand, Kosovo's autonomy was inspired by ethnic motives..."

While more or less agreeing that Kosovo and Vojvodina are two completely different issues, the Vojvodina politicians were divided as to their response to the question of whether and to what extent the settlement of the Kosovo issue would influence the situation in Vojvodina.

"I do not believe that the situation in Kosovo can have any more serious repercussions on the situation in Vojvodina", said the President of the Provincial Government, Bojan Pajtić. "If nobody from the outside 'helps' us, we will certainly know how to maintain stable interethnic relations. Otherwise, the stories about a big wave of Kosovo refugees heading for Vojvodina are unfounded".<sup>366</sup> It is quite possible, said Aleksandra Jerkov, a deputy in the Provincial Parliament, "that the tensions in solving Kosovo's status escalate to Vojvodina". She expressed her hope that "the po-

364 *Dnevnik*, 27 February 2008. Kotreš announced that he would request from Prime Minister Koštunica, Security-Information Agency (BIA) and the Ministry of the Interior to check Mirčić's statements.

365 *Dnevnik*, 16 February 2008.

366 *Dnevnik*, 30 April 2007.



lice will be much more responsible and more prepared to react to extreme events, like those caused by the outburst of violence in Kosovo, in March 2004".<sup>367</sup> "We in Vojvodina have always been the hostages of solving some other problems, which have in no way been caused by us", said Jozef Kasa, the former leader of the Alliance of Vojvodina Hungarians (SVM). In an interview for the Novi Sad daily *Dnevnik* he said that "we will face radicalization due to both Kosovo and the process of readmission, because experience show that the migration waves were mostly heading for Vojvodina, thus changing its ethnic composition to a significant extent".<sup>368</sup>

Fearing that a great number of returnees – who had stayed in the EU countries for a longer period – could return to Serbia and settle in Vojvodina, the political leaders of Vojvodina Hungarians appealed to the officials in the Republic of Hungary that it, as an EU member, pays attention to the implementation of the readmission agreement, because there danger that returnees are sent to the municipalities with an overwhelming Hungarian majority.<sup>369</sup> When in mid-October the Assembly of the Municipality of Senta brought the decision to receive only the returnees from its municipality,<sup>370</sup> it provoked very sharp reactions from the representatives of the Roma ethnic minority. Vitomir Mihajlović, President of the Roma National Council, said that he was terrified by the decision of the deputies in the Senta local parliament, while Srđan Šain, leader of the Roma Party called on the prosecutor's office and police – from the speaker's platform in the Republican Assembly – to investigate as to whether Andras Ago-

367 *Dnevnik*, 10 December 2007.

368 *Dnevnik*, 9 November 2007.

369 In his letter to Foreign Minister Kinga Gerz, Agoston said that Petar Ladević, Director of the Service for Human and Minority Rights, and Velimir Ilić, Minister of Infrastructure, sent a letter to the mayors of 24 Vojvodina municipalities calling on them to inquire into the possibility of legalizing and building Roma settlements at the expense of the Republic. Agoston pointed to the fact that Serbia has 194 municipalities and that the letter was sent to 39 municipalities, of which even 24 were from Vojvodina. *Građanski list*, 1 October 2007.

370 According to Atila Juhasz, Mayor of the Municipality of Senta, such a decision was brought due to a difficult economic situation and a great number of unemployed in the municipality.

ston was inciting intolerance and national hatred.<sup>371</sup> On the occasion of the signing of the readmission agreement, Laszlo Gyula, a deputy in the Provincial Parliament, proposed a declaration whereby Vojvodina would express its readiness to participate in the readmission processes, but not in the collective settlement of returnees. The Provincial Assembly did not discuss the proposal, but Vojvodina's Assembly President Kostreš said that the stands of certain municipalities (like Senta, Bečej and Subotica) on the readmission process were the result of their distrust in the state: "Due to their negative experience, they in Vojvodina doubt that readmission will not be used for a forcible change in the ethnic composition of the Province". In Kostreš's view, "all those who went to the West European countries from Vojvodina are welcome back, but they should return to their original municipalities. The local self-government units, the Province and the state are obliged to help them integrate into society in the best possible way".<sup>372</sup>

In his interview for the Budapest daily *Magyar Nemzet*, Balint Pasztor, a SVM deputy in the Republican Assembly, appealed from the speaker's platform to the Serbian Government a number of times not to adopt the measures that would contribute to a change in the ethnic composition. On that occasion, Pasztor rejected the allegations that the SVM was drawing a parallel between Kosovo and Vojvodina, and between the status of Serbs in Kosovo and the status of Hungarians in Vojvodina. However, "should some new solutions relating to the protection of minorities be crystallized in the process of settling Kosovo's status", said Pasztor, "the Hungarian community would then expect the implementatikon of such solutions. For example, according to Ahtisarri's plan, the minorities in Kosovo, that is, Serbs, would have the right to administer the schools where Serbian is the language of instruction. In our case, this would mean that the Hungarian National Council would have the right to administer Hungarian schools. If this can function in Kosovo, then it must also function in Vojvodina".<sup>373</sup> In

371 Šajn stated that Agoston mentioned the Roma people because he did not dare to attack those who are much better politically organized and stronger.

372 *Dnevnik*, 1 December 2007.

373 *Dnevnik*, 4 June 2007. Pasztor has confirmed that the SVM will submit to the

early March, SVM leader Istvan Pasztor also said: "We have not changed our view that the positive solutions, which will be guaranteed to the Serb minority in Kosovo in the future, should be harmonized with our legislation and applied to the minorities in Serbia, including the Hungarian ethnic community". Pasztor announced that the members of the Hungarian coalition set up a commission which would prepare the concept that would contain the ideas of its members about personal autonomy, proportionate representation of minorities in parliaments, guaranteed mandates, provincial autonomy and decentralization of local self-government units, as well as about territorial autonomy for Vojvodina Hungarian on an ethnic basis and the formation of a public administration district with a Hungarian majority.<sup>374</sup>

During the meeting of the members of the Hungarian coalition with the representatives of the OSCE Office in Belgrade, they were not met with understanding. The OSCE representatives told them that the parts of Ahtisari's plan relating to the status of the Serb minority in Kosovo represent unique solutions and that they cannot be applied to the Hungarian minority in Vojvodina. "To our great surprise", said Andras Agoston, "we also could not agree with the OSCE representatives on the principles of personal autonomy, which does not require any territorial delimitation. Therefore, we decided to appeal to the head of the Hungarian diplomacy."<sup>375</sup>

It is very important to know what the international organizations, including the OSCE, think about some issues, but their opinion, said Istvan Pasztor, does not restrict us in expressing our long-term goals. We also

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Republican Assembly the draft law on national councils, which anticipates a direct election of council members, based on a special voters' list. The proposal also stipulates serious competences for national councils, primarily in the fields of education, culture, use of language and information, in addition to the provision of guarantees for their financial independence.

374 *Dnevnik*, 7 March 2008.

375 *Građanski list*, 6 March 2008. On the informative web-site *Vajdasag Ma* it can be read that the spokesman of the Hungarian Ministry of Foreign Affairs, Lajos Selestei, stated that, insofar as Hungarian autonomy in Vojvodina is concerned, Hungary has the principled stand that the Hungarian minority must first reach agreement with the majority people.

need the support of Hungary as our homeland, but our real political partners are “within our country and the current parliamentary majority, since this battle must be waged in the Serbian Parliament”.<sup>376</sup>

During the past years, there were critical observations in the Vojvodina public concerning the request of the Hungarian representatives that the minority issue should also be settled by means of territorial autonomy, based on an ethnic principle. Thus, for example, it was emphasized that this proposal was associated with considerable political risks and that the anticipated territorial autonomy could cover only the members of a given minority, which would not contribute to the stabilization of interethnic relations and the like. However, it seems that, at times, some lose sight of the fact that the request for territorial autonomy is a kind of reactive response to the utterly ethnicized context in which the requests of the minorities are ignored, underestimated or politically criminalized.

The situation is similar insofar as guaranteed mandates are concerned. Guaranteed mandates for the minority representatives are not the only instrument by means of which the presence of minorities in the representative bodies can be ensured. But, in the situation when the minority deputies in the Parliament are bound by the party discipline to represent the interests of the political party which put them forward as candidates, and not their minority communities, then these guaranteed mandates only gain in importance. In May, the Democratic Party (DS) and the Alliance of Vojvodina Hungarians (SVM) proposed to the Provincial Parliament the change of the electoral rules so as to ensure deputy's posts in the Parliament for minorities based on guaranteed mandates. In essence, this proposal had to ensure 12 deputy's posts for those Vojvodina minorities which have formed their national councils and the preparation of voters' lists would be entrusted to national councils. This proposal was not supported by the LSV, fourth member of the ruling coalition.<sup>377</sup> This uni-

<sup>376</sup> *Građanski list*, 7 March 2008.

<sup>377</sup> Vojvodina's Assembly President Kostreš initiated the change of the current Statute of the Autonomous Province of Vojvodina, which would enable the change of the electoral system, thus introducing a purely proportionate system instead of a combined one. The proposal won support from the DSS, SRS and G17 Plus.

versalist rhetoric,<sup>378</sup> in which the proposal was “shrouded”, did not pass through the sieve of the party interest of the coalition partner. After all, the party interests were present on both sides, those who stood behind the proposal and those who advanced the counterproposal that the electoral system in the Province should be adjusted to that in the Republic.

The proposal of the DS and SVM provoked opposite reactions in the public. Publicist Tomislav Žigmanov said that the introduction of guaranteed mandates would represent a significant step forward in the area of minority political representation, but he also expressed his concern that, due to the lack of capacities, minority national councils would not be able to prepare separate voters’ lists, should they be entrusted with this task.<sup>379</sup> Certain manipulations are possible when the race for guaranteed mandates is in question but, in the opinion of Pal Sandor, leader of the Democratic Alliance of Vojvodina Hungarians, one should not abandon the democratic standards. “If minorities wish to elect their representatives according to the ethnic principle, then they should be allowed to do that. We do not need the mindguards who will constantly be concerned that the minorities are not ghettoized for one reason or another”.<sup>380</sup>

Political scientist Miroslav Samardžić gave a different opinion: the proposed solution is bad because “it causes negative political consequences, since it fixes ethnic divisions”. Since the deputy’s posts are reserved only for the minorities that have national councils, Samardžić posed the question as to “whether the provincial administration can decide on who belongs to a minority and who does not”. “After all, what idea is this that national councils prepare voters’ lists. They have no constitutional capacity for such a job, nor can the government bodies transfer to them such

378 “As a political party that advocates Serbia’s European future, the Democratic Party has the civilizational, political and moral obligation to incorporate such mechanisms into the new decision on provincial elections as will ensure that Vojvodina’s multiethnic character is also reflected in the composition of its highest representative body...”

379 *Dnevnik*, 28 May 2005. Žigmanov rejected the views that guaranteed mandates would lead to ghettoization. He holds that the only relevant question is whether the system will prove to be efficient, but we cannot know that until we apply it in practice.

380 *Ibid.*

competences as the preparation of a voters' list". He pointed out that "this is an attempt that the political parties within the so-called democratic bloc achieve the advantage of 12 mandates relative to the so-called patriotic bloc".<sup>381</sup> According to Ivana Dulić-Marković, "the proposed change of the electoral rules, as conceived by the DS and SVM, is aimed solely to keeping them in power in Vojvodina... It is absolutely unacceptable that only 48 deputies, out of 120, are elected according to the proportionate system, because this practically means that the electoral threshold is raised to almost 10 per cent."<sup>382</sup> Milorad Mirčić, leader of the SRS deputies' group, said for this proposal that it is unconstitutional. In his opinion, the only thing these political parties managed to do was to "heighten political tensions in Vojvodina, since the majority now feels to be threatened and the minority to be cheated".<sup>383</sup>

Since members of the ruling coalition did not succeed in reaching agreement for several months, uncertainty over the electoral system that would be applied in Vojvodina was terminated by the proposing parties withdrawing their proposals. It should be noted that the national councils also upheld the introduction of guaranteed mandates. However, according to Ana Mikanova Tomanova, President of the Slovakian National Council, nobody informed that the proposals had been withdrawn.

At the beginning of this report it was pointed out that Vojvodina followed the settlement of Kosovo's status with great attention. In this connection, concerns were publicly expressed a number of times that the proclamation of Kosovo's independence could lead to the deterioration of interethnic relations in the Province. If we bear in mind that the violence in Kosovo in March 2004 caused destructive reactions and violence

381 *Ibid.* In Samardžić's opinion, the Slovenian model of minority protection cannot be applied in Vojvodina because the two environments are completely different. Namely, Slovenia is not a multiethnic country. On the other hand, reference to the Croatian model of minority protection is cynical, to say the least. He holds that this is the last model that one should follow when the attitude toward minorities is in question.

382 *Dnevnik*, 13 June 2007. Ivana Dulić-Marković said that Vojvodina would need the LSV, G17 Plus and LDP, just like the DS and SVM in order to make faster progress.

383 *Dnevnik*, 19 June 2007.

in Vojvodina, such concerns are not unfounded. The breaking of window shops, calling for the boycott of goods and shops owned by the citizens of Albanian nationality, graffiti and verbal insults directed against the members of minority communities<sup>384</sup> are only some negative reactions to the proclamation of Kosovo's independence. In addition, the recognition of Kosovo's independence, especially by those neighbouring countries whose minorities live in Vojvodina, also entailed certain risks and required caution. The neighbouring countries, Croatia and Hungary, did not wish to be in the first echelon of the countries that would recognize Kosovo's independence and tried to reduce the risks for the members of their communities as much as possible. "The Hungarians in Vojvodina cannot influence decision-making in Budapest", said Istvan Pasztor. "Therefore, I think that there is no reason that we are reproached and attacked if Hungary recognizes Kosovo's independence".<sup>385</sup> Both Pal Sandor and Andras Agoston said that they also do not believe that there would be assaults on the members of the Hungarian community. In the case of any assault, however, they will request for the protection of the international community.<sup>386</sup>

There is one more fact which should be taken into account – the existence of extremist, neo-Nazi organizations, as well as the reactions of some factions of the political elites to the activities of these organizations. The request of the Provincial Assembly for forbidding extremist organizations remained without an answer. When in early October the members

384 In Sombor, the shop windows of the bakeries and cafes owned by Albanians were broken. Also, in the vicinity of Albanian shops, bread was distributed free of charge, in addition to leaflets calling the citizens not to buy bread in Albanian shops, because the money allegedly goes to Kosovo for the purchase of weapons. The coalition of non-governmental organizations "Civic Vojvodina" reacted to this by coming to Sombor to express its solidarity with local Albanians by buying bread and other goods, as well as to encourage the citizens in Sombor to resist ethnonationalists as well as any attempt to threaten the rights and safety of their compatriots.

385 *Građanski list*, 29 February 2008.

386 In Subotica, according to Istvan Pasztor, the protesters chanted slogans against the Hungarian minority a few times; in Bečej, there appeared the graffiti with the insulting content. However, Vojvodina Hungarians had no other problems", *Građanski list*, 29 February 2008.

of the National Guard<sup>387</sup> attacked the participants in an anti-fascist protest in Novi Sad, this enhanced anxiety among the members of ethnic and political minorities that in the case of Kosovo's independence these organizations could be used for massive outbursts of chauvinism. Instead of resolute support to the arrest of these hooligans, some deputies in the Republican Parliament accused the participants in the anti-fascist protest and the political parties that upheld the protest (they did not organize it) of extremism, so that at one moment it was announced that these political parties could even be forbidden.<sup>388</sup> It must be noted that much greater opponents to the ethnicized opinion are liberals and all those who advocate the universal character of human rights than those groups which discriminate among citizens on the grounds of their ethnic origin or colour of their skin.

The Kosovo issue is significant not only from a security aspect,<sup>389</sup> but also from an informational one. In September 2006, the Novi Sad School of Journalism began to realize the project of monitoring the programme of Radio Television Vojvodina, based on monitoring RTV Hungarian, Slovakian, Romanian, Ruthenian and Roma language programmes. Research

387 The members of the National Guard scheduled the "March for the Unity of Serbia" for 7 October. Since it was forbidden by the police, the members of this unregistered organization scheduled the rally entitled "For the Constitutional and Human Rights of Serbs". Non-governmental organizations reacted sharply to this announcement and called the citizens of Novi Sad to offer resistance to neo-Nazism. The call of the NGOs, the Independent Journalists' Association of Vojvodina, Centre for Regionalism, Open Lyceum, Helsinki Committee for Human Rights and others was answered by several thousand citizens who were not only from Novi Sad, but also from Belgrade, Kikinda, Niš and other towns. Near the Army Hall, the column of posters, which was moving from the Monument to Zmaj Jova to the Monument to the Raid Victims, was stoned by a group of neo-Nazis shouting "Serbia for Serbs", "Vojvodina Serbia", "Faggots, faggots".

388 Miloš Aligrudić, leader of the DSS deputies' club, said for Nenad Čanak and the League of Social Democrats of Vojvodina that they are extremists and are the same as the National Guard. He also stated that he was hardly waiting for the formation of the Constitutional Court, so that it could consider whether the activities of some political parties are unconstitutional and whether they should be forbidden. *Danas*, 9 October 2007.

389 The Committee on Defence and Security of the Serbian Assembly.



has shown<sup>390</sup> that the topic of Kosovo dominated all other programmes, while four programmes – Serbian and Slovakian language TV programmes, as well as Romanian and Ruthenian language radio programmes devoted more time to this topic than TV News 1!<sup>391</sup>

Finally, when Vojvodina is in question, the Kosovo issue is also very important from the aspect of Vojvodina's European orientation. The conservative forces use Kosovo's independence so as to bring Serbia's membership in the European Union into question and compromise it. Should those forces score a victory at the upcoming elections, Serbia would drift away from the EU still further, while Vojvodina's opportunities to improve its constitutional status would be reduced. The suppression and marginalization of the pro-European forces would also provide scope for hard-core nationalists within the minority communities and increase their pressure toward special ethno-territorial arrangements, while the interest in Vojvodina's autonomy would decline. In this connection, the statement of

390 RTV informs the citizens in the Province more about the world events than about the events in Vojvodina. It also informs more about the events in other parts of Serbia than about those taking place in the Province. The events in Belgrade take precedence over the events in Novi Sad, the central authorities have preferential treatment in the RTV programmes; citizens, their associations and NGOs are absolutely neglected and marginalized, while the members of the ruling establishment are privileged. The monitoring results also show that Vojvodina's multiethnic character is rarely shown in the news programmes, regardless of the language used. The persons of Serbian nationality are dominant not only in the Serbian language programmes, but also in the minority language ones. Minority members rarely appear as the actors whose activities are presented. Although for the functioning of a multiethnic society, tolerance is very important, this practical political virtue is very rarely mentioned, although the promotion of tolerance is one of the major tasks of the public service. At the round table, which was organized by the Helsinki Committee in September, Dubravka Valić Nedeljković pointed out that, after the presentation of the results of this research, the situation on RTV began slowly to change for the better.

391 These data can be interpreted in various ways. They are interesting, inter alia, because they point to the fear of the minorities that they could be exposed to repression should the Kosovo issue be settled contrary to the interests of the ruling elite. Preoccupation with Kosovo is a wrong way not only to prove loyalty to the state, but also to prevent undesirable yet possible events.

Andras Agoston, leader of the Democratic Party of Vojvodina Hungarians (DSVM), is characteristic: for the DSVM priority is the personal autonomy of Hungarians in Vojvodina, while the provincial autonomy is “the problem between the Serbs with which we should not deal.”<sup>392</sup> Due to Kosovo, The social and political life of Vojvodina is increasingly burdened by political divisions into pro-European and national-patriotic actors. The conceptions of these actors differ very much. Vojvodina autonomists belong to the hard-core pro-European forces, but they are not homogenous when the type of autonomas is in question.

## Recommendations

- Mobilize the citizens for support to Euro-Atlantic integration processes
- Continue with the monitoring of interethnic relations in Vojvodina and the status of the minority rights by international organizations
- Provide strong support to Vojvodina’s efforts to improve its constitutional status, recover the material assumptions of its autonomy and obtain competences that are characteristic of a modern European region.

392 *Dnevnik*, 12 June 2007.

# Sandžak: Consequences of a repressive state policy

During disintegration of Yugoslavia Sandžak's Bosniaks were subjected to campaigns of terror, abductions and liquidations, that, is, to various forms of violence, harassment and intimidation, in addition to destruction of their property. A spin off of a forcible disintegration of Yugoslavia was also a changed status of Muslims, who morphed from the nation into an unrecognized and disenfranchised ethnic minority burdened with all the problems stemming from such a newly-emerged status; secondly, ethnically motivated violence deepened ethno-cultural rifts in Sandžak and provoked intra-ethnic frictions and tension. And thirdly, elimination-minded policy, on the one hand and the policy of a brutal denial of identity, on the other hand, compelled Bosniaks to lay the emphasis on distinct features of their identity, which resulted in the emergence of the issue of integration of that very Bosniak community.

Added to the aforementioned, there are also other problems: economic lagging behind of Sandžak, the media stigmatization of the region as a dark area steeped in criminal and illegal activities, and the problem of political criminalization of a claim that Sandžak be arranged as a distinct, political-territorial unit. As regards the last problem it bears underscoring that it has never been openly and seriously discussed with the political authorities. Moreover a consensus has never been reached by Sandžak locals and their prime movers on that issue.

In the post-5 October period, in a mood of psychological relief generated by that event, Bosniaks gradually became convinced that they stood a better chance of realizing their fundamental interests, if they participated in building of a democratic order. And their fundamental interests were mostly related to the process of "nation-building", and to their demands that justice be dispensed by punishment of both perpetrators and masterminds and organizers of crimes against Bosniaks. In talks which members of the Helsinki Committee for Human Rights in Serbia had with Bosniak

representatives the latter underscored that to the extent their justice dispensation demands were met, Bosniaks would appraise how far the Serb society was willing to go in clarification of war crimes, and also to which extent that society would effect a break with Milošević's policy. Unfortunately in trials held so far Bosniaks have not recognized the political will of Serbia to try all those who were involved in crimes. They also have not seen a clear and manifest will of Serbia to condemn the state-engineered policy of ethnic-cleansing.

As regards the "nation-building", members of Bosniak minority face a series of problems, typical of all the newly-emerged minorities. Their most salient problem is lack of institutions necessary for preservation and development of their culture and national identity. Deficit of such institutions may be explained by a tragic experience of Bosniaks, for in circumstances of strong chauvinism and ethnic-cleansing the issue of survival repressed all the other issues, even those relating to institutionalized building of the Bosniak community.

In "nation-building" key role is played by the political and cultural elite. Both articulate the issues of vital national interest. Cultural elite of Sandžak Bosniaks is weak and sidelined, devoid of a firm and stable institutional mainstays. In Sandžak there are no independent magazines, through which that cultural elite, as well as Sandžak intelligentsia, would critically reflect developments taking place in the midst of its own community, developments in Sandžak, and those in Serbia proper.

Public space in Sandžak is totally dominated by the political elite. But that political elite is totally fragmented and burdened with strife and conflicts. Such a situation was compounded by activities of the security services, whose permanent task in Sandžak is to destabilize the region. And the aforementioned task was achieved by antagonizing Bosniak political parties, notably during the Bosniak war, and engineering of ethnic cleansing in the region in line with the thesis of a looming danger of establishment of a "Green Transversal." After Milošević's ouster, not a single democratic government in Serbia made efforts to annul the consequences of such a policy.

Permanent intra-Bosniak community strife, but also the one outside that community, and brutalization of both have produced a series of

harmful consequences: 1. an obstructed process of integration of the Bosniak community (its internal consolidation and integration into a global society); 2. blocked constituting of that community into a mature nation; 3. slowed down process of modernization; 4. strengthened prejudices about Sandžak as a region prone to radicalization and unfit for democracy.

However, Sandžak problems are tightly intermingled with a permanent anti-Islamic and anti-Muslim campaign pursued by the top state institutions, notably the police and army in 2004-2007 period. Such campaigns were just a tacit sequel of previous ethnic conflicts in the 90's. Torching of mosques in Belgrade, Niš, Novi Sad and destruction of rare and valuable graveyard monuments exhibited in Kalemegdan-based Military Museum, the police raid into the Sjenica mosque in 2007, are just a few most salient incidents symbolizing that campaign. Punishment of Nis offenders was symbolic. It was a farce-style trial in view of the fact that its hearings were repeatedly deferred. Responses to the judgments are also indicative of that farce. The statement of then official of Democratic Party of Serbia, Obren Joksimović, was in fact a clear message to Bosniaks: "in the Serb parliament we have a Mojaheddin party....and we might see there also Al-Kaida and Hommeini, as transmitters of the Muslim fundamentalist ideas."

## Uncertainty continues

The year 2007 was marked by a series of incidents, mostly linked to the religious issues and intra-Islamic community relations. In all those incidents religion was used only as a pretext, while divisions within the Islamic community reflected political differences between Bosniak politicians, but in parallel, were also partly stage-managed by parts of Belgrade authorities. The ruling structures in Belgrade, despite effecting positive changes in the minority status-related legislation since the 5 October changeover, in Sandžak continued their "divide and rule" policy by alternating their "favourites"

among the Bosniak politicians, in line with their needs. So sometimes they favoured Sulejman Ugljanin, and sometimes they favoured Rasim Ljajić.

Sociologist of religion, Mirko Đorđević, is convinced that political interests are behind the intra-Islamic community divisions. According to Đorđević the foregoing is proved by statements of some individuals that “the newly-established Islamic Community headed by Reis-ul-ulema Adem Zilkić, with its seat in Belgrade, is a state-forming institution.” In a panel-discussion “On Consequences of a Repressive State Policy in Sandžak”, organized by the Helsinki Committee for Human Rights, Mirko Đorđević tried to get across the following message: “Does it mean that the one headed by Zukorlić in Novi Pazar, is less state-forming? Religious communities and faithfuls cannot be divided in such a way.”<sup>393</sup> Milan Vukomanović, professor of sociology or religion, criticized the competent state bodies for failing to respond adequately to sporadic anti-Islamic incidents in Serbia, and reminded the participants of minimal sentences handed down to vandals who had torched the Nis mosque in the aftermath of the 17<sup>th</sup> March 2004 unrest.

Vukomanović, inter alia, stated: “Those who have set on fire the Belgrade mosque, have not been punished. Such incidents and a mild response of the state pose the question whether the incumbent authorities are continuing their anti-Muslim policy from the 90’?”<sup>394</sup> Vukomanović thought that the state violated its own laws by directly getting involved into the conflict between the two Islamic communities: “So the rift was provoked within the fold of the Islamic community in Serbia. Who stands to benefit most from such a rift? To get the answer to that question, we must remember those who had benefited most from the similarly-provoked rift within the Serb Orthodox Church in the early 60’s, and identity of its master-minds? History teaches us precious lessons. As regards relations inside the Islamic Community sometimes at play is ignorance, sometimes indifference and sometimes –very bad intentions. It seems to me that some structures in Belgrade find such a division suitable, in line with their policy “divide et impera.”

<sup>393</sup> *Danas*, 3-4 November 2007

<sup>394</sup> *Danas*, 3-4 November 2007.

Arrest of the Wahabi group and founding of a “new” Islamic Community marked the last year in Sandžak and tarnished even more the image of that region and its biggest city, Novi Pazar, which was oft in the headlines because of an upsurge in religion-based incidents, and of mounting clandestine activities of the drug and human traffickers. Although the stories about an alleged Islamic fundamentalism in Sandžak were interpreted by part of quasi patriotic media and structures as a dangerous heralding of separatist claims and aspirations, and the crime-related news drew comparisons with the neighbouring “equally crime-ridden” Kosovo, in the Sandžak region in the course of 2007 serious incidents on ethnic basis were not reported.

Vujica Tiosavljević, president of the Municipal Committee of “Nova Srbija” party for Novi Pazar, and deputy president of the municipal assembly, assesses that inter-ethnic relations in that town are stable and good: “Inter-ethnic relations are natural and normal. Nothing has been imposed. The fact is that those relations were upset during the wars in former Yugoslavia. However, for several years now the local self-rule and the government of Serbia have been contributing to the building of good, inter-ethnic relations. Through major investments in development of this area, the authorities gradually regained confidence of local people.”<sup>395</sup> Representatives of other localities in Sandžak did not have any serious objections concerning the state of inter-ethnic relations. At the local level, in Nova Varoš passions started running high only when Muslim parents demanded that pork meat be excluded from local kindergarten meals. Another local protest, but this time around, over the language was reported in Priboj, when the Serb municipal MPs opposed introduction of Bosniak in official use, to which Bosniaks are entitled under the law.

395 *Sandžak Danas*, 12 January 2007.

## Historical background and demography

At the end of the First Balkans War, in 1912, Sandžak, previously part of the Ottoman Empire, became part of the then independent monarchies, of Serbia and Montenegro. After its division, Sandžak's 6 municipalities Novi Pazar, Sjenica, Tutin, Priboj, Prijepolje and Nova Varoš, became part of Serbia, and 5 (Bijelo Polje, Rožaje, Plav, Pljevlja and Berane) became part of Montenegro. According to findings of the 2002 census held in Serbia, in the Serb part of Sandžak there are 235, 567 citizens, 132,350 of whom are Bosniaks or Muslims, 89,396 are Serbs, and 5,000 are of other ethnicities. In the whole Republic of Serbia there are 136,087 Bosniaks and 19,503 Muslims, who make up about 2% of population of Serbia. It is interesting to note that a very large number of Bosniaks in Sandžak responded to the call of their cultural and political organizations to declare themselves as Bosniaks with Bosniak mother tongue. In the rest of Serbia acceptance of the term Bosniak and Bosniak language did not run so smoothly. Namely in Belgrade only 1,188 citizens declared themselves as Bosniaks, and 4,617 as Muslims. In Vojvodina that ratio is even stranger, for the census results spoke of 3,634 Muslims and only 634 Bosniaks living in the province.

With their 2% share in Serbia's population, Bosniaks don't constitute a major political force, but things stand differently in Montenegro. Bosniaks in Montenegro are the third largest community in Montenegro. Of a total of 672,656 citizens of this Republic, there are 273,366 or 40.64% Montenegrins, 201,892 or 30.01% Serbs, 63,272 or 9.41% Bosniaks, 47,682 or 7.09% Albanians, and 28,714 or 4.27% Muslims. Intellectual and political elite in Montenegro initially had been also divided over the use of the term Bosniaks, but the majority of Montenegrins later accepted that term.

Sandžak has never had any special status or autonomy, neither during the former Yugoslavia nor when the territorial division of the region between Serbia and Montenegro was put in place. Under the Constitution of Serbia in force, Sandžak and other regions are not mentioned. Bosniak parties don't demand that the issue of status of Bosniaks and the region be raised. They are content with Serbia's decentralization and its guarantees of general and minority-related human rights, as well as with an



equal representation of Bosniaks in state bodies. Earlier, in the mid-90's, the Party of Democratic Action demanded various degrees of autonomy, and also a special status for Sandžak. But it seems that now such claims have been put on a back burner. It may be due to the fact that during the last two decades Belgrade piled much pressure on the region, notably during the war in Bosnia and Herzegovina (1992-95), when the Bosniak population was subjected to repression, killings and ethnic-cleansing.

Sandžak Bosniaks, notably those living in the Serb part, have rather strong feelings of regional attachment. There are no special or close ties between Bosniak parties in the Serb and Montenegrin part of Sandžak. Both sides calmly accepted independence of Montenegro and factual evolution of Sandžak into an inter-state region. Independence of Montenegro did not cause any turbulence in Sandžak proper. Similar, calm reactions are expected vis a vis recent declaration of independence of Kosovo, obviously unless "someone" decides to provoke incidents.

## Elections and political choices of Bosniaks

At January parliamentary 2007 elections, elections, Sulejman Ugljanin's List for Sandžak ran independently with a list of 25 candidates. Rasim Ljajić's Sandžak Democratic Party and Fevzija Murtić's Party for Sandžak were represented on the list of Democratic Party headed by Boris Tadić. Coalition Bosniak Alliance of Sandžak was divided. National Movement of Sandžak and Sandžak Democratic Union backed Chedomir Jovanović's Liberal Democratic Party, while the Sandžak Alternative backed Democratic Party.

Such orientation of Bosniak parties was not surprising, and the pre-election campaign was marked by frequent visits of "Popular coalition" ministers. Good relations between that coalition and PDA, was confirmed by the latter's leader, Sulejman Ugljanin at the 17<sup>th</sup> anniversary of his party. Speaking about performance and the track record of PDA, Ugljanin said: "We realized our right to our own symbols and institutions, which makes us ready for co-existence with those long in possession of the

aforementioned. We found good and stable strategic partners in line with principles of mutual respect, wish and readiness to promote life in our cities and in our country. Thus we got friends in Nova Srbija and Democratic Party of Serbia, whose president was the only one of all those bearing a democratic hallmark who publicly recognized identity of Bosniaks in this state. By and large conditions are created for Bosniaks and other minorities to feel this country as their own.”<sup>396</sup>

Parliamentary elections in Novi Pazar were expected with some fear, in view of the 2006 pre-election and local elections incidents resulting in several wounded and one man killed (Ruzdija Durovic, MP candidate of the List for Sandžak in Novi Pazar). Hence several political parties on the eve of parliamentary elections repeatedly appealed for peace. Mustafa Cerić, Reis ul ulema, appealed to Muslims in Sanžak to remain calm and avoid conflicts during the Serb elections: “Not a single political goal and interest are worth of blood-letting. Coran says that a murder of an innocent man is equal to a murder of the whole mankind.....I expect politicians to behave in a dignified and tolerant way, notably when addressing the voters, and thus to contribute to creation of a democratic election mood.”<sup>397</sup>

Electorate in 6 Sandžak municipalities totalled 199,098. 113,191 or 56.85% of registered voters cast their ballots. 34,939 or 30.87% votes were for Democratic Party, List for Sandžak got 29,357 or 25.93 % votes, the Serb Radical Party got 15,890 or 14% of votes, DPS-NS got 11,559 or 10.21% of votes, LDP got 6,235 or 5.5% of votes, and G17 Plus got 3,361 or less than 3% of votes. The leading Sandžak parties declared that such a result indicated the success of their parties. Secretary General of the List for Sandžak Nermin Bejtović stated: “We achieved a convincing victory in Novi Pazar, Tutin and Sjenica, and our coalition emerged victorious in the whole region.”<sup>398</sup>

Vice President of Potpredsednik SDP and MP Munir Poturak thought that citizens of Sandžak recognized the values which could bring around a turnaround in the state and in Sandžak: “Democratic Party espoused

396 *Danas*, 31 July 2007.

397 *Sandžak Danas*, 19 January 2007.

398 *Sandžak Danas*, 26 January 2007.

values of European standards and in this region and thus doubled its electorate. We showed that Democratic Party is the best option for Bosniaks and citizens of Sandžak.”<sup>399</sup>

At presidential elections held in January and February 2008, Sandžak Bosniaks staunchly supported Democratic Party, that is, DP's presidential contender, Boris Tadić. Although in the first round *Lista za Sandžak* backed its coalition partner, Velimir Ilić, leader of Nova Srbija Party, a convincing majority of Bosniaks voted for Tadić. In the first round Čedomir Jovanović, leader of Liberal Democratic Party, also fared well. In the run-off, on the 3<sup>rd</sup> of February 2008, of over 204,000 registered citizens, 135,468 or 66.3 cast their votes. Tadić was backed by 96,212 or 71% votes, while Tomislav Nikolić (SRP) got 37,579 or 28% votes. Tadić emerged victorious thanks to a large number of his voters in the majority Bosniak towns, Novi Pazar, Sjenica and Tutin. Such an obvious predilection of Bosniaks is a sign of their distrust in allegedly altered, minority-related stance of the Radical Party, as espoused in a mollified rhetoric of the party's Deputy President, Tomislav Nikolić. Turn-out in the presidential run-off in the majority Bosniak localities was a record one, but the general impression is that Bosniak did not so much vote for Tadić, as much as they in fact voted against the Radical Party leader, Nikolić.

In the ruling structures formed after parliamentary elections there are more representatives of Sandžak Bosniaks than in any previous period since the renewal of a multi-party system. Esad Dzudzevic, an official of *List for Sandžak* was elected vice president of the Serb parliament, and his colleague Bajram Omeragić remained the head of the *Council for Equal Regional Development*. Leader of the SDP Rasim Ljajić became the Minister for Labour and Social Issues, and several members of that party were appointed state secretaries. In the incumbent government of Serbia there is no Ministry for Human and Minority Rights, and Ljajić, a former Human and Minority Rights Minister in the former state union of Serbia and Montenegro, stated that it was only a rhetorical question whether the Ministry or a special department/service would deal with those issues. According to him, “what is important in that regard is the existence of a

<sup>399</sup> *Sandžak Danas*, 26 January 2007.

political will for continuation of reforms in the area of human rights initiated in the year 2002". He also assessed that in that period "a great job was done" and "the then authorities were praised for their human rights performance by the international community."<sup>400</sup>

Esad Džudžević, head of parliamentary minority MPs club, thinks that his appointment to the post of "Vice President of the Serb Parliament is a positive message and a call to minorities to more intensely participate in public life of Serbia...and therefore I expect an increased participation of minorities in the work of government and other state institutions by which we shall even more boost a favourable treatment of minorities in our society and practically demonstrate its multi-ethnic character".<sup>401</sup> But, such a large number of Bosniak officials in the state structures have not improved the general situation in Sandžak.

## Islamic Community, first, unification and the, split in two

Disintegration of Yugoslavia entailed a fragmentation of the then united Islamic Community of the SFRY, whose seat, (the supreme senior leadership) and Reis-ul-ulema (the top religious leader) were in Sarajevo. In former Yugoslav republics Islamic communities of different level of mutual ties were then founded. Since its foundation in 1993 the Islamic Community of Sandžak was headed by Muamer Zukorlić (born in 1969), a graduate of the top Algerian religious schools. Milošević regime did not recognize the Islamic Community of Sandžak. That regime recognized as the sole representative of the Islamic Community of Serbia, Belgrade mufti, Hamdija Jusupsfahić, who during a his several decade-long chairing was close to all the Belgrade regimes, ranging from Tito's Communist one, to Milošević-SPS one, and finally, the incumbent, Koštunica-led one.

Hamdija Jusufspahić was even one of the founders of the Party of Yugoslavs which later joined Mirjana Marković-headed Yugoslav Associated

400 Agency *Beta*, 17 May 2007.

401 *Danas*, 1 June 2007.

Left. The majority of Muslims resent him for cultivating friendly encounters with leaders of the Radical Party of Serbia, Vojislav Šešelj and Tomislav Nikolić. Jusufspahić before disintegration of the SFRY Rijaset was compelled to resign from the post of Belgrade mufti, but he refused to recognize that decision and even appointed his sons Muhamed and Mustafa as his deputies and promoted them into imams. Mufti Zukorlić established closer ties with the authorities after the 5 October 2000 changeover. The late Prime Minister Zoran Đinđić was one of his personal friends. Đinđić facilitated the opening of Novi Pazar University and appointed Zukorlić the university's rector. Đinđić's widow Ružica during the anniversary celebrations, was made an honorary president of that university.

Initial friendly relations between Zukorlić and Ugljanin have lately grown sour. In the course of 2006 the conflict between Zukorlić and Sulejman Ugljanin peaked by filing of criminal charges against Zukorlić and Ugljanin's call on Meshihat to replace Zukorlić (flatly refused by that body) and the faithfuls to reject Zukorlić as a mufti. Ugljanin proper stated that he no longer recognized Zukorlić as a mufti and "his" Islamic Community. Their conflict peaked after the September rally of *List for Sandžak* before the 2006 local elections. Islamic community accused Ugljanin's followers of raiding the building of the Islamic faculty undergoing reconstruction in the post-rally period and demolishing its premises. In all the mosques the information about a shocking event was read. Ugljanin rejected Mufti's claims and accused Zukorlić of misusing his position to acquire personal wealth and of meddling into politics by supporting Ljajić's party.

Over the last ten years the Muslim religious organizations on the soil of former Yugoslavia tried to re-establish severed ties. And they succeeded in that effort, for various forms of co-operation were re-established. Islamic Community in Croatia and Slovenia recognized Reis -ul-ulema in Sarajevo as their supreme head. The same thing was done by the Sandžak Islamic Community. In the course of 2003 Mufti Zukorlić launched an initiative for unification of the Islamic communities in Serbia. But that idea of his was rejected by family Jusufspahić with a pretext that they had already registered the Islamic Community of Serbia. Though the said organization had indeed been officially registered, it has never functioned

on the whole territory of the Republic. After a series of meetings held by Muamer Zukorlić and Hamdija Jusufspahić since the mid-2006 it became clear no agreement between the two was viable. The Islamic community of Sandžak then disclosed that it had meet many demands made by Jusufspahic, but they continued to ask for -more compliance. On the other hand, Jusufspahić family blamed Zukorlić for the failure of negotiations, since he allegedly insisted on a future Islamic Community's recognition of supreme power of Rijaset in Sarajevo.

To Zukorlić's Novi Pazar announcement of an imminent founding assembly of the Islamic Community of Serbia, Jusufspahić family responded by holding the Assembly of the Islamic Community of Serbia on the 30<sup>th</sup> January 2007, which decided to establish its own Rijaset. In the rally's communiqué (the rally, without being pre-announced by the media, was held in Belgrade's Bajrakli mosque) it was alleged that the decision was taken at the assembly attended by representatives from 52 municipalities: "the decision was taken by the assembly of the Islamic Community of Serbia, whose members respected territorial and legal integrity of Serbia and the assembly urged the supreme leadership of the Islamic Community to operate within the framework of Serbia as it is vested in a legitimate right to establish coog-cooperation with the Islamic communities of neighbouring states". Belgrade Imam Muhamed Jusufspahić stated that the said decision did not entail severance of negotiations on formation of an unified Islamic community with Meshihat of the Sandžak Islamic Community.

At the time Muamer Zukorlić and his deputy Mevlud Dudić were attending a session of the Bosnian Rijaset in Sarajevo, on whose agenda was also the issue of formation of the Islamic community in Serbia. Dudić then assessed that "the rally in Belgrade was not serious", and that "all preparations for formation of an unified Islamic Community of Serbia were wrapped up." Mufti Zukorlić thought that "spiritual ties with Sarajevo were not a matter of our wish and decision, but rather something that makes this Islamic community traditional in terms of continuity, and spiritual and traditional legitimacy. The issue of spiritual connection with Sarajevo is not a matter of decision, but rather the matter of faith and it cannot be the subject of agreement-making." On the other

hand Jusufspahić underscored that “our goal is to have Rijaset in Belgrade and not in Sarajevo.”<sup>402</sup> In early October Hamdija Jusufspahić officially retired, and Reis ul ulema of the Islamic Community of Serbia became Adem Zilkić, imam from Tutin, a former MP of SDA in Tutin municipal assembly. Zilkić and Zukorlić are relatives, and only few months earlier Zilkić backed Zukorlić. At a session in Novi Pazar hotel “Tadž”, in the middle of Ramadan, imams close to Jusufspahić ousted Zukorlić (who was then in Marocco). Assembly of the Islamic Community of Serbia, at its session of 6 October backed Zukorlić and called on “disobedient” imams to “repent.”

Islamic Community of Sandžak continued its activities relating to unification of religious organizations. Unification Assembly of the Islamic Community in Serbia was held on the 27th March in Novi Pazar. That Assembly adopted the Constitution of the Islamic Community of Serbia and set up four Mufti departments: Sandžak, Preševo, Novi Sad, Belgrade. Reis ul ulema Mustafa efendi Cerić stated in Novi Pazar that “the address of the Islamic Community of Serbia is – Novi Pazar. Those who willingly or unwillingly continue to ignore that fact shall have to assume responsibility for such a conduct. Though Europe sees us as people bogged down in a kind of marsh, or people unable to adjust to what some call European values, they will have to accept us and to recognize us as we are.” Muamer Zukorlić was elected the principal mufti of the Islamic Community of Serbia, and Mustafa effendi Cerić was appointed the supreme religious head.<sup>403</sup>

Before coming to Novi Pazar, Cerić met with President of Serbia, Boris Tadić, in Belgrade. According to the communiqué from Tadić’s cabinet, the two of them expressed their repudiation of any kind of extremism and urged the launching of a new Serb-Bosniak dialogue “contributing to building of a lasting peace, stability and tolerance between the Balkans peoples.” Tadić and Cerić also agreed that the process of establishment of an unified Islamic Community in Serbia was the issue to be decided by all citizens of Serbia of Muslim religion.” Holding of the Unification Assembly was condemned by the Islamic Community of Serbia headed by Hamdija

402 *Danas*, 31 January 2008.

403 *Sandžak Danas*, 30 March 2007.

Jusufspahić and the Bosniak National Council headed by Sulejman Ugljanina. The Council for Relations with Religious Communities of the Bosniak National Council of Sandžak stated that it “does not back activities organized by Muamer Zukorlić for they can further deepen an already existing split between Bosniaks and other Muslims in the country”.<sup>404</sup>

After formation of “parallel” Islamic communities, they started bickering over the status of “a true Muslim representative in Serbia.” The state bodies got involved in that struggle between Islamic communities in Novi Pazar and Belgrade by siding with the Belgrade-based religious community. Mass media also found that strife an attractive topic. Thus tabloid *Kurir* ran a secret Security-Information Agency report, underlining the following: “We are in possession of operational intelligence that President of Islamic Community of Sandžak, Muamer Zukorlić, has connections with the people who are internationally indicated as ring-leaders and prime movers of Wahabism, and who are in parallel members of the terrorist organization *Active Muslim Youth*, placed as such by the US State Department on the list of top terrorist organizations.” Zukorlić thus responded to that allegation: “It is an attempt to thwart unification of the Islamic Community of Serbia. I used to link the name of head of the Security-Intelligence Agency, Rade Bulatović, to Sulejman Ugljanin, when the latter sought refuge in Turkey, while Bulatović was a consul there.”<sup>405</sup>

In his letter to Koštunica and Tadić Zukorlić asked a free access to files of secret services collaborators from the ranks of Islamic Community: “We are especially concerned over numerous indications of and information about an active involvement of security and intelligence services of Serbia in the staging of anti-Islamic Community actions. Such phenomena cause much concern among the Muslims. Hence I expect you to protect the Islamic community from consequences of illegal activities of aforementioned services...We, Muslims, accept Serbia as our homeland. And we want to participate in its building equally with other citizens, but in re-

404 *Sandžak Danas*, 30 March 2007.

405 *Kurir*, 20 April 2007.



turn we ask the state apparatus to create for us an ambience in which we would feel safe, comfortable and dignified."<sup>406</sup>

## Emergence of Wahabis

In recent year a group of faithfulls called Wahabis, renowned for their rigid interpretation and practice of Islam, emerged among the Sandžak Muslims.<sup>407</sup> There are no estimates of number of Wahabis in Sandžak, for it is not a strictly organized and structured group. Local population first feared Wahabis, but with the passage of time got used to them. What marks them is their specific appearance, notably long beards and short trousers, while their women are covered from head- to- toe. In some mosques Wahabis tried to impose their manner of praying and bowing, but they were not successful in their intent. The first Wahabi-related incident took place in 2006. Namely after the Novi Pazar concert of "Balkanika" group had been banned, imam and faithfulls in the downtown Arab mosque clashed and there was some shooting too.

In the course of 2007 several Wahabi-related incidents were reported too. They in fact resent the name Wahabis, and maintain that they should be called "the true Muslims." In village Žabren, municipality Sjenica, on slopes of mountain Ninaja, the police on 16 March found the Wahabi camp full of propaganda material, arms and food...Subsequently a number of Wahabis were arrested in Novi Pazar and its vicinity and charged with terrorism.<sup>408</sup> After the arrest of Wahabis on the slopes of mountain Ninaja, the Interior Secretary, Dragan Jočić stated that the state was resolved to

<sup>406</sup> *Večernje novosti*, 20 April 2007.

<sup>407</sup> Milan Vukomanović, sociologist of religion, says that Wahabis are a marginal group in Islam and that the said ideology has never taken root in the Balkans. Wahabism as a movement represents a kind of misuse of Islam. That movement has strong missionary ambitions, global ambitions, but it has only taken strong root in Saudi Arabia, which is also its country of origin, and in which it is a leading political ideology. The Balkans was not a fertile soil for the Wahabi missionary ambitions simply because the Balkans varieties of Islam taught in Islamic legal and religious schools are more moderate, that is liberal.

<sup>408</sup> *Sandžak Danas*, 23 March 2007.

prevent terrorism and that the said action in municipality Sjenica and the arrest of four Wahabis demonstrated the state's readiness to foil any form of violence and terrorism. He stressed that the police would treat any threat posed to the Islamic Community as "an attack on the state of Serbia and on its citizens".<sup>409</sup>

The police continued its search of Wahabis. Thus on 20 April 2007 an armed incident in village Donja Trnava, in the vicinity of Novi Pazar took place. The police then killed Ismail Prentić, wounded Senad Ramović, and arrested Safet Bećirović. In the clash a policeman was also wounded. Ramović in February managed to escape from Novi Pazar prison. Ramović had a criminal record, for he had been arrested because of a shooting incident in front of Altun Alem Mosque in Novi Pazar, and was suspected of being one of frontmen of a human trafficking network. Ramović lived for a while in Italy and he also had a criminal record there. He was allegedly suspected by the Italian police for organizing prostitution. In fear of legal charges on that count, he returned to Novi Pazar. Minister Dragan stated after Donja Trnava clash, that the police was resolved to foil and root out all terrorist threats and ensure peace and security of all the citizens: "Serbs and Bosniaks are building and shall continue to build friendly and the best possible relations and we intend through our joint efforts to thwart all the extremist groups from jeopardizing our joint future."<sup>410</sup>

Bosniak leaders reacted to the foregoing incident. Rasim Ljajić assessed that confrontation between the police and Wahabis was a peak of the crisis since the emergence of that group in Sandžak. Ljajić expressed his hope that all people who followed teachings of Wahabism would eventually grasp "the lethal and mindless character of their alleged mission." Sulejman Ugljanin, after praising the police efficiency, expressed his hope that "this tragic event shall not undermine the stability of our town and region." Mufti Muamer Zukorlić thus commented that incident: "It is a tragic misuse of faith and the state should thoroughly change its stance on Sandžak. ...I warn the state again, and I expect it to seriously consider the whole situation." The Bosniak National Council voiced its concern and

409 *Radio Television Serbia*, 16 March 2007.

410 *Kurir*, 21 April 2007.

called on all the political parties and religious organizations to do their utmost to preserve peace and stability in the region. Sulejman Ugljanin blamed Zukorlić for the misconduct of Wahabis: "We cautioned against a harmful emergence of religious extremism within the fold of the Islamic Community of Sandžak since Muamer Zukorlić was named its chair".<sup>411</sup>

Soon a group of Wahabis were in prison, and the investigation into that case-declared a state secret-was launched by the Special Prosecution Office for Organized Crime. Among the arrestees were Senad Ramović, nicknamed Becan, Jasmin Smailović, nicknamed Bilal, Adnan Hota, Nedžad Memić, Fuad Hodžić, nicknamed Fićo, Mirsad Prentić nicknamed Beko, Erhan Smailović nicknamed Ekica, Senad Vejselović nicknamed Senko, Vahid Vejselović nicknamed Abdul Vahid, Mehmed Koljšija nicknamed Dino, Husein Čuljak, Aldin Pulić nicknamed Puljko, Bekto Memić, Safet Bećirović nicknamed Safko-Masko and Damir Berba nicknamed Abdurahman or Butcher.

Indictment was filed against them on the basis of the Act on Criminal Proceedings and the Act on Organization and Competences of State Bodies in Combating Organized Crime. For terrorism and unlawful possession of arms were indicted: Senad Ramović, Jasmina Smailović, Adnan Hota, Nedžad Memić, Fuad Hodžić, Mirsad Prentić, Erhan Smailović, Senad Vejselović, Vahid Vejselović, Mehmedin Koljšija, Husein Čuklja, Aldin Pulić, Bekta Memić, Safet Bećirović and Damira Berba. Ramović was also charged with an attempted murder. The trial began in late January 2008. Wahabis rejected all counts of indictment by maintaining that they were not terrorists and that they were being "framed" by mufti Zukorlić and the state security. Some of them however admitted that Zukorlić was behind their activities.

Adem Zilkić also accused Zukorlić of being behind Wahabis: "Wahabis were installed in this region by Zukorlić, who studied in the radical Islamic state of Algiers. Wahabis staunchly support Zukorlić and are his main tool in his many-sided activities."<sup>412</sup> Muamer Zkorlić defended himself from those accusations and in turn indicated Zilkić's responsibility: "I am not afraid of

411 *Večernje novosti*, 21 April 2007.

412 *Gazeta*, 4 December 2007.

Zilkić's accusations. He is a puppet of Sulejman Ugljanin...Wahabis are not under my control. In March they planned my liquidation...Ugljanin's vision is to turn all 140 mosques into his pre-election vehicle. ...local people were angered by the fact that we were attacked by part of the state apparatus headed by the former Minister for Religion, Milan Radulović, Ugljanin's tycoons, Jusufspahić family, and finally a group of imams spearheaded by Zilkić...Radulović fantasized how I, thanks to my links to Sarajevo, was in fact making a counter-balance system to Republika Serbia, within Serbia proper. And that was, to put it mildly, a shameful lie."<sup>413</sup>

Dragan Jočić, the Interior Secretary, confirmed that in several locations in Novi Pazar, Sjenica and Tutin in the month of June 10,000 pieces of rifle ammo and 15 kilograms of explosives were found. It was also said that both the ammo and explosives originated from Kosmet, and were intended for terrorist actions, one of the targets being a police station.<sup>414</sup>

Arrest of Wahabis caught the attention of the print media. Some of them correctly dealt with the topic and even engaged in research journalism that is, tried to discover the background of emergence of that Islamic movement in the midst of the majority moderate local Muslims. However, some print media engaged in sensation-minded coverage of the phenomenon. Thus alleged Islamic experts, whose anti-Muslim stands and theory of "the Green Transversal" had been given much exposure in the early 90's, at the outset of wars in former Yugoslavia, mostly Ljiljana Bulatović, Srđa Trifković, Miroljub Jevtić, were anew given given much space to spread their anti-Muslim propaganda. In consequence Belgrade tabloids started running a slew of tests on alleged cells of Al-Qaida in the Balkans, Kosovo and Sandžak, as the spawning ground of terrorists.

Momir Stojanović, former head of the military-security agency stated that "the goal of Wahabis in Novi Pazar was the creation of the Islamic Republic of Sandžak, modeled on Iran and Saudi Arabia." He also maintained that "part of the weapons came from Bosnia and Herzegovina", though "part of it may have originated from Kosovo". Stojanović was replaced two years ago because of the presence of operational units in

<sup>413</sup> *Gazeta*, 4 December 2007.

<sup>414</sup> *Politika*, 12 June 2007.

Kosovo and existence of the Islamic terrorist groups within the then state union of Serbia and Montenegro.”<sup>415</sup>

Though the Wahabi-related investigation was declared a state secret, *Politika* leaked the pertinent news, allegedly based on information from confidential sources: “the Wahabi group arrested in mid-March in Novi Pazar is suspected of planning to plant explosives in the water supply system, hospitals and power-generation facilities in the city.” It was underlined that: “This organized criminal venture intended to destabilize security of Serbia...the arrested group was well organized. In their boot camps Wahabis were trained for military and terrorist actions, rendering of first aid, and were well prepared for any eventuality, for they had bought large supplies of Medicines and sanitary material.”<sup>416</sup> Some print media also reported that Wahabis were planning to stage terrorist actions in Belgrade.

Search for Wahabis was then extended beyond Sandžak. *Politika* reported, on the basis of information disclosed by the sources close to Nis security services that: “In Niš, due to stepped up activities of radical Muslims, better known as Wahabis, monitoring thereof has continued as did the checking of nature of those very activities.” According to *Politika’s* sources in the city there were 155 active Wahabis.<sup>417</sup> Head of the police forces in Niš, Zoran Stojanović, stated that in their area there were Wahabis, but added that “those Wahbis were not of extremist disposition.”<sup>418</sup>

## Incidents and battle for mosques

After formation of the two religious Muslim organizations, first verbal disputes and the struggle for support of local imams and faithfuls ensued. One Islamic community has Muamer Zukorlić as its head mufti in Serbia, and as its supreme religious leader, Reis-ul-ulema Mustafa efendi Cerić

415 *Press*, 4 May 2007.

416 *Politika*, 17 May 2007.

417 *Politika*, 27 April 2007.

418 *Danas*, 23 May 2007.

and Rijaset in Sarajevo, while the other Islamic community of Serbia is headed by Reis-ul-ulema Adem Zilkić, and its supreme religious leader is Muhamed Jusufspahić, the Serb mufti.

The media sporadically reported on the rising phenomenon of life threats in Sandžak. *Kurir*, large-distribution tabloid, even “dislosed” that four, unidentified citizens of Novi Pazar tried to buy explosives from the local Nikšić criminals “in order to carry attack on a religious head in Sandžak”. Mufti Zukorlić confirmed that such rumours were swirling, but added: “I have similar information, and I take them very seriously. That is why I shall most probably ask for the police protection...I just don’t know whether the threat comes from Novi Pazar Wahabis or at play is a political provocation”.<sup>419</sup> Later Zilkić made a similar claim: “In view of preparations for my assassination I must demand the police protection.”

It is interesting to note that Zilkić on 27 March 2007 attended the Founding Assembly in Novi Pazar, backed the decisions of that body and voted for Zukorlić. Several months later, In October, Zilkić and a group of imams cast off Zukorlić and pledged their allegiance to family Jusufspahić. Zilkić maintained that he and imams from his group enjoyed the support of 80% of faithfulls in Sandžak, but his intentions to prove that allegation have failed to date. His official visit to Novi Pazar, on 11 October 2007 and the attempt to “enthroned” himself failed, for the crowd gathered there, booed him, instead of cheering him.

In various municipalities and villages the split between followers of Zukorlić and Zilkić became pronounced. The first serious incident happened in Sjenica mosque on 5 October 2007. To the shock of Muslim faithfulls even the police had to intervene. In order to end the dispute between imams bickering over who is entitled to conduct a prayer, policemen forcibly entered the mosque and clashed with Zukorlić’s followers. At an emergency press conference in Meshihat of Islamic Community in Serbia it was stated that the policemen twisted the arm of Vice President of Meshihat of Islamic Community in Serbia, Rešad Plojović, while Imam Elvedin Tokovic was hit on his head by a policeman’s baton. In the aftermath of that incident, Head Mufti of the Islamic Community in Serbia, Muamer Zukorlić, in

<sup>419</sup> *Kurir*, 12 May 2007.

his letter to the Serb Interior Secretary, Dragan Jočić, expressed his indignation over roughing up of imams by the police: "I expect both you and the government to launch an investigation in order to establish whether Sjenica policemen were involved in the incident, or the police intervention was masterminded by higher police, security and political circles. Added to that we expect the most severe punishing of perpetrators of that ignominious act." He also reminded Jočić that "according to the Act on Churches and religious communities, the police and other state bodies are duty-bound to protect the work and activities of legal and legitimate bodies of Islamic community and that the sacred character of religious institutions and integrity of religious dignitaries are inviolable."<sup>420</sup>

Two days later, on 7 October Regional TV and *TV Jedinstvo* in Novi Pazar were attacked. In the Regional TV station one security worker was wounded, and in *TV Jedinstvo* all the technical hardware was destroyed. In the aftermath of that incident the three MPs of Sandžak Democratic Party stated that they would stay away from the Serb Parliament sessions until the police punished all the policemen who had roughed up officials of the Islamic Community in Serbia. Omerovic made it clear that "SDP MPs will be back in parliamentary benches when Minister Dragan Jočić punishes those who have organized, ordered and commanded the raid of the Sjenica mosque. And I am not talking about criminals, but rather about local policemen." He added the following: "Since the police throughout the Serb history has never raided the religious institutions ...it has not happened during its kingdoms, or during Broz and Milošević rule....this recent, unprecedented act of desecration is especially humiliating because it coincided with Ramaddan, and moreover took place during the evening prayer." Omerović went on to note that "the state of Serbia thuds seems to show its double standards. While a high SOC cleric receives Ministers, mufti of the Islamic community faces policemen who beat up and maltreat his faithfuls"<sup>421</sup> When the Interior Ministry suspended the responsible policemen, SDP MPs returned to parliamentary benches only after 24-hour boycott.

420 *Danas*, 8 October 2007.

421 *Danas*, 9 October 2007.

Police head Milorad Veljović stated that the police would act in the most decisive manner in order to protect public peace and order: "Police does not interfere, and shall not interfere into religious disputes. If a member of police forces is found guilty of having interfered into a religious dispute, on alleged orders from the top Interior Ministry leadership, he shall be severely punished."<sup>422</sup>

The Serb mufti Muhamed Jusufspahić thus commented incidents in Sjenica, Prijepolje and Novi Pazar: "This is an alarming situation. The state should clarify who was roughed up, and who was the rougher-up. The fact is that members of Islamic Community of Serbia are being beaten up by members of Islamic Community in Serbia, who are sent from Novi Pazar to other Sandžak towns to put order in mosques. Wherever Muamer Zukorlić's men turn up, and the unrest ensues." Mufti Jusufspahić maintained that incidents would have been avoided if "Zukorlić's Mufti of Novi Sad and Vice President of Meshihat Rešad Plojović, who carries an unlicensed gun, had not started throwing his weight about in Tutin, Sjenica and Prijepolje". Mufti Jusufspahić also noted that "it is obvious that the political power-mongers got involved in the Islamic Community issue, as attested to by Ljajić's SDP MPs' announcement of their withdrawal from the Serb Parliament until the policemen responsible for Sjenica incident are punished."

Esad Džudžević, Vice President of the Serb parliament and MP of Ugljanin's List for Sandžak, stated that "the state and political parties should not interfere in the current, conceptual dispute between the two Islamic communities in Serbia." He underscored the following: "The state should enable the faithfuls to choose an organizational structure which they find most suitable. Novi Pazar incidents, that is attacks on the two regional TV stations, indicated that things were getting out of control."<sup>423</sup>

Soon the conflicts over mosques in Prijepolje, Tutin, and Novi Pazar began. Lawsuits were also filed over which Islamic Community had the right to use and head those mosques. Adem Zilkić was named head of the Islamic Community in Belgrade, and on 11 October 2007, in Novi Pazar's

<sup>422</sup> *Danas*, 8 October 2007.

<sup>423</sup> *Danas*, 9 October 2007.



city square he was to make his first official address to faithfuls. But that “welcoming party”, organized on the eve of Ramaddan Bairam, turned into a veritable fiasco for Zilkić, since in the gathered crowd he faced much more opponents than backers. Citizens divided in two groups, one backing Islamic Community of Serbia and Reis Zilkić, and the other Islamic Community in Serbia and Mufti Zukorlić, were separated by a police cordon. Thus a physical clash was avoided. But the two sides hurled accusations and insults at each other. Zilkić’s backers shouted “Victory!”, and Zukorlić’s shouted “Treason” and “Go to Belgrade”.

Though the Ministry of Religion allegedly sat on the fence, Minister Radomir Naumov in the thick of conflicts received Zilkić-led delegation of Islamic Community, while his aide Milan Radulović, former Minister of Religion, also a member of Democratic Party of Serbia, in several media programs sharply criticized Zukorlić. President of the Serb Parliament Oliver Dulić (Democratic Party) let Zilkić’s Islamic Community organize a Bairam-related reception in the Parliament building. This was the first time that a religious organization was allowed to stage such an event in the highest legislative body.

Party for Sandžak, Sandžak Alternative and Sandžak Democratic Union called on Radomir Naumov to hand in his irrevocable resignation from the post of the Minister for Religion in the government of Serbia: “We consider such a call justified, on grounds of your biased provoking and generating the problems intended to bring about a split in the Islamic Community in Serbia. In fact your ultimate goal was to place both the Islamic Community in Serbia and Bosniaks under control of the state or some of its structures.”<sup>424</sup>

Rijaset in Sarajevo, in its effort to fully back Zukorlić, responded to developments within the fold of the Islamic Community of Serbia. Thus, Mustafa Cerić, Reis-ul-ulema of the Islamic Community in Bosnia and Herzegovina, in his open letter to President of Serbia, Boris Tadić, reminded Tadić that at the 26th March 2007 meeting they agreed that the Islamic Community of Serbia was autonomous in its work and that it had the historic and moral right to forge an alliance with the Bosnian Islamic

Community, on the model of alliance between the Bosniak Serb-Orthodox Church and the Belgrade SOC. In his letter Cerić underscored the following: "That should have pre-empted the Serb authorities' meddling into internal issues of the Islamic Community in Serbia. Unfortunately the most recent development indicate that the Serb authorities interfered into the Islamic community in Serbia internal affairs by rendering the administrative and media support to the establishment of the institution of Re-is-ul-ulema in Serbia, for which move there was no historical or genuine ground." According to his assessment that situation could be likened to an establishment of the institution of the Serb patriarch in Bosnia, and depriving the Serbs of their right to communicate with Belgrade. Cerić pointed out that Serbia did not have a sharia or historical basis for the institution of Re-is-ul-ulema, and that Bosniaks from Sandžak did not have a commitment to forge spiritual ties with Sarajevo, but had every right to do that. He also noted that Muslims in Serbia are conscientious and responsible, and therefore able to independently and freely decide the shape of their Islamic community and opt for their future alliances.

In his letter Cerić went on to say: "I am convinced of your good-will and your devotion to confidence-building processes between Bosniaks and Serbs. The foregoing was confirmed by your visit to Potochari. I hope that you shall do your utmost to allow the Islamic Community in Serbia to be the expression of a genuine will of Muslims." The answer from the presidential cabinet was the following: "President of Serbia, Boris Tadić, considers that the state should not interfere into the issue of churches and religious communities. He hopes that tensions will subside and that disputes would be resolved by dint of a dialogue to the benefit of all citizens."<sup>425</sup> Democratic Party showed more concern for the Islamic Community during the presidential campaign, notably on the eve of the runoff held on 3 February 2008. Then ministers from Democratic Party on an almost daily basis paid visits to the Islamic Community in Serbia and its head mufti, Muamer Zukorlića, in a bid to garner his support for Tadić. Though the Islamic Community in Serbia, in full observance of the non-political character of that religious organization, did not openly voice its

425 *Danas*, 16 October 2007.

choice, Zukorlić's backing of Tadić was obvious. For Sandžak Bosniaks his rival Tomislav Nikolić from the Serb Radical Party was still unacceptable.

Early November was marked by a conflict over Altun alem mosque. Namely a group of Zukorlić's followers entered the mosque after been greenlighted to do that by the mosque's imam. The imam thus explained that move of his: "Renovation works should start as soon as possible." Institute for Protection of Monuments had a licence for renovation, but Adem Zilkić assessed that at play was not renovation, but rather an attempt at a forcible take-over of the mosque. In parallel several pupils, whose parents backed Zilkić, were expelled on "security grounds" from Medresa (religious school) in Novi Pazar. Among the expellees was Zilkić's son. Medresa is controlled by Zukorlić-led Islamic Community, and leadership of this school maintained that thus pupils were protected and possible conflicts avoided. Adem Zilkić's Islamic Community maintained that it was a brutal act of retaliation against innocent children. At an emergency session of Rijaset of Islamic Community of Serbia disarming of Zukorlić's followers, and punishment of head of police Muamer Nicevic were demanded. That session also condemned the raid of Altun alem mosque and eviction of children from Medresa. Reis Adem Zilkić stated: „Situation in Sandžak is worsening and clashes between faithfulls could erupt.”<sup>426</sup> Esad Džudžević, President of the Executive Committee of the Bosniak National Council in a letter to Ministers Dragan Jočić and Radomir asked them to take all the legally possible measures in order to provide for a free practice of their religion by all the faithfulls and officials of the Islamic Community of Sandžak.

In front of Altun Alem mosque Zilkić's followers, headed by imam Hasib Suljević, started their several days-long praying. Those street prayers were interrupted after ten days, when a raid into the mosque ended with a wounding of the security worker of the Islamic Community of Serbia. Then the work on the mosque renovation was temporarily suspended until the issue of additional licences. The incident was condemned by both Islamic Communities though they kept accusing each other for the incident. Zilkić's Rijaset stated: "Faithfulls praying in the street attacked followers of

dismissed mufti Muamer Zukorlić, who in turn threw stones and shot at the crowd.” In the name of Zukorlić-led Islamic community, Rešad Plojović accused the List for Sandžak and its acitvists for provoking the incident.<sup>427</sup> Ministry of Religion called on the Muslim faithfulls to avoid violence and advised Reis ul ulema Adem Zilkić and head mufti Muamer Zukorlić „to immediately publicly acknowledge each other, in the way they are recognized by the state, their followers and faithfulls.“<sup>428</sup>

Despite permanent tensions and sporadic incidents, competent authorities assessed that situation in Novi Pazar was calm. Mladen Kulibark, a police general, stated that „competent authorities in Serbia stepped up activities relating to monitoring of security situation in the area of municipality of Novi Pazar, which for the time being is calm and without any signs of obstruction of the public order.“<sup>429</sup>

Muslim faithfulls in Sandžak thus divided celebrated both Ramaddan bairam, and in December last year, Kurban bairam. Zilkić and his followers organized celebrations of Kurban bairam in Novi Pazar Sports hall, while Zukorlić and his devotees did the same thing in – Hairudin mosque. To the Mecca pilgrimage the two Islamic communities sentseparately –the two hadjis. During celebrations of Kurban bairam, Zilkić visited Tutin, but he was prevented from entering a mosque, in which he had long-served, by followers of Muamer Zukorlić. Adem Zilkić then told the journalist that “It is high time to put a stop to intra-Bosniak hatred ...”body of the Muslims in this country shall always be in Serbia, but their spirit shall always be in Bosnia.” He underlined that he was “informed” that “followers of Zukorlić who refuses to recognize Belgrad-based Islamic Community, were invited by the media to defend the central Tutin mosque.”

Imam Fahrudin Ćosović, Zukorlić’s backer, told the journalist that the faithfulls rallied to “protect the mosque” from Zilkić and that at play was “the defense” of a religious institution. Adem Zilkić and Muamer Zukorlić sent different Kurban-Bairam religious holiday messages to the faithfulls. In his Bairam message, Reis-ul- ulema Zilkić underscored the following:

427 *Glas javnosti*, 17 November 2007

428 *Glas javnosti*, 18 November 2008

429 *Glas javnosti*, 10 November 2008

“It is high time that we Bosniaks stop bickering about silly things, and take a united stand on all the things beneficial for the mankind. It is high time for us to align with responsible and conscientious mankind, to conquer the world with our spirit, with the niceness of our speech and goodness of our being, just like our honourable ancestors did it in the past, and moreover knew how to do it! ”

On the other hand, Mufti Zukorlić in his message assessed that “Muslims in Serbia shall celebrate this Bairam again in a mood characterized by an underprivileged status of the Islamic community, and efforts to split Imam and Dzemati being, the very foundation of our survival and the only linchpin of an age-old rallying of Muslims.” Zukorlić went on to accuse the Serb Ministry of Religion and local self-rule bodies in Novi Pazar, Tutin and Sjenica of violating the constitutionally-guaranteed autonomy of the Islamic community and their legal obligation to render protection to the legal and legitimate bodies of the Islamic Community. He called on both President and Prime Minister of Serbia to respect the aforementioned legal obligation, that is to “ensure an equal status of the Islamic community with other traditional churches and religious communities, in order to enable the Muslims to continue their participation in the building of a stable and prosperous future of all citizens of this country, in the spirit of traditional Islamic values of tolerance and peace”.<sup>430</sup>

## Conclusions and recommendations

Status of Sandžak was additionally compounded by unilateral declaration of independence of Kosovo, because of vicinity of Sandžak to that politically shaky area. Sandžak is located between Serbia, Montenegro and Bosnia and Herzegovina, hence its internal affairs are impacted by Belgrade, Podgorica and Sarajevo. Sandžak is an area into which the crisis may spill into, if Belgrade continues with its incendiary rhetoric and provocations.

Declaration of independence of Kosovo, stirred up dormant anti-Muslim sentiment among part of Serb public, though MPs of Bosniak ethnicity backed all the moves, resolutions and decisions of government of Serbia relating to the Kosovo crisis. The Serb mufti Muhamed Jusufspahić has even officially opposed declaration of Kosovo's independence and called on Organization of the Islamic Conference to withdraw its decision to support independent Kosovo. Demonstrators chanted anti-Muslim slogans and destroyed some shops owned by Muslims during protest rallies held Serbia-wide in the wake of Kosovo's independence.

Local police successfully "defended" mosques in Belgrade and Niš, or rather fended off demonstrators who were attacking them. In the post-17 March 2004 period both mosques were torched and later reconstructed.

In the course of last year the state of Serbia continued its policy of inclusion of ethnic minorities, therefore of Bosniaks too, into workplaces within the state institutions, but if oft (in)directly postured or rather acted as an arbiter between bickering Bosniak political parties. Official Belgrade should discontinue its practice of manipulating the Bosniak parties and politicians, and instead provide for the creation of a political framework enabling a normal life in the region.

Bosniaks are still underrepresented in the police and judiciary.

Despite increased Serbia's investment in development of Sandžak's infrastructure in 2007, no major progress was made in the regional economy. Because of the foregoing, a continuing economic crisis could undermine a relative political stability of the region. In Sandžak there are no foreign investments, and an across-the-board pauperization is evident. Hence the possibility of a rising number of young Bosniaks falling under

the influence of Wahabi movement. Therefore that influence should be neutralized by strengthening of the role of official Islamic community, stabilization of intra-Bosniak parties relations, betterment of living standard, and boosting of education.

It is very important that the Serb state keeps out of the Muslim religious community problems. Impact of Wahabis and other religious and political extremists shall not be lessened if Serbia continues to arbitrate the dispute between the two Muslim religious organizations, by siding with one of them. It is obvious that the Muslim faithfuls in Sandžak resent such a meddlesome policy of Belgrade. Hence it does not come as a surprise that the majority of Sandžak Bosniaks thinks that the root-cause of all their local problems is Belgrade's conduct, though they partly blame for the foregoing also "their " political and religious leaders.





# VIII

## Education



# Educational System: Politically Induced Inertia

The educational system in Serbia has been on the margin of interest of state bodies and the ruling and opposition political parties for years. The state and the media deal with this important part of social development only in conflictual situations such as strikes, drugs or violence in schools. Education is stagnating, and high school and university students are less and less prepared for the type of knowledge the future demands. Instead of being centers and promoters of science and education, a better part of universities in Serbia, especially those teaching social sciences, are centers of backward and nationalist thought, which makes Serbia more and more a closed country, which turns away from Europe and its educational standards.

Schooling reforms are belated and the youth of Serbia gets low quality education from primary school to university. Only 16% of university students pass each year of study with success. On the last international test of knowledge organized by the Organization for Economic Co-operation and Development (OECD), better known as the PISA test, Serbian students won the grievous 41<sup>st</sup> place, thus bringing home the message that our educational system is not preparing young people for the future.

The fact that the funds allocated to education in Serbia are under three percent of the gross national product, less than in any other European country, illustrates the state's negligence of this area.<sup>431</sup>

The strong impetus of educational reforms, reached in Serbia after year 2000 when Slobodan Milošević's regime was overturned, was completely blocked with the assassination of Prime Minister Zoran Đinđić and

431 According to data of the Center for Educational Policy of October 2007, UNESCO recommends that public spending for education should be around 6%, which is the average for countries belonging to the OECD. According to a statement by Minister Lončar of October 30, 2007, the share of education in the gross national product of Serbia is less than 3%.

the fall of his Government in 2003. All results were almost completely nullified. The only things that survived in practice were descriptive grading for first grade students and new subjects like religious education and national tradition.

From that day until today, this most populated department, with more than 140 thousand employed and almost 1,5 million students, is headed in the Government by people from DSS, the nationalist and populist right-wing party of Prime Minister Vojislav Koštunica. The first minister of education from DSS, professor Ljiljana Čolić, not only blocked the reform, banned computers, and decreased the number of foreign language classes in primary and secondary schools, but also challenged Darwin's theory, standing up for Creationism, which made her resign her position under public pressure. Her successor, Slobodan Vuksanović (2005-2007), constantly tried to minimize immense educational problems in Serbia on the account of so called national interests: "These tests (referring to the PISA research results published in 2007) are planed in such a way that some states are always good and others always bad. Testing is a relative thing. Our children are not stupid. I claim with full responsibly that our children are the best, after the children from Scandinavian countries. With all its flaws, our educational system is still one of the best in the world..."<sup>432</sup>

Leaving his position as Minister of Education after parliamentary elections in January 2007, Vuksanović defined his mandate, but also the standpoint of his party (DSS) on education in the following words: "Even if no one knew what I have done so far, Saint Sava will know. For me, that is sufficient, and most important"<sup>433</sup>

After negative evaluations of our education, especially higher education, on international meetings dedicated to the balancing of the educational system in Europe, the Law on Higher Education<sup>434</sup>, which guarantees the autonomy of the university, academic freedoms, respect for human rights and civil liberties and bans every type of discrimination, was passed during Vuksanović's mandate.

432 *Express*, December 5, 2007.

433 *NIN*, April 3, 2007.

434 *Official Gazette*, 76-05.

In 2007, with a two year delay, the following higher and high education bodies, independent of the Government were formed:

- The Accreditation Commission for Universities and Colleges
- The National Council for Higher Education
- The Conference of Universities of Serbia

The fulfillment of international obligations, like the passing of the Law on Higher Education and the adoption of national criteria and standards for accreditation improved the rating of Serbian universities in relevant European bodies.<sup>435</sup>

At least according to his public statements, the current Minister of Education Budimir Lončar<sup>436</sup>, Assistant Professor at the Faculty of Law in Novi Sad and a party officer of DSS, spends less time than his predecessors on education and more on defending the views of his party concerning the most important political issues. A few months after becoming minister of education, Lončar framed his vision of the development of education in Serbia in a very clear way, announcing the necessity of adopting a strategy for the development of education based on “the national”, spiritual roots, and the long educational tradition of Serbia.<sup>437</sup> There was almost no public appearance where Lončar did not speak about Kosovo.<sup>438</sup>

435 On the Ministerial Conference held in London on May 15, 2007, Serbia earned grade four for its move towards the Bologna process. Two years ago, the reform processes in Serbia were graded as barely passable.

436 Ibid.

437 “I will strive to secure, in accordance with the long and good educational tradition that we have in Serbia, all our specific features we can be proud of. It goes without saying that not only the roots of our spirituality, but of a part of that tradition as well, lie in Kosovo and Metohija. Thus, it is not necessary only to advance and develop education in Serbia, but to do all that is possible to preserve our territorial integrity when the future status of Kosovo and Metohija is in question. I believe that those who do not understand the importance of Kosovo and Metohija for Serbia, do not understand the real importance of education in Serbia.” *NIN*, November 21, 2007.

438 “Besides the preservation of our territorial integrity and sovereignty of the country, the forthcoming accreditation of faculties and universities should be one of our most important tasks,” said Lončar at a meeting of the National Council for Higher Education ([www.mps.sr.gov.yu](http://www.mps.sr.gov.yu), October 26, 2007). At another meeting, with the Ambassador of China Guobang, the dominant topic was Kosovo ([www.mps.sr.gov](http://www.mps.sr.gov)).

Lončar's "obsession" with Kosovo culminated with time, involving children into politics and abusing them for daily political goals. Lončar ordered all schools in Serbia to drop classes and close down on the day of the protest rally "Kosovo is Serbia", organized on the occasion of the self-proclamation of Kosovo independence. The *Forum Of Belgrade Primary Schools* reacted and demanded that the minister be called to responsibility because "with his decision to close down schools for one day he left tens of thousands of students to 'the street'". On the same occasion, Aleksandra Jerkov, spokeswoman for the Social Democratic League of Vojvodina and a representative in the Assembly, filed criminal charges against Slobodan Samardžić, Minister for Kosovo and Metohija, and Minister of Education, Zoran Lončar, stating that their greatest responsibility should be the safety and education of students in Serbia.

According to official data<sup>439</sup>, in Serbia there are:

- 3,578 elementary schools with over 650,000 students and 47,569 teachers
- 249 specialized elementary schools
- 16 elementary schools for education of adults
- 485 three and four year high schools with 300,000 students and 27,000 teachers
- 39 specialized high schools
- 198 faculties (state funded and private) and 90 colleges with 300,000 students, 7,737 professors and 4,700 assistants.<sup>440</sup>

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yu, January 29, 2008). Lončar spoke again about Kosovo and the appropriation of territory by force at the opening of the Museum of Dositej Obradović in Čakovo, Romania ([www.mps.sr.gov.yu](http://www.mps.sr.gov.yu), December 21, 2007) and at the winter meeting of elementary school teachers at the Faculty of Philology in Belgrade.

439 *Statistical Yearbook* for 2006.

440 According to data of the Center for Educational policy, 40 percent of students in higher education never complete their studies. The ratio of teachers to students in Serbian universities is one to eighteen.

## Education for professions that do not exist

Modernization of programs is the most painful issue of the educational system, from elementary schools to universities. By its inertness, the state encourages conservative forces amongst teachers not to change a thing in the system of management and evaluation of educational activities. Those who strive for changes are left without opportunities to engage in creating programs in cooperation with parents and the local community. There are no standards for evaluating students and teachers on the national level. Legal amendments established a centralized regulation of educational activities. In elementary schools, the emphasis is placed once again on a thoroughly defined curriculum, and not on what the child should learn and know after completing elementary school.

The process of reform of high school education is the slowest, especially in grammar schools. According to statistical data, the interest of the young generation for grammar schools is declining. As to the specialized high schools, they have declaratively initiated reforms.<sup>441</sup> In practice, the adopted strategy of development of high school education is virtually not applied. High school education is overburdened with an enormous number of educational profiles, most of them obsolete, which train young people for professions that have not existed for a very long time. At the same time, various profiles required by new modern technologies do not exist. Programs and professions offered by our schools are far behind the European system of qualifications, and the abovementioned strategy that has been adopted is in discord with existing legislation. In 2007, none of the responsible state bodies ever mentioned the necessity to change the Law on High School Education. When certain measures from the Strategy are nonetheless applied, it is being done illegally.<sup>442</sup>

441 Last year the Government of Serbia adopted the Strategy of Development of Specialized Schools, which envisages modernization of educational programs, their evaluation and certification, as well as providing possibilities of horizontal and vertical relocation within the system.

442 An example is the experimental VET-EU program of reform of specialized high school education in cooperation with the German organization for technical cooperation GTZ,

If in a country, like Serbia, education from pre-school to university is functioning out of inertia; if ministers in charge of education abuse students and teachers for political purposes (minister Lončar clearly demonstrated this during his short mandate, placing the issue of Kosovo before current problems in Serbian education); if the conditions under which minority and marginalized groups like Roma are educated are neglected;<sup>443</sup> if the School and the Church are almost equally funded by the budget, then how can we expect the educational system to offer young people at least minimal literacy or functional knowledge that can be used in real life.

Psychologist Tijana Mandić estimates that “in this country children are not a priority. The educational system is, in itself, confused, vague, and ultimately left to an individual, a teacher or a school principal. What should have been the socialization of children through the educational system has been completely neglected.”<sup>444</sup>

One of the most upsetting results of our educational system materialized last year. On the biggest and most important international student achievement test, covering reading, mathematics and science literacy, the so called PISA test, carried out in 2006 by the Organization for Economic Co-operation and Development (OECD), the results of students from Serbia were disastrous. They took the 41<sup>st</sup> place among 57 countries that participated in the testing. Actually, the basic goal of this test was to determine to what extent have the children mastered knowledge that they can make use of in real life, and also wheatear they have mastered the so called scientific literacy. This type of testing is being done every three years, with Serbia participating from 2001.

The first, preliminary results of the Program for International Student Assessment were presented to the Serbian public by Branislav Pavlović, President of the Educational Syndicate of the Republic.<sup>445</sup> Experts were not surprised by Serbia’s defeat, because we are, as they say, “stably bad”, and

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with only a small number of students from several specialized high schools included.

443 According to UNICEF research about 75 percent of Roma children enroll in elementary schools, but only 20 percent complete elementary education.

444 *NIN*, December 20, 2007.

445 Press conference, December 3, 2007.



every research “on the effects of elementary school education asserts the fact that our children have encyclopedic knowledge which is dysfunctional”. Experts also reminded us that the first study of the effects of elementary school education, conducted by the Institute for Psychology as far back as 1989, and then repeated in 2003 for UNICEF, showed that our educational system is ineffective and that our students have knowledge that is dysfunctional and reduced to reproduction: “With such knowledge from elementary school, students continue their high school education, and the ultimate consequence are incompetent professionals. In the period from 1989 to 2003 a war happened and the country disintegrated, but the educational system did not crumble – it remained consistently bad. PISA results are not an incident in our education, but rather a chronic state lasting for twenty years.”<sup>446</sup>

The agitation raised by this embarrassment of our educational system and negligence of the intellectual future of generations enrolling in high schools settled down quickly. The current minister Lončar barely referred to this issue, which will certainly have serious consequences to Serbian intellectual potential, by reiterating the usual statements about not being surprised by these results, and naming the state as the main culprit. He stated: “However, it is less important who is culpable, but we do have to take this report seriously”; “Serbia lacks a strategy of development for education” and “the educational system should not depend on political changes within the Government...”<sup>447</sup> At the same time, it seems that he forgot that he was the third minister of education coming from DSS, and that educational reforms in Serbia were completely blocked from 2003 precisely because of the nationalist and retrograde ideology of his party. His predecessor Vuksanović interpreted bad results of fifteen-year-olds from Serbia on PISA testing as an international conspiracy aimed at discrediting Serbia.

446 *Politika*, December 4, 2007.

447 Interview of the Minister of Education, *NIN*, December 20, 2007.

## The Church and the School

Education in Serbia is on the brink of collapse. The quality of teaching is low, and children receive grades for memorizing, not for their ability to transfer knowledge. Active teaching is hindered by unsatisfied and underestimated, and all the more often corrupt teachers, but also by outdated organization of teaching reduced to 45 minute classes, where, out of inertia, outdated plans and programs are applied. Besides, educational institutions are shaken strikes of teachers, whose opinion in fact is not important to anyone.

A petition signed by several hundred foreign language teachers, requesting the increase of the number of foreign language classes in higher grades of elementary schools, from two to three, remained without effect. The teachers argued that students can not learn a foreign language with only two classes per week, and that three classes per week is in fact the European standard. Their discontent was caused by the decision of the National Council for Education to decrease the number of classes. There is no record of any answers to the petition of the teachers.<sup>448</sup> During the past year, the Minister dedicated most of his time to Kosovo, referring to educational problems on a casual basis, through the prism of the “spiritual center of the Serbian people”.

Due to retrograde legislation, the Serbian Orthodox Church is gradually penetrating all state structures, including education. According to a statement issued by the Ministry of Religious Affairs,<sup>449</sup> religious education, as an elective subject, is attended by 56 percent of students. Another statement by this Ministry pointed out that the goal of religious education is to convey elementary information to students, without any pressure. This task has been entrusted to 1700 Orthodox religious teachers, 200 teachers of Catholic catechesis, and 200 teachers from the Islamic religious community. Unfortunately, the events that are more and more taking place in schools, even within the under-age population (cases of

448 *Blic*, June 6, 2007.

449 *Pravda*, October 8, 2007.

national and religious intolerance), lead to the conclusions that the entry of the Church into the School did not contribute to understanding and tolerance of religious differences. Both the religious affairs and the educational department in the Government of Serbia are headed by members of DSS, a party led by V. Koštunica, who is strongly in favor of the Church, while his ministers are almost breaking their necks to prove their "closeness" to local church dignitaries. Despite the constitutional separation of the Church from the State, minister Lončar, as a representative of the secular power as well as of one of the most important departments in the state, gave so far the most open statement about who is more important in Serbia in the education-religion relation: "It is my pleasure to announce that every year we have a growing number of students opting for religious education, which emphasizes the obligation of the state to instigate the religious renewal of our entire state, especially in church life."<sup>450</sup>

As a signatory of the 2003 *Millennium Declaration* of the United Nations Serbia took the obligation to reduce the number of semi-literate and illiterate population by the year 2015, which is a precondition for the reduction of the number of unemployed and poor. Only at the end of the last year did the Government adopt the Strategy for Adult Learning. Given the slow pace of reforms in regular schools and at the university, it can hardly be expected that the undertaken international obligation will be realized. It is, however, an encouraging fact that with the growth of privatization, the interest of adult citizens to become literate or at least complete their elementary education is also growing.

Incidentally, around 1,5 million people in Serbia are without elementary education. The greatest number of illiterate persons is in the Municipalities of Bojnik, Gadžin Han, Žitoradja, Trgovište and Crna Trava (the most undeveloped parts of Serbia) where more than 10 percent of the population is illiterate. Unfortunately, exact statistical data on the number of illiterate persons in Serbia do not exist, and Miomir Despotović, an expert on andragogy at the Faculty of Philosophy explains: "The census interviewer asks a person whether he/she is literate or illiterate, and hence these 235 thousand persons are the ones that have admitted that they are

450 *Danas*, August 25-26, 2007.

illiterate, whereas the number is probably much greater because some people are either hiding this fact, with or without a reason, or they believe that they are literate if they are able to sign their name.”<sup>451</sup>

The year 2007 has not passed without strikes in education either. By decreasing lessons to 30 minutes for a whole month (November – December), employees in elementary and high schools, led by their Syndicates, tried to warn the Government about shamefully low salaries of educational and non-educational staff. Minister of Education Lončar, in his already well known manner of giving groundless promises, promised an increase in salaries in year 2008, and announced the commencement of the solving of educational workers’ housing problems, which none of the strikers asked for. On the other hand, the Educational Workers’ Syndicate of Vojvodina called for the resignation of the Minister, because he threatened educators on TV and uttered a series of fabrications by stating that the salaries of educators have been increased by 22 percent. The Minister also stated “strikes are aimed more at protecting the seats of syndicate leaders, than the position of 142,000 employed in education”.<sup>452</sup> The strike ended on December 12, 2007 by a compromise: an increase in salaries, followed by new promises by the Government of Serbia. The educators have promised a new surprise for the beginning of the next school year if the state fails to adhere to the agreement and the promises it has given.

## University: A defeated reform

Despite the fact that universities in Serbia earned a high grade (four) at the Ministerial Conference in London in 2007, for moving towards the European Association for Higher Education, the reform of the university is in a stalemate. Except for the legal regulations, no other principle of the Bologna Declaration has been fully realized.

<sup>451</sup> *Radio B92*, November 24, 2007.

<sup>452</sup> *Agencijske vesti* November 21, 2007.

The essence of the Bologna Declaration adopted in 1999 is the reform of higher education in Europe. More than 40 countries signed this document with the wish to secure the mobility of students and transfer of knowledge from one university to another in the European region. Diplomas from universities of the signatory countries would be automatically recognized without any further requirements or exams. Serbia signed the Bologna Declaration in 2003. Little has been accomplished from that day until today.

The biggest stumbling stone was the reform of teaching plans and programs of studies. According to the plan, the enrolment in new programs of studies should have started last year. At this moment, it is hard to assess which faculties really made this happen. Steps in earning a three year, so called, bachelor diploma, and a four or five year master diploma exist at this moment only at the Faculty of Architecture and the Faculty of Electrical Engineering, which went farthest in applying the new methods of functioning. There are still no substantial changes neither in the system of studying, or in the institutional organization or the way higher education is being funded.

Accreditation of state and private universities, by far one of the most important requirements of the Bologna Declaration which unambiguously prescribes the required number of permanently employed professors and assistants and their duties, as well as the size of study groups, has not yet begun. The whole process is delayed because the majority of faculties cannot fulfill the criteria set by the *National Council for Higher Education*. The greatest problem is the space, followed by the lack or surplus of teaching staff. According to the set criteria, each faculty must provide two square meters of workspace per student. At least two thirds of the professors at each faculty must be permanently employed. Not less than 50 percent of the teaching staff must hold a doctoral degree.<sup>453</sup>

453 "A professor cannot have more than six classes per week, that is, he may not be engaged in more than 12 hours of active teaching in one week. For Natural and Mathematical Sciences, a lecture group can have up to 80 students, a group for practical classes up to 25, and up to 15 students for laboratory classes. For faculties of Social Sciences a lecture group can have between 200 to 300 students, with up to 50

According to the new deadlines set by the National Council, the accreditation should be finished by the end of year 2009. The process of validation of each faculty, according to first estimates, will cost the University of Belgrade 14 million dinars. In the following three years 200 higher education institutions will undergo the evaluation process. The goal of the accreditation is a specific validation of each higher education institution, both from the educational and the scientific point of view. And what is even more important, we shall finally find out how many faculties exist in Serbia, as well as who educates the young generations, and under which conditions.

During the last two decades, the number of private faculties, but also of departments of state universities in Serbia has grown immensely. There was no control of the teaching process, and many of these institutions have been operating without a proper permit, while professors acquired a steady source of additional income. The lack of control of the way faculties are founded and run created a fertile soil for corruption, buying grades, as well as money laundering.

The announcement of compulsory accreditation divided the academic community. Some criticized the rigorous criteria, others expressed their doubt that this serious and necessary step in bringing order to the network of higher education in Serbia will succeed, due to a lack of the necessary political will.<sup>454</sup>

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students for practical classes.

A lecture group at faculties of Medical Sciences can have up to 80 students, whereas groups for practical classes can have a maximum of 10 students for pre-clinical subjects, and five for clinical subjects. For Technical and Technological Sciences the number of students cannot exceed 180 at lectures, 60 at practical classes, and 20 in laboratories. The size of groups at faculties of Art can be between two and 20 students." *Blic*, November 21, 2007.

454 Professor Ljubiša Rajić : "The accreditation process is not aimed at raising the quality of education and scientific research, but rather at securing royalties for some people close to the authorities. There is no state plan for the development of higher education in Serbia. At this moment education is a private matter of the DSS. Should the accreditation be carried out properly, almost all private faculties would be banned, in the first place because of a lack of appropriate teaching staff.

Accreditation of colleges, which has just been finished, was the first test, which showed that the behavior on this academic level is not always academic. According to media reports, there were treats to members of the Accreditation Commission, who were elected by the National Council, attempts of bribery, as well as attempts of obtaining the accreditation by all possible means, including forgeries. According to the official data of the Commission, 48 colleges were granted accreditation, whereas 27 of them were refused. A number of colleges did not even apply for this evaluation required for gaining the official status of college, whereas 18 colleges received and act of warning (meaning that some changes are needed before receiving accreditation). Fifteen colleges subsequently received a positive decision on accreditation.

Should the reform of the strongest university center in Serbia, the University of Belgrade, be judged only by the exam results of the 2006/07-generation – which started its studies according to the new Law on Higher Education, based on criteria set by the Bologna Declaration – the results would be more than distressing. Out of 9.617 students enrolled, only 1534 managed to pass all the exams required. Namely, only 16 percent of students succeeded in gaining the 60 credits necessary for enrolling in the next year of study.<sup>455</sup>

According to the Bologna Declaration the passing rate should be 80 percent of students enrolled. International documents that should also be valid for our universities, provide measures of student load expressed in credits, namely ECTS credits, a number showing how many hours a student needs to master a particular subject, including the number of hours spent at lectures, as well as the time an average student needs to do the necessary reading. The number of credits at the majority of faculties is

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Some state universities are also questionable. Only those who are not protected by anyone will end poorly in the accreditation process." *Danas* 3.apil 2007.

455 Student Nemanja Stamenčić from the Student Union: "This is a negative point for the professors in the first place. The policy of the University is led by a conservative undercurrent which strongly opposes the changes. The passing rate is one of the best indicators of success of a reform, an in order to make this rate higher, both the program and the way of teaching have to be changed" *Pravda*, May 18, 2007.

being determined at random, and the Law on Higher Education does not prescribe detailed standards for determining this number, thus leaving to the faculties to set numbers of credits at their own will. The disastrous results point to two facts. Firstly, that the changes also demand a change in the attitude and habits the professors have regarding lecturing and new programs. Secondly, if any changes have been carried out at all, it was not in compliance with the criteria emphasized by Bologna: lectures and practical classes should be compulsory, and the knowledge acquired during lectures should account for 30 to 70 percent of the final exam grade.

Following a pattern of disregarding the law – typical of the Serbian society – the Ministry and the University agreed on violating the Law on Higher Education by allowing all students to enroll in the next year of study with only 37 out of 60 credits required by the Law. The rector of the University of Belgrade professor Branko Kovačević believes: “We have to amend the Law because some of its provisions are unsustainable”. He does not deny that the results are appalling, and that the reform has not been properly understood at the university: “Professors have to understand that instead of lecturing on the history of science they should lecture on contemporary science, and at the same time teach students practical skills which are applicable on the labor market. The first level of studies is not about science, but rather about training for a profession”.<sup>456</sup>

It is evident that the University, along with the Serbian Academy of Sciences and Arts and the Army, is one of the most conservative institutions in the country. This will make any kind of reform very slow.

It took more than a year for the Government and the Assembly of Serbia, the Ministry of Education and the universities, to decide how to solve the problem of degree titles for the previous and current system of studies. Demanding the equivalence of diplomas, students engaged in strikes several times. As if angling for funds, decision of the authorities notwithstanding, the faculties took advantage of the unclear situation and opened their pay desks for those who wanted to complete their education with master studies, taking large sums of money from students. Those who could afford it, paid for it, the ones that could not, engaged in a strike.

456 *Evropa*, September 27, 2007.



On November 7, 2007, the Assembly of Serbia “decided that the degrees of the eight level of proficiency earned until now are to be automatically regarded as equal to the new title of master. Thus Serbia conforms to the solution already legalized in Slovenia, Croatia and Macedonia.”<sup>457</sup> This was subsequently confirmed by Minister Lončar in an interview to NIN: “In case the academic community does not reach an agreement on the application of legal provisions, in the light of the authentic interpretation recently adopted by the Assembly, the state will have to intervene.”<sup>458</sup> And in 2008 the Ministry actually intervened: it ordered the faculties to include in the diploma supplement “in compliance with the authentic interpretation of the Assembly of Serbia, graduate and master students are equal in their rights”.

Promotion of European ideas and values, which should be led by education, and higher education in the first place, does not exist, except on a declarative level, and chaos coupled with dominating nationalist thought once again make the best students decide to leave the country.

457 *Politika*, November 14, 2007.

458 *NIN*, January 21, 2007.

## Conclusion

The only positive issue in the last few years is the signing of the Bologna Declaration. In 2007, it was the international grade earned in Europe by Serbian universities for the legal regulations passed. Judging by the public appearances of the acting Minister of Education, the education in Serbia will continue to languish. At a press conference, organized on the occasion of the 100 days of the government<sup>459</sup>, Minister Lončar announced continuity with the educational policy of previous governments and ministers of education from DSS, who, ever since 2003, blocked every move towards reforms of the educational system in Serbia. Lončar declared that “the educational policy will rely on three basic assumptions: that the educational system is of strategic interest for the overall development of Serbia, that the country has a sound and long educational tradition, and that, based on the two previous assumptions, the well-thought and gradual reform should be continued.” In the first hundred days of its new head, the Ministry only tackled changes of personnel and enrolment of students into elementary schools, high schools and universities. The strategy of educational policy, being a document of national importance, will have to wait for better times. Serbia does not even have laws on pre-school upbringing and education, on textbooks or on students’ standard. Changes and amendments to the Law on Elementary Education and Upbringing were already announced in the time of the previous minister of education. Up to this day, this has not been realized, either.

459 Website of the Ministry of Education, September 14, 2007.

IX

## The Media Scene



# The Media:

## No Rules of the Game

Despite the existence of laws regulating the media-related issues and numerous attempts to implement self-regulation mechanisms in the media sphere, in the course of 2007 no step forward in that direction was made in Serbia. Attacks on journalists continued, property transformation produced additional problems, open political and other pressures of big capitalists on the media were stepped up and tabloids-proliferated.

General trends from the previous period continued: tabloids openly backed certain political options, called into question judgements related to organized crime cases, glorified the war crimes perpetrators and indicted....The new trends was an open violation of professional norms in discrimination of certain groups, breaches of the right to privacy, coverage of topics and contents running counter to the norms of the media and other acts in place. Throughout 2007 the media violated its basic professional rights, and such breaches moreover went unpunished, due to lack of the sanctioning or warning mechanism, against which the media experts have been cautioning for years. The foregoing contributed to the creation of the media scene without any rules.

Even when the rules exist it seems that they are put in place just to protect the incumbent politicians and media owners' needs and interests. Since media privatization was carried out in an awkward and non-transparent way, and that the identity of the media owners was kept under wraps, there was the wealth of possibilities for the media manipulation and their misuse.

Media are mostly used to transmit the wishes and expectations of prime movers of political and economic life, instead of being the middlemen between the reality and public at large. Kosovo-related coverage served to revive stereotypes about people and ethnic communities (Albansians, Slovenians, Muslims, etc.), which had dominated the media lingo in the 90's. The foregoing indicates that 8 years on since the ouster of

Slobodan Milošević, the media have not changed the set of values blueprint, because on that very blueprint still rests the state policy. Due to the national frustration in the face of many routs, the media coverage is steeped in cynicism towards the key actors of the international policy, though they have been trying, alas in vain, to help Serbia leave its recent past behind.

## Anti-journalists campaign

In the small hours of 15 April 2007 unidentified persons placed two bombs on the window sill of magazine *Vreme* journalist DEJAN ANASTASIJEVIĆ. One bomb exploded, causing great material damage, but no casualties. Initially it was assumed that the said assassination attempt was staged by members of paramilitary formation Škorpioni, previously discussed in detail by Anastasijević in the Radio B92 program “Kažiprst.” However, Anastasijević himself gathered information pointing the finger of blame at loyalists of Šešelj’s Serb Radical Party and former head of Security Services, Jovica Stanišić. In his text “Who has planted the bombs on my window sill?” ran by 18 October issue of weekly “*Vreme*”, Anastasijević explained that the attack on him and his family was probably related to his status of witness in trials of Šešelj and Stanišić before the Hague Tribunal.<sup>460</sup> In the following days and months many state officials outraged by the event kept promising that perpetrators would be brought to justice and underscoring that violations of and discrimination against journalist had to be stopped. But despite the aforementioned pledges, the police investigation by the end of 2007 produced no results.

In the course of 2007 there were other attacks on journalists. Neo-Nazis on their ultra-nationalistic site threatened they would kill the president of the Independent Association of Journalists of Vojvodina and Novi Sad correspondent of “Beta” agency, Dinko Gruhonjić and deprive of any future both his wife and eight-months old son and daughter. Since on that

460 *Vreme*, issue no. 876 <http://www.vreme.com/cms/view.php?id=516448>

web site were disclosed also Gruhonjić's photo and the home address, the case was qualified as an open incitement to assassination.

In the public eye were also attacks on a journalist of *Glas javnosti*, ZORAN ŠAPONJIĆ and photographer of *Večernje Novosti*, MILAN CVETKOVIĆ. Namely they were beaten up while covering the 20<sup>th</sup> April 2007 funeral of Wahabist, Ismail Prentić, who had lost his life in clashes with Novi Pazar police. The police investigation also failed to produce any result in that case too.

Though the media associations reacted to the above cases and some verbal threats to journalists, the print media themselves failed to respond in keeping with their professional rules, or unwritten rules governing the professional solidarity. Some media reported that "Atanasijević's flat was attacked", while the attack on Šaponjić was thus re-interpreted by a TV station: "Šaponjić went to the police station to report that an unidentified person tried to snatch his camera." There were no adequate responses by the competent Information and Culture Ministry, barring the silly one by the Serb Information and Culture Minister. Namely in the B92 TV program "Poligraf" broadcast on 17 April 2007, he suggested to Dejan Anastasijević to change his apartment and ban his child to leave the house after 8 p.m!"<sup>461</sup>

In late November and early December 2007 the promotion of Radio B92 popular program *Peščanik* was twice foiled in Arandjelovac. Namely, first the director of the local Culture Hall banned that promotion, and then a group of the right-wing parties members raided the hall in which the promotion was to be held. Both developments allegedly aimed "at preventing the possible conflicts" (sic!), while B92 reported that the thwarting of promotion was due to the fact that in the ongoing local electronic media campaign there was much hyping of an allegedly anti-Serb character of program *Peščanik*.<sup>462</sup> The said developments in Arandjelovac were condemned by President of Serbia, Boris Tadić, several pro-democracy parties and some media associations.

461 <http://www.b92.net/tv/poligraf>

462 B92, 4 December 2007.

## Property rights

Long-prepared and announced media privatization made the media scene of Serbia even less transparent, enclosed, and prone to political and other influences. Though the name of the official media owners are known (in keeping with the pertinent laws)<sup>463</sup>, their open or covert connections with tycoons, political circles and political parties impact to a large extent editorial policies, „guidance” of most media, and their financial results too. Unfortunately the true character of such connections to date has remained in the realm of speculations. Obvious “traces” of such ties may be detected only when the owners of several media place the same information in all of them, despite their diverse editorial policies and target groups in local milieus. But the majority of such cases did not cause even a tremour among the editorial staff of local media, for most of them employ free-lance journalists, which can be fired without any justification. Moreover, it is a well-known fact that freelance journalists, in fear of losing their jobs, are not inclined to report violations of media freedoms or respond to them.

There are also problems regarding the influence of ad-placers on the print media editorial policy. The fact that the largest companies, and consequently the largest advertisement potential are in the hands of few men (either through ownership or through representation of foreign companies), is correlated to the fear of editors or owners that their too critical or objective reporting may „hurt” those individuals and their interests. In those terms is most illustrative the case of magazine *Status*. After running in its March issue the first part of its interview with former head of Communication Bureau of Serbia, Vladimir Popović Beba, the distribution of its April issue was obstructed, and the fate of the magazine more or less sealed. Namely in that interview Popović accused the owner of „Delta holding,” Miroslav Mišković of a series of shady deals and blatant corruption, and since Mišković is the owner of a net of supermarkets and other

463 Ownership may be found in the Agency for Economic Registers and on the web site [www.apr.sr.gov.yu](http://www.apr.sr.gov.yu)



retail outlets, covering the whole territory of Serbia, the April issue of *Status* could be purchased only from the street call-porters. Added to that *Večernje Novosti* leadership discontinued the publishing of the pre-paid *Status* ad. The foregoing served to prove the thesis that Miroslav Mišković had some ownership interests in *Novosti*. Though Mišković is not an official shareholder of *Novosti*, there are indications that the daily's privatization was carried out by dint of his money. Despite vocal protests of editor-in-chief of *Status*, Slaviša Lekić against such conduct, his appeals resonated only among some media-related associations and organizations: „*Status*” and I are powerless in the face of an obvious magazine ownership grab. The only recourse available to us is our appeal to journalistic associations, NGOs and people to pluck up the courage anew and raise their voice against yet another killing of public word and print medium. For the killing of a medium is often accompanied by a killing of a journalist.”<sup>464</sup>

The case of *Status* is important because it raised the issue of covert, unofficial ownership of the print media. Then it was mentioned that Miroslav Mišković had some shares in *Novostima*. Other businessmen and media barons were also alleged as owners of several print and electronic media. The extent of the media influence of owner of RTV *Pink* Željko Mitrovića and his unofficial sway over at least two national TV stations and several dailies and weeklies is often discussed. Covert influence and capital share of some tycoons in the process of privatization are extremely difficult to prove. Hence the reluctance of both the media and competent institutions to seriously tackle that problem.

There are salient problems in the media owned by foreigners or by several partners, because influence-peddling mechanisms therein are very subtle and non-transparent. For example, the founders of company *Politika novine i magazini* (Politika newspapers and magazines), representatives of *Politike a.d.* and the WAC media corporation on 11 October 2007 signed a contract establishing „new relations in the partnership between Politika a.d. and the German publishing concern WAC, which five years ago had founded the PNM”.<sup>465</sup> Under that contract the PNM Executive

464 *Beta*, 18 April 2007.

465 *Politika*, 25 October 2007.

Council was replaced by the PNM Assembly, but, like in the past, interests of both founders, the WAC and PNM, in the newly-founded Assembly are to be represented by three delegates respectively. But the problem lies in the fact that neither the general public nor the PNM employees were informed of the Assembly's new prerogative.

## Ethical council and regulations

The Radiodiffusion Act spelled out that the Republican Radiodiffusion Agency (RRA) was duty-bound to „pass general, binding instructions about regulation of some issues relating to the program contents, independently from the existing practice of emitters/broadcasters,” or in other words “the code of conduct of broadcasters”.<sup>466</sup> In full compliance with that provision, the RRA Ethical Council on 7 June presented to the general public a document called “A draft ethical code for broadcasters”. But the experts assessed that document very negatively. Their first objection concerned the fact that the RRA, which is a state –founded institution, called its document ‘an ethical code’, contrary to the international practice. Namely elsewhere in the world such codes of conduct may be drafted and adopted only by professional associations, including the media ones. Since the the said document included numerous elements already mentioned in the Public Information Act, and in the existing ethical codes (Code of Journalists of Serbia and Ethical Code of ANEM), some experts raised the issue of overemphasis of something which the media were already duty-bound to honour. Another objection concerned the thesis espoused in the introductory part of the Draft Code, namely that “the code should offer a series of firm and clear principles...but their implementation shall to to a large extent hinge on the general context and some adjustments to that context.” The foregoing raised the issue of identity of authority tasked with assessing “the context” and analysis of “corresponding adjustments”, which is already a widely perceived problem in implementation of diverse ethical

466 Act on Radiodiffusion, article 12

codes, but also a problem which should be tacked exclusively within the journalistic profession.

After a brief debate, the RRA council adopted the majority of most important objections, and thus its final document, passed on 26 June 2007, was much more acceptable. The adjective “ethical” was dropped, most elements treated by other documents were omitted, and the same happened to qualifications “context” and “adjustment”. Despite such amendments, the said of Code of Conduct retained some indeed odd, if not altogether discriminatory elements. For example, though in Serbia both the Latin and Cyrillic alphabet are in official use, the article 10, point 1, lays down: *“Institutions of the public radio diffusion service have the commitment to broadcast their written contents (including the teletext) in Cyrillic alphabet, except in the case when the original document is in Latin or in any other alphabet. Purchased foreign films, shows and series, must have Cyrillic titling or be dubbed into the Serb language”*.<sup>467</sup>

Similar „deviation“ of the RRA Council happened in November 2007, when the Agency issued a binding instruction on the direct RTS broadcasts of parliamentary sessions. The accompanying explanation read: “despite the lack of agreement on such broadcasts between MPs and RTS representatives, the RRA council rules, in accordance with its institutional, legal right, to pass binding instructions, that RTS is duty-bound to air parliamentary sessions. But in a bid to counter that commitment, and defend its own interests (notably of economic nature), the RTS leadership lodged a complaint to the Supreme and Constitutional Court of Serbia. Though the general public was not fully informed of the reasons behind either that complaint and the binding RRA instruction which provoked it, they witnessed another strange development. Namely, the Council of RRA, immediately after the RTS complaint filing on 20 November 2007, simply renounced its original intention and morphed the instruction into the same-worded recommendation.”<sup>468</sup> In view of such a turn of events, many wondered what was in fact the objective of the RRA Council and whether

467 Code of conduct of emitters is available on the web site [www.rra.org.yu](http://www.rra.org.yu)

468 Decision on the makeover of instructions is available  
on the web site [www.rra.org.yu](http://www.rra.org.yu)

the sway of RTS Director, Aleksandr Tijanić „was stronger“ than the influence wielded by the top state body dealing with regulation of electronic media. The foregoing also raised the issue of the right of general public to be informed about actions and moves of the public radio diffusion service. Alas, like in many similar, past instances, all those questions remained unanswered.

## Above the Supreme Court

Probably the greatest scandal involving the Council of the Republican Radio-Diffusion Agency happened on 10 July 2007, when the Supreme Court of Serbia passed a judgment acknowledging the complaint of TV RTL and another seven radio and TV stations which had not been granted the broadcasting licence. Though such a Supreme Court's decision did not entail an automatic alteration of the RRA Council's ruling (under the law the court only established whether during the proceedings legal provisions were respected), the Council's members outstepped their prerogatives by sharply criticizing the highest judicial body in the country. The Council's Deputy President, Aleksandar Vasić, openly accused the Supreme Court of Serbia for corruption: "After the latest pressures I can openly state that as long as Nenad Cekić and I are President and Deputy President, respectively, of the RRA Council, because of the continual breaches of the Act on Radiodiffusion, the RTL shall not be granted the broadcasting licence, regardless of the Supreme Court of Serbia ruling." "We still don't know whether the 'million reasons' prepared by the RTL in its lobbying for getting the Serb broadcasting licence impacted such a ruling. But regardless of 'those million reasons' the Supreme Court of Serbia cannot issue a broadcasting licence to the RTL". Added to that the Council's president, Nenad Cekić assessed that the Supreme Court's decision "was a textbook example of coup d'état in the political theory and practice" and demanded that the Supreme Court's President, Vida Petrović-Škero, handed in her resignation "if she has any judicial honour." The Supreme Court's representatives

responded sharply to such accusations. In its 13<sup>th</sup> July 2007 communique it was explained that “some individuals from the RRA Council on several occasions, in an arrogant manner, appraised the Court’s decision, ...” And “their statements and actions humiliate the court, incite breaches of the law, and consequently undermine the entire state system.” And finally the following was underscored: “Such a conduct of the state bodies representatives only incites aggressive attitude of citizens, already disgruntled by judicial decisions and fans the mood in which an individual, in the name of justice, is ready to take up arms and shoot at judges.”

Protracted conflict between the RRA and Supreme Court did not impact at all the balance of power between the media, RRA and other state institutions. There was no pertinent public debate or a parliamentary session on the issue of behaviour of the RRA Council. On the contrary, the said development confirmed the general impression that no state institution has a control or prerogatives over the RRA Council. Hence the latter’s decisions were sacrosanct and the body’s detractors can only expect further, insults and diatribes.

## Self-regulation without any effect

Despite the late 2006 adoption of a *Code of Journalists of Serbia*, by the two largest professional, journalistic associations (Independent Association of Journalists of Serbia- IAJS (NUNS) and Association of Journalists of Serbia-ANS ( UNS), the local journalists continued to disrespect the basic rules of profession.

The most gross breaches of that code, that is of the code of the International Federation of Journalists (IAJS and ANS members are in parallel members of that federation and thus duty-bound to honour its rules), and of some provisions of the Act on Public Information, were related to the manner of covering the crimes and family tragedies. The right to presumption of innocence of any citizen was honoured only in cases which failed to attract great media and public attention, while the reporting on

the media-attractive stories was quite sordid and full of details about the suspects. That said, the media did not even stoop from informing its readership about those aspects of crimes which were outside the sphere of public interest. *Glas javnosti* even informed its readers about the psychological state of the man suspected of murder and circumstantial evidence, which is usually kept under wraps. On top of everything that Belgrade daily publicized the case by running a very sordid headline, “*He disemboweled his wife and took out her intestines*”.<sup>469</sup>

In the course of 2007, due to specific character of some crimes, the print media breaches of the right to presumption of innocence in fact evolved into an unbridled spreading of religious and sexual discrimination. In those terms most conspicuous was the case of a cruel murder of a 5-year old boy and his uncle in Novi Banovci, in the vicinity of Belgrade. It was swiftly established that the principal suspect, a youngster Danijel Jakupek, suffered from a serious mental disorder, and as such, under instructions of the competent bodies, had to be hospitalized for life in a mental care institution. When the details of the case were disclosed, the print media started “dissecting” the nature of the crime, “satanist” books found in Jakupek’s personal library and the manner of commission of the crime. In parallel the following headlines appeared: “*Ritual murder or a cannibal’s act*”<sup>470</sup>, “*A monster commits a murder in line with a Satanist rite*”<sup>471</sup> “*A Satanist pair takes two lives*”<sup>472</sup> etc. Such coverage clearly targeted smaller religious communities, oft perceived by the general public as “sects.” Consequently it made more difficult their existence and activities in Serbia, for in the following months nearly every crime was imputed to be the “new assault or campaign of sects.”

When in November 2007, a certain A.S. was accused of killing his mother, due to his declared bisexuality during the *Great Brother* reality show, the related coverage of the case was openly anti-gay and steeped

469 *Glas javnosti*, 8 August 2007.

470 *Glas javnosti*, 4 September 2007.

471 *Blic*, 2 September 2007

472 *Dnevnik*, 3 September 2007

in hate speech. It bears mentioning that the headlines of the case-related articles excelled in discriminatory, or anti-gay stance.<sup>473</sup>

Due to disruption in work of the Press Council, in the course of 2007, gross breaches of the aforementioned code and the media-related acts in place, were so commonplace, that even the experts failed to notice and criticize them.

## Continuing proliferation of tabloids

Though the media experts continue to caution against an excessive number of the print media in Serbia, October and November 2007 saw the “birth” of the three new dailies, or rather, tabloids: *Alo*, *Gazeta i Sutra*. It is known that *Alo* is published by the *Ringier* media group, which also owns *Blic*. As regards *Gazeta* and *Sutra* there is no transparency, that is there are only speculations about their true owners and interest groups behind them. The only details which have to date emerged are the following: editor-of-chief of *Gazeta* is Antonije Kovačević, who has a long experience in running of such tabloids, while *Sutra* is headed by Željko Cvijanović, editor of weekly *Standard*.

Daily *Sutra* costs as much as other dailies, while the price of the other two tabloids is below the market one (9, and 10 dinars per issue.) As the said price hardly covers the printing costs, speculation is rife about the interest groups behind these tabloids, their financiers and –political objectives.

Content-wise, the new tabloids did not introduce any novelty, or raised the quality of their coverage. In terms of their contents and –slogans, they turned out to be identical to the “old” tabloids. However, one should raise the issue of the whys and wherefores of their emergence in that period. Namely, total circulation of all daily press is approximately 800,000 copies, and new tabloids have not increased that tally. In fact they only brought

473 A gay man kills his mother, *Kurir*, 4 November 2007; Confessions of the Gay Murderer, *Press* 6 November 2007; A Gay Monster, *Press*, 7 November 2007.

about the division of readership and reduction in circulation of the “old” ones. Hence one may logically assume that the birth of new tabloids was to serve the purposes of the presidential pre-election campaign ( 2008 January presidential elections had been announced in October 2007). Thus, obviously the goal of owners and mentors of those tabloids was to influence certain groups of voters, to the benefit of some political options. However, the pre-election campaign demonstrated that the said objective had not been met. Only the new tabloid *Alo*, with political contents similar to those of daily *Blic*, had achieved a decent circulation, and consequently started peddling some political influence.

However, if those new tabloids survive the year 2008, then there is a danger of their further descent into a veritable “gutter press” genre, and consequently of an increase in breaches of professional, journalistic standards. And, if those “new” tabloids want to survive, in the face of the existing competition in the shape of very cheap and low-quality dailies, the above development seems most likely.

## The reality show crisis

Increase in the “Reality shows” did not bring about the necessary analysis of their contents, but only the analysis of that phenomenon. An exception to that rule was the airing of the *48 hour wedding* show on 2 and 3 October which caused a veritable public uproar. The mentioned installment/episode subsequently became a topic of a parliamentary debate and numerous NGO communiques. Namely in that installment a boy, about-to-wed-his-girlfriend, openly admitted to beating her up regularly.

*Girl: My parents loathed him, they urged me to break up with him definitely, because he used to beat me up.*

*Journalist: He beat you up??? Miroslav, how could you do it?*

*Miroslav: Well, I did not exactly rough her up, I just slapped her sporadically.*

*Journalist: Man, how can you beat up a woman!?*



*Miroslav: Well, I did not exactly beat her up, my hands did not- kill her.*

*Journalist: If I had known that, I would not have come.*

*Girl: He beat me up several times, in succession, then the following week he treated me nicely, after which he started beating me again.*

*Miroslav: I bent her over my knees, and then simply smacked her bottom..*

*Journalist: Why are you still with him?*

*Girl: Because I love him.*

*Journalist: How many times has he beaten you up so far?*

*Girl: I don't know, more then I can count with my fingers.*

*Miroslav: Now, you are exaggerating!<sup>474</sup>)*

Since this conversation was part of the prime time show of the public service, MP of Liberal Democratic Party, Milena Stanković, thus reacted at the parliamentary rostrum: *"It was a scandalous show, a show which in the most ignominious and arrogant way promoted violence against women."* In his response to the said expose, General Director of Radio Television Serbia, Aleksandar Tijanić, underscored the following: *"This is just part of persecution engineered by the Liberal Democratic Party, part of the Radical Party and part of the Socialist Party. For days know they have been terrorizing the general public and usurping the parliamentary rostrum in order to promote their smear campaign against their political and other public opponents."* According to Tijanic, *"that show as an extraordinary sociological study, ...it was not an ode to the violence, but rather a direct attempt to show to the girl and her family that such beating or abuse was not good-I even think that the journalist ceased to be objective when she tried to dissuade the girl from the impending marriage."<sup>475</sup>* After publicizing of such a statement, the Gender Equality Committee of the Serb Parliament demanded Tijanic's resignation, but in the following days the whole case was reduced to a day-long parliamentary debate and a squabble between the Committee's members. The follow-up was the assertion by female MPs of Democratic Party of Serbia and New Serbia that the minutes from the ses-

474 B92, 3 October 2007.

475 All quotations were taken from *Politika*, 4 October 2007.

sion debating the demand for Tijanac's resignation "do not correspond to the true course of the session."

Republican Radidiffusion Agency communicated on 5 October that the RTS representatives on 8 October would state their minds and decisions relating to the contents of the controversial show before the RRA Council members, thus allowing them to finally establish whether the RTS had breached the radiodiffusion rules.<sup>476</sup> However such a RRA decision has never been posted on the official RRA site, the media failed to report on any such decision and the general public was thus deprived of information whether the RTS had violated the pertinent law.

## Media in the mirror

Independent Association of Journalists of Serbia, in collaboration with the Strategic Marketing, in April 2007 conducted the research-poll "Journalists and journalism as perceived by citizens and journalists of Serbia." That was an important research for its findings clearly indicated the reasons behind the Serb media's lagging behind the journalistic standards of West European countries, and even behind those attained by the media of neighbouring countries. Among the professions considered the most corrupt, citizens placed journalism in the 7<sup>th</sup> place (behind politicians, judges, lawyers, doctors, professors and bankers), and it was assessed as "highly corrupt" by even 37% of respondents/pollled citizens. The most surprising finding was that journalists proper tended to very poorly rank their profession- 41% of journalists-respondents perceived journalism as very corrupt, and an incredible 81% of journalists thought that journalism was highly politicized.

As regards the information control, 72% of journalists assessed that information related to financial deals of politicians was tightly controlled, while 68% were convinced that information about deals of tycoons was also tightly controlled. Polled citizens had a somewhat different

<sup>476</sup> *Politika*, 9 October 2007.

perception: 62% of respondents thought that politicians limited the information-divulging process, while 43% of respondents blamed the government for the foregoing. 29% of respondents thought that local tycoons controlled the financial information flow. Such findings may be interpreted differently, but it is evident that because of the discussed information control citizens don't have a clear picture about balance of power, or distribution of power behind the media and that behind-the-scenes sway of financial power-holders is much bigger than the one perceived by the media consumers.

We have a similar situation as regards general stand on the existence of censorship, that is the control over the media: a vast majority of citizens and journalists believes that such a censorship exists. However only 3% of journalists and 13% of citizens maintain that censorship does not exist in Serbia.

The said research includes numerous findings indicating a low and poor status and image of journalistic profession, as well as poor working conditions, and various kinds of pressures to which journalists and the media are exposed. The foregoing was best reflected in the following, general perception of that trade: when asked whether they wanted their children to follow in their footsteps, more than half of journalists-respondents said "No", and only 4% of citizens answered affirmatively.<sup>477</sup>

## Independence of Kosovo

Declaration of independence of Kosovo served the government to generate a new turbulence in Serbia's domestic scene, which in turn made possible a genuine "internal aggression" against all the unlike-minded persons, political and other opponents. In the wake of recognition of independence of Kosovo by the leading international actors, a verbal and physical aggression against the media houses and journalists began. Seven years after democratic changes in Serbia, journalists were anew accused of lack

477 Entire research is available on [www.nuns.org.yu](http://www.nuns.org.yu)

of patriotism, and even of national treason, just because they objectively informed citizens about what was happening on the streets after the 21 February rally, most notably about physical assaults on journalists of B92, Beta agency, daily "Blic", Studio B, daily "Večernje novosti", Fonet agency, Radio Television Serbia....and the foreign media reporters. Such a media-targeting violence was openly backed by some party and state officials. Creation of the mood of lynch in the post-Kosovo independence period by far surpassed even Milošević era mistreatment of and stranglehold on the media. Thus media continue to be controlled or under pressure of diverse power centres and services which objectively prevents imparting of objective information and opening of an across-the board, public dialogue.

A markedly liberal and pro-European magazine *Evropa*, was closed down, allegedly because of financial problems of its owner Milan Cepter.

## Conclusions and recommendations

In view of the broad-ranging prerogatives of the Council of the Republican Radio-Diffusion Agency (RRA), and its long-standing problems, competent institutions, notably the government of the Republic of Serbia and the Serb Parliament, should launch a probe into the activities of that body. All the RRA decisions to date were either strongly contested by the media proper and public at large, which gave rise to doubts regarding the regularity of the agency's work. Speculations whether that agency genuinely met the objectives and social interests for which it had been established in the first place, were also rife. Consequently communication between the RRA, on the one hand and the media and general public continues to be strained.

If there is a genuine wish to put some order in the media scene of Serbia, then the Council for the Print Media should be set up. That media body should supervise the print media, that is check to which extent the press respects the pertinent laws, and professional and ethical codes in place in Serbia. When setting up such a Council, experiences of other state

which have a very successful media-warning mechanism (notably the UK's Press Appeal Commission and the German Press Council), should be taken into account. Unlike in the electronic media arena, where the RRA established some rules and rather successful control over them, in the sphere of the print media there is no supervising body tasked with preventing further erosion of quality and standards of local press.

The Interior Ministry should swiftly find the persons responsible for all kinds of attacks on journalists, and thus enable the judicial bodies to start proceedings against them. If that is not done, persons who already perform a highly dangerous and stressful job, shall grow even more fearful and stressed in the face of continuing threats, which, in turn shall cause a further lowering of press standards.

Journalists should overcome their well-grounded fear and report to their associations or other institutions political or other pressures to which they are subjected. Consequently, professional journalistic associations and competent institutions should put in place mechanisms vouchsafing financial and personal security of all those plying that trade.



# Chauvinism in the Media

In 2007 the mass media in Serbia contributed to an escalation of (non) verbal violence against the minority groups. In view of the current political crisis relating to resolution of Kosovo status, the aggression was primarily geared towards Albanians. As one of the most important creators of public opinion, the print media kept promoting the ideas of intolerance and racism towards that ethnic group. It bears mentioning that journalists themselves have not independently created such a discriminatory lingo and contents. In fact they were most frequently “an extended arm” of the official policy of Belgrade, many intellectual circles, and the Serb National Council in Kosovo. The latter were authentic generators of policy of isolation which imperiled both the security and survival of Serbs in Kosovo and the European future of Serbia proper. Therefore as promoters of desirable messages and ideas of formal and informal power centers, the pro-regime newspapers, *Politika*, *NIN*, a spate of tabloids (*Pravda*, *Kurir*, *Glas*, *Standard*, *Pres*) used hate speech as a tool against all “traitors of the Serb national issue.” The brunt of such a virulent hate speech bore the ethnic minorities, pro-European and liberal-minded media (B92), political parties rallied around the Liberal Democratic Party, leaders of those parties (Čedomir Jovanović, Nenad Čanak, Nataša Mičić) and some NGOs.

Although all the aforementioned media continuously replicate chauvinistic form of nationalism, they differ in the degree of their rhetoric. Thus, for example *Politika* is considered as a “serious” daily which bases its comments and texts on the certified sources and objective facts. The same applies to its columnists Slobodan Antonić i Đorđe Vukadinović<sup>478</sup> who allegedly rely on scientific perception in their analysis of political reality. Weekly *NIN* and its columnists are also highly reputed. Both *Politika* and *NIN* however use different rhetoric in their defense of ideology from

478 Both are lecturers at the Belgrade Faculty of Philosophy. In the course of 2007 they participated in a large number of Tv programs dealing with the current political events. Đorđe Vukadinović is editor-in-chief of the pro-right wing magazine. *Nova srpska politička misao*.

the one used by tabloids, which tend to be vulgar, populist, reliant on anonymous information sources, on texts without by-lines, and the rhetoric steeped in an explicit hate speech. But the said difference in the degree of promoted violence may be just a trap for the general public. The fact that “the yellow or gutter press” does not enjoy any credibility because of its placement of misinformation and strong rhetoric directed at its “targets”, does not make it less dangerous for its readers.

Tabloids and other pro-regime newspapers differ only in the degree of their virulent rhetoric and kinds of arguments. But both use the same blueprint in their reporting.<sup>479</sup> That blueprint is the same nationalism-minded rhetoric from the end of the 90's, notably as regards the following two contents: completion of disintegration of the SFRY and renewed crisis of the Serb side due to the rout which finally dispelled the illusion about overlapping of the state and ethnic borders. That collective crisis of identity finds its vent in an anti-Western orientation, demonization of pro-European and cosmopolitan line of thinking, and attempts to stall economic and social changes through imposition of the conservative-patriarchal set of values. Prominent roles in advocacy of such a course are played by well-known writers and media personalities. Thus Isidora Bjelića writes for *Pravda*, Brana Crnčević (the former, wartime correspondent of the nationalistic magazine *Duga*) writes for *Glas*, Momo Kapor writes for *NIN*, political analysts Slobodan Antonić and Đorđe Vukadinović write for *Politika*. The last two authors lend to their writing in the said influential Belgrade daily, a quasi scientific note, and moreover openly back the policy line toed by Democratic Party of Serbia, all the while working on the makeover of the image of the Serb Radical Party.

Commentators on the “Serb” states, non-European option and domestic traitors

479 This is not a claim that the extreme quantity of the tabloid-produced hate speech has been normalized. In fact the above comparison aims to indicate an unjustifiably high reputation and credibility of *Politika*, which that daily acquires on the basis of a poor image of, for example tabloid *Kurir*. The foregoing should be brought to the attention of public at large, which tends to buy the same newspaper by habit or inertia, thus succumbing to the afore-mentioned print media stereotype.



Those columns tend to construe a collective picture of the past, and by extension the present-day picture of reality. That picture is markedly anti-Western one and its animosity is geared towards “enemies,” both collective and individual ones. The continuing idea of the “enemy” continues to feed the “domestic” myth of conspiracy of the world powerful, and of “globalization that threatens to erase our historic memory, tradition and identity.”<sup>480</sup> The goal is to assert the Serbhood, and to understand the national identity exclusively through the national discourse, whereby the identity of individuals becomes subject to a collective. The foregoing is a reflection of the totalitarian mind-set which abolishes the right to diversity. Within the framework of that ideology it is only logical that internal enemies are considered as the most dangerous ones. Thus an aggression towards the media house B92, Liberal Democratic Party and “organization of NGOs maids” (Brana Crnčević) is continually promoted.

In the “election race” the right-wing line of thinking, fearing a possible momentum of pro-Europeization forces, morphs into an open rooting for the Serb Radical Party-Democratic Party of Serbia coalition: “A group of interesting NGOs and now the allegedly cosmopolitan, and most surely anti-national LDP, see the exclusion of Kosovo from Serbia, as a democratic move which Serbia, willy-nilly, if it wants to join the EU, must accept. I hope that among the ranks of the ruling coalition the crazy idea about the uniqueness of Serbia’s pathway to EU, as it is offered to us, shall not prevail. That is why the coalition conflict between Prime Minister Koštunica and President Tadić is for the time being useful and logical.”<sup>481</sup> Much emphasis is laid on the fact that the European pathway is imposed to Serbia, That is done for the sake of turning off the readers of that choice. According to Momo Kapor, the most reputed Serb brand is *spite*. The most prominent feature of texts penned by B. Crnčević and M. Kapor is their emotionally charged nationalism. Crnčević has adhered to that style of his since his war-mongering writing at the end of the 89’s and later during the wars. Thus he underscores: “One of the worst characteristics of Serbs is their tendency to exclusively blame themselves. Serbs act as if the WW2

480 Momo Kapor, *NIN*, 7 February 2007.

481 Brana Crnčević, *Glas*, 11 February 2008.

had not taken place, as if they had single-handedly made Jasenovac. It is very easy to see the governments of Serbia and Montenegro as principal culprits. The Slovenian government has been working on the break-up of Serbia for 20 years, the Croat one for 80 years, the Macedonian government is yet to recognize the Serb state."<sup>482</sup> For that author Milošević was "a serious statesman" who carried out stately affairs "in a superb way", for: "It is clear that the League of Communists of Serbia was accused of bolshevization of Serbia in order to slow down the process of unification of Serbia. Today Serb communists should not be and need not be criticized for strongly undoing the political and state errors of their former heads, and for defending the whole, which by tacit consent of their communist predecessors, had been carved up."<sup>483</sup> Crnčević criticizes the then efforts of Ante Marković and of the republican top leaderships (barring the Serb one) to put in place a confederate Yugoslavia, and by extension demonizes Croats and Slovenes. He portrays Serbs, by dint of their anti-Communist blueprint, as the only and biggest victims of the former Socialist state: "We should not hide the fact that our enemies have strategic goals and that they are long-term and inherited ones."<sup>484</sup> Such a propaganda glorifying a militant regime was backed by that very regime, to the extent of becoming an openly war-mongering propaganda: "We have not fully succeeded in disentangling the entangled thought that the Piedemonte is over-sensitive, that the Serbhood is mostly represented by Krajina, Vukovar, Sarajevo. In a long-term context, the Serbhood which failed to defend the Serbhood outside Serbia would lose a lot. Then the time would show that it is facing a national extinction."<sup>485</sup>

Brana Crnčević texts are still given a lot of media space, notably as regards his commentaries on the Kosovo issue. That raises the issue of popularity of the former media warmongers. Crnčević masterminded his production of ethnic intolerance of the Albanian population by doctoring the statements of the other side and manipulating the readership

482 Brana Crnčević, *Večernje novosti*, 16 May 1991.

483 Brana Crnčević, *Politika*, 7 February 1990.

484 SDP panel discussion in Bjeljina, *Politika*, 1 November 1990.

485 *Ekspres politika*, 23 June 1991.

emotions. This is an example of his treatment of the 1988 meeting between the Serb and Albanian authors, that is of the moment, when during the talks, the Albanian authors mention their Illyrian origins: "Can a descendant of Illyrian tribe rape a Serb women and then go unpunished... in such a case his ethic genesis is of no importance." Thus Crnčević not only denies the right of Albanians to speak about their history and ethnic descent, but in parallel asserts only the Serb right to speak about their history.<sup>486</sup> Moreover it is implied to the readers that the other side constitutes a permanent threat, or that Albanians have violent intentions: "The young Albanologist thinks about Illyrians and I think about the rape... I think about the desecrated grave, and he thinks about a future industrial venture (can the future turn the Serb Dečanin into an Albanian knitwear centre...has the wool yarn been already spun there?!)".<sup>487</sup> In the late 90's Crnčević wrote that in Kosovo "Serbs defended not only Dečane, but also the territories above and under it."

Today Crnčević writes about Kosovo in the context of "the Western land grab." Thus any analysis of that issue is tinged with anti-Western sentiment. The foregoing entails a sharp criticism of Democratic Party policy, which is perceived as a mild one in the struggle for Kosovo. In fact Crnčević tries to undermine Tadić's EU-accession-minded efforts: "President Tadić shows his sense of tragicomedy. Land grab is a land grab, and lawsuit is a paper that casts doubt on such a land grab. When? After the land grab! Prime Minister Koštunica acts in a more serious way. He tries to mark and locate the thieves before the land grab. That gives sense to any future lawsuit. That is why Serbia should not and for the time being cannot sign an illusory EU paper, which would create a mirage that Serbia on this or that ground accepted the independence of Kosovo."<sup>488</sup> It is noteworthy that such kind of propaganda represents a direct violence against the Kosovo Serbs, for if the policies of the majority parties advocate strongly their rights, and those parties don't only count the ballot papers of Kosovo Serbs, than the opinions of some Kosovo Serb leaders

486 Brana Crnčević, "Literary War between Serbs and Albanians", *Duga*, no.371, 1988.

487 Ibid.

488 Brana Crnčević, *Glas*, 11 February 2008.

should be fully respected. In those terms Rada Trajković, President of the Executive Committee of the Serb National Council of Kosovo and Metohija, should be singled out. In her recent public addresses in Belgrade she vocally criticized Vojislav Koštunica's policy: "Newspapers are awash with news about destabilization of Kosovo Serbs, and incidents and unrest involving them. Prime time TV news every day begin with developments in Kosovska Mitrovica, notably that "the court (earlier stormed by former Kosovo Serb employees) is surrounded by large international forces...an intervention is expected." But all those media messages indicate that such events are engineered by close aides of Prime Minister Koštunica, who thus endeavor to promote an allegedly big struggle of the Prime Minister for Kosovo and Metohija...Barring his personal ideology, Mr. Samardžić in fact does not have a single project relating to Kosovo Serbs. We have already paid the prices of former Mr. Samardžić's campaign relating to our staying away from local elections before declaration of independence."<sup>489</sup>

Generally speaking as regards Kosovo status, double standards prevail in all the analysis. For example, Bogdan Tirnanić, who writes both for a weekly *NIN* and daily *Press*, first makes a totally ungrounded prediction that "Serbs shall find themselves in a foreign country if Kosovo and Albanian unite." On the other hand not a single "analyst" takes to task an openly advocated idea about Republika Srpska and Serbia unification, though there are similarities between the former and latter ideas. In fact at play is the author's perception of inter-ethnic relations, that is his conviction that Albanians for Serbs are de facto foreigners and on top of everything, undesirable ones.

Most extreme are those statements (to apparently strengthen his arguments, the by-line is frequently "an independent political analyst) which tend to portray the Kosovo problem as a –demographic jeopardy: "I would like to say that there was a series of Kosovo-related wrong decisions and appraisals by various actors, and that over a long period of time. Firstly, the Serbs have underestimated the scope of demographic problem in Kosovo, that is a veritable population boom of Kosovo Albanians due to their high birth rate, which compounded by pogroms during the Nazi

489 Talk show "Kažiprst", TV B92, 16 March 2008.

occupation and systematic 50-year long suppression, turned Serbs in Kosovo and Metohija into an absolute and totally toothless minority.”<sup>490</sup> To treat a high birth rate of one nation as a problem is indeed a show of racism. It suffices to note that the above idea is being propagated in the situation characterized by an engineered Greater Albanian threat. Added to that the hyping of such a threat is tantamount to an implicit call to either pondering or dealing with that issue.

How much that intolerant discourse is omnipresent in the Albanian-related press coverage was confirmed by the research conducted in the late 2007 by the Independent Association of Journalists of Serbia, and the Kosovo Research team. According to Tanja Petrović (Faculty of Political Sciences) the research findings were the following: the Albanian side is not being perceived as a negotiator, and instead of talking about Albanians the focus is on foreign forces (the US, Russia, the EU). The media image of Albanians is the one of “unreal people,” they are always presented to readers outside the context of public life (from which they had been expelled long time ago.) That picture is replete with stereotypes: “the media easily and frequently use collective common denominators—the Serb criminals, Chetniks, Shiptari, Gypsies, Shiptari militants—in a bid to normalize and make widely acceptable such offensive labeling. The media tend to portray minorities’ members mostly in conflict situations and even in criminal activities, and furthermore assert that “such a conduct is typical of large, and even of all of ethnic groupings.” In view of such a massive negative labeling/demonization and generalizations, the media must be aware that they are fanning and generating discriminating conviction that ‘all the minorities are the same.’”<sup>491</sup>

As the entire media scene is overtly concerned with the world’s mighty conspiracy against Serbia and Serbs, correspondents of some print media and independent political analysts alike were given a free rein to shape for the press publication the ideas espoused in the form of slogans by representatives of the conservative parties, spearheaded by the Prime Minister’s Democratic Party of Serbia. Most conspicuous is doctoring of the

490 Đorđe Vukadinović, *Politika*, 20 November 2007.

491 Snježana Milivojević, Faculty of Political Sciences, the media analysis expert.

post-2000 developments with the aim of strengthening the anti-Western mood in the wake of NATO intervention and erasing from the collective memory the pre-bombing events: "Seven years on from the bombing and the changeover in Belgrade, international stereotypes about Serbia and Serbs still predominate, and they to a large extent condition the position of and rating of Serbia in these Kosovo-related negotiations."<sup>492</sup> Also underscored are "threats posed to Serbia", "grab or amputation of the Serb land," etc. "Front-men of the leading EU countries tend to warn us every now and then that Kosovo shall be declared, in this way or another, independent. Such insinuations generate in Serbia an emotional and national confusion which is furthermore fanned by the US and EU tricks. Then all those tricks are morphed into a simplified threat: Kosovo shall willy-nilly become independent!"<sup>493</sup> The story about stereotypes, and arguments about interests of the world powers, notably the US and Russia is reiterated, only the context of interpretation thereof changes. Stories about pretensions of big powers or demonstration of NATO's force are rationally grounded, but when nationalism uses such arguments, then it in fact bypasses the essential problem, namely that the Kosovo crisis is primarily an internal problem, for Serbia has never recognized Kosovo Albanians' right to self-determination. Therefore the criticism of the US and European interests serves more to effect an amnesty of domestic chauvinism.

Advocacy of the non-European pathway or course of Serbia is carried out also by presentation of a series of difficulties and obstacles which can be found along that path, as if the whole project was designed as the one to solely bring harm to Serbia. Such arguments, during the pre-election campaigns, serve to strengthen the positions of those who had already turned towards Russia or opted for "third way." S. Antičić tries to explain to us the foregoing: "Euro-realists like to warn against 35-steps to be covered before the EU accession. An agreement about 35 different chapters of economic and other policies must be reached. At each of these 35 steps any EU member-country (and there are 27 of them), may block further

492 Đorđe Vukadinović, "The price of political inertia and belated resolve", 22 November 2007. [www.nspm.org.yu](http://www.nspm.org.yu)

493 Brana Crnčević, *Glas*, 11 February 2008.

negotiations.... both at the beginning of that step, and at its end. Miroslav Jovanović counted that there are exactly 1,890 possibilities for blocking the accession of any country to the EU".<sup>494</sup> Vukadinović suggests that Serbia repudiates that pathway, for "that Euro-Atlantic train is getting farther and farther away from us...and in the meantime it has incurred an enormous state damage to us. Though it is clear that we were affected by our absence from the early start of that train's journey, the big question is whether we have benefited at all from this subsequent, tardy, headless, and undignified, post-5 October boarding." He goes on to note: "I just wanted to warn against the futility and even against a potential danger of our chaotic running after that Euro-Atlantic train in a bid to board it...for it has already covered much distance...away from us. The gist of my suggestion is the following: if we cannot succeed in boarding it, why do we keep trying to latch on that wagon...let us rather consider what else is there on the world routes, and perhaps a new offer is appearing on the horizon!?"<sup>495</sup>

Hyping its merits with respect to the decadent materialism offered by the West carries out glorification of the Serb nation. Thus in the print media coverage of the post-21 February rally developments, namely the ensuing rampage and torching of foreign embassies, the focus is on a totally marginal event, that is, a video recording of the two girls engaging in a spate of shop-lifting in already-ransacked shops. The pertinent debate was more important than the one on destruction of the state symbols of foreign countries. All the aforementioned reflected a great frustration, obstruction of "higher goals", and the extent to which a national pride was hurt by "the sneakers-episode": "But the gist of Kosovo ethics is the existence of loftier values, the ones which cannot be reduced to sneakers and bottles of beer. According to the Kosovo ethics any honorable man is part of a higher world, the world of virtues and love, and that world, belonging to all times and all nations, is superior to the „earthly empire“, the empire of cold selfishness, petty hedonism and vulgar superficiality."<sup>496</sup> Most

494 Slobodan Antonić, *Politika*, 20 December 2007.

495 Đorđe Vukadinović, "The Price of Political inertia and Belated Resolve", 22 November 2007. [www.nspm.org.yu](http://www.nspm.org.yu)

496 Slobodan Antonić, "Politika", 28 February 2008.

conspicuous is the Christian rhetoric and demonization of Europe, both of which are typical of the far-Right: "If we think that branded sneakers, branded perfumes and whiskies are so invaluable, then our place is not at the rally "Kosovo is Serbia. Then we should instead take part in the rally „There is no alternative for the EU" or a similar „EU – life or death" rally." Momo Kapor engages very much in underlying the existing cultural differences with a view to underscoring the Serb superiority. In his columns he mostly attacks globalization "which with English words bombs our poor language," then Slovenians who have "robbed us of ajvar salad, of that Serb caviar and plum brandy Slivovica, "but the brandy that they make is not nearly as good as ours, probably because it reflects the character of the concocting people."<sup>497</sup>

Predominant anti-Western mood is a fertile soil for staging the comeback of "war heroes", since the threatened nation must defend itself by a vengeance-minded ideology and consequently allow an escalation of violence in the country. Thus the Srebrenica genocide-related judgment of the International Court of Justice is basically considered as positive, and Šešelj is increasingly being turned into the hero of this era. Brana Crnčević thus hypes "Šešelj's show in the Hague", magnifies his genius and charisma. Within the framework of thus-revived 90's nationalism, those with the pro-European leanings are treated as the biggest danger and enemies. It suffices to mention Velimir Ilić's public call to lynch the Liberal Democratic Party, or the politicians' statements directly blaming some media (notably the Radio and TV network B92) for recent unrest in the streets of Belgrade. By extension such calls and statements greenlighted the media re-counting of "the traitors."

This is how Isidora Bjeleća comments that topic: "Responses to the Hague judgments relating to the Vukovar threesome indicated a deep pathology of some domestic both professional and amateurish anti-Serbs."<sup>498</sup> Her texts abound in poor arguments and are reduced to vulgarization of status of women in the society. She thus describes certain women of pro-liberal leanings: "shepherdesses from Titovo Užice", "(non) Serbian

<sup>497</sup> Momo Kapor, *NIN*, 27 December 2007.

<sup>498</sup> Isidora Bjeleća, *Pravda*, 29-30 September 2007.



heroines bank-rolled by various international foundations in the Milošević era”, “crazed feminists”, “uneducated mongoloids” etc. However her rhetoric and labeling is more benign than the arguments used by Antonić in his description of NGOs: “Some important actors in Washington and Brussels through their annual programs fund the local media, NGOs, trade-unions, etc. and thus set the priorities which through various campaigns are imposed to the domestic general public: facing up to the Serb crimes in Croatia, Bosnia and in Kosovo, building of Serbia as a multi-ethnic and multi-cultural state, anti-terrorism combat (that is the combat against the anti-US terrorists), the issues of Romany, status of gay men and women, special-needs children, stray dogs and cats, etc.”<sup>499</sup> According to Antonić, “all the values ‘imposed’ to Serbia are the values espoused by any average pro-Fascist organization, like *Obraz* or *Nacionalni stroj*.”

## Conclusions and recommendations

Readership faces every day a veritable flood of aggressively nationalistic print media contents, which moreover incite intolerance and ethnic, religious and racial discrimination, glorify war criminals and deny war crimes committed in the name of the Serb people. The alibi of those writing such lines is their alleged cultural or intellectual capital, that is, the fact that the broad public most frequently recognizes them as experts, and popular authors. To dispel such a collective amnesia relating to such authors, their biographies and statements from the early 90’s should be presented to the general public. (the foregoing could be tantamount to a symbolic lustration).

The laws in force (the Public Information Act, and the Radio-Diffusion Act) clearly ban any kind of discrimination. Thus Article 38 of the Act on Public Information spells out: “It is banned to divulge ideas, information or opinions inciting discrimination, hatred or violence, against persons or groups of persons, on the basis of their belonging or non-belonging to a

<sup>499</sup> Slobodan Antonić, *Missionary Intelligentsia in the Present-Day Serbia*.

race, religion, nation, ethnic group, sex, or sexual orientation, regardless of a possible commission of a criminal offence by such divulgence.”<sup>500</sup> It is important to appeal to public at large to file as many lawsuits as possible, in order to boost adequate responses by the oft disinterested and inefficient state institutions.<sup>501</sup> But such lawsuits are expensive, and those who would file them usually don't have the necessary means for doing it. However those lawsuits which come to the courts and are later handled by them would most certainly contribute to discrediting of editors of those newspapers and disclose the fact that the competent institutions are often not fully functional.

General public should be educated about their fundamental civil rights, and their awareness about hate and politically incorrect speech propagated by the media should be raised. The foregoing would thwart the use of terms like “Gypsies”, “Shiptari,” “bitch”, “slut”etc.<sup>502</sup>, for such a verbal discrimination may easily lead up to its ultimate form – a physical aggression.

500 Downloaded from the site [http://www.parlament.sr.gov.yu/content/lat/akta/akta\\_detalji.asp?t=Z&Id=84#](http://www.parlament.sr.gov.yu/content/lat/akta/akta_detalji.asp?t=Z&Id=84#) .

501 The main problem lies in the very text of that Act, that is in its article 40 spelling out the following: “The ban on hate speech shall not be considered as violated, if information, understood by article 38 of this Act as part of a scientific or journalistic text, was made public: 1)without intention to incite discrimination, hatred or violence against persons or groups of persons mentioned in article 38, notably if such an information is part of an objective, unbiased journalistic report.” What is however problematic is the identity of those tasked with appraising what “an objective, unbiased reporting” is.

502 TV program “Glot frket” anchored by Isidora Bjeleća.

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# National Minorities



# Minorities: A Measure of Democracy

The Serbian national program totally collapsed when Kosovo proclaimed its independence. The solution to the current traumatic situation is not in waiting for a new opportunity and a more favorable constellation of powers on the international scene, favorable to the realization of Serbian national interests, but in economic development, democracy and European integrations. Members of minorities are giving significant support to this orientation of Serbia.

It is clear that Boris Tadić won the presidential elections with the help of the minority votes. Although there has been no consistent minority policy in Serbia for years, the question of minorities itself being marginalized and in the shadow of Kosovo, members of minorities support pro-European efforts of Serbia, aware of the fact that this will help them in realizing their rights. These very efforts were prominent in Ištvan Pastor's electoral campaign. Designed to be acceptable both for members of minorities and for members of the ethnical majority, especially those in favor of Vojvodina's autonomy, Pastor's program<sup>503</sup> presents Europeanization of Serbia as the strategic interest of the society. Considering the fact that Pastor was the only presidential candidate belonging to national minorities, his candidacy<sup>504</sup> will, without any doubt, remain a prominent characteristic of the

503 Pal Šandor stated that Tadić should adopt the program of the Hungarian coalition as it is more powerful and closer to the EU than the program of the Democratic Party presidential candidate. *Građanski list*, 23. 1. 2008

504 In an interview given to Novi Sad's *Dnevnik*, Pastor stated that he accepted the presidential candidature in order to speak on what Serbia should look like for people to have a better living. "All other candidates speak about this as well, but we have to add the specific demands of the minorities. Besides, with this candidacy, we, as minority parties, show that we do not tackle only minority issues, but that we have a viewpoint on general state issues as well. Finally, one of the motives is to prove that the Hungarian community is intellectually mature and politically adult." *Dnevnik*, 9. 1. 2008.

last presidential election. Pastor's candidacy was supported by a Hungarian coalition composed of three parties – The Alliance of Vojvodina Hungarians (AVH), the Democratic Party of Vojvodina Hungarians (DPVH) and the Democratic Community of Vojvodina Hungarians (DCVH). Although presidential elections were not the first joint appearance of this coalition, they were an important one due to the message that was conveyed to the Serbian public. The message was that the concern of minority politicians is not limited only to the position of minorities, but pertains to general questions as well, like the organization of the state, European integrations, cooperation with the Hague tribunal, the Constitution or the autonomy of Vojvodina. On the other hand, when the Hungarian community is concerned, the creation of the Hungarian coalition was considered a step in a good direction. There were several reasons for the inter-party alliance, most important being the loss of support from the Hungarian electorate – a coalition is one of the ways for Hungarian parties to win back those voters who turned their back to them on January elections.<sup>505</sup> Inter-party cooperation is far more effective in promoting the interests of the Hungarian community than inter-party relations burdened by leaders' vanity and rivalry.

During the year, representatives of the Hungarian, as well as other minority communities, expressed on several occasions their concern that realization of their interests and rights could become considerably harder. This concern was related to the consequences of the solution of the Kosovo question, as well as a number of other problems, such as the problem of readmission or privatization of minority media. Among the problems, a special place is taken by the ignorant behavior and the unwillingness of the political elite to regulate the issues of election, jurisdiction and financing of national councils by law. Attention was drawn on several occasions to conflicts within certain communities, such as the Islamic community, pointing out at the same time the legal provisions that allowed discrimination.

Preoccupied with the question of Kosovo, the Serbian state leadership pushed these issues aside, along with all the others. In their insistence on

505 Interview by I. Pastor, *Gradanski list*, 5-7. 1. 2008.

never giving up Kosovo and never recognizing the “bogus state”, the state leadership ignored the concern of minorities. Statements that even war is a legitimate means of defending state interests<sup>506</sup>, making lists of empty houses<sup>507</sup> or handing out war schedules<sup>508</sup> only aggravated fears and created a feeling of insecurity amongst minorities. Finally, after the Kosovo Assembly passed the Declaration of Independence, the state leadership demonstrated a tragic inability to “control the anger” of the masses. The rally organized in Belgrade in the second half of February turned into vandalism – a string of robberies, breaking of store windows and attacks on embassies. Instead of severely condemning the attack, certain ministers within the government showed sympathy for these reactions.<sup>509</sup> In addition to the attacks on embassies and stores selling foreign merchandise, shops owned by citizens of Albanian nationality were damaged. In several cities, Stara Pazova, Novi Sad or Sombor, for example, store windows were broken on börek shops and bakeries. One of the most bizarre actions was organized in Sombor, where free bread was distributed in the

506 Aleksandar Simić, advisor to the Prime Minister Vojislav Koštunica, said in a TV broadcast that Serbia should defend its interests even by war.

507 The Democratic Party of Vojvodina Hungarians called on citizens of Hungarian nationality not to allow police and civilians who are making lists of empty houses to enter their houses, pointing out the right of property owners to deny entry into premises to a party without adequate official papers documenting reasons for its activities. AVH demanded an explanation from minister Jočić for the cataloging of empty houses. Ištvan Pastor, the leader of AVH gave stated that “we would be shocked if this action had the purpose of preparing the arrival of people who will soon be deported from the European Union”. *Danas*, 4. 10. 2007.

508 Dragan Šutanovac, Minister of Defense, was asked in the Parliament to explain why citizens are receiving new war schedules, and whether it was the first step towards mobilization. He answered that new war schedules were distributed throughout Serbia, not only in municipalities where Hungarians live, and that this action is a part of the reorganization and future professionalizing of the army. *Danas*, 7. 12. 2007.

509 The statement by Velimir Ilić that “breaking windows is democracy”, was followed by a statement of the Vice President of New Serbia, Dubravka Filipovska, that “Ilić was realistic”, who also posed the following question: “What were we supposed to do, send the picture that no one was revolting and that everything will settle down in ten days?” *Danas*, 23/24. 2. 2008.

vicinity of bakeries owned by citizens of Albanian nationality. Owners of bakeries, those who supported this action with certain amounts of (free) bread, justified their actions by humanitarian reasons – their alleged care for a great number of needy citizens. However, the fact that flyers saying that the money citizens pay for bread goes to Kosovo to fund guns were distributed along with the bread, reveals the true character of this action. The fact that local citizens, local media and local self-government did not react promptly was far more detrimental to inter-ethnic relations than the informal group of citizens who defended Kosovo by boycotting Albanian bakeries. Taking into account the fact that in intensified and highly ethnicized situations the readiness of citizens to stand for and take part in protecting the rights of their fellow citizens decreases, the appeal of several NGO's, sent in November to members of the EP mission, asking them to monitor with special attention the events in both Vojvodina and municipalities in South Serbia after the proclamation of independence of Kosovo, turned out to be fully justified.

Besides a concern regarding the possibility of physical assaults, representatives of minorities expressed their fear that a new exodus of Serbs from Kosovo, due to a “one-sided recognition of Kosovo”, could lead to changes in ethnic structure and violation of their rights.<sup>510</sup> The change in ethnic structure was mentioned in relation to the Agreement on Readmission.<sup>511</sup> Although no official state body had reliable data on the number of returnees, different numbers were mentioned in public, from four to 150 thousand returnees. Representatives of certain minority parties<sup>512</sup> warned

510 During talks with László Sólyom, President of Hungary, the delegation of the Alliance of Vojvodina Hungarians pointed out that Vojvodina, in case Serbs from Kosovo are not guaranteed safety, could be faced with a new wave of refugees and displaced persons, which would increase social insecurity and lead to changes in the ethnic structure of the province. *Gradjanski list*, 1. 06. 2007.

511 The Serbian Assembly ratified agreements with the European Union on visa facilitation and readmission on November 7. The agreements are to be in force from January 1, 2008. Representatives of the Serbian Radical Party, the Socialist Party of Serbia, the Alliance of Vojvodina Hungarians and the Roma Party voted against the Agreement on Readmission.

512 Đorđe Čović, President of the Democratic Alliance of Croats said that the intention to



that Vojvodina<sup>513</sup> can not accommodate a large number of returnees and endure a new, “fourth colonization”. Andraš Agošton, leader of DPVH, sent a letter to Kinga Göncz, Hungarian Minister of Foreign Affairs, asking Hungary, as an EU member state, to turn its attention to the implementation of the Agreement on Readmission. In his letter, Agošton warned that “there is a danger that the returnees, most of them Roma from Kosovo, might head for Subotica, i.e. towards municipalities with mostly Hungarian population”.<sup>514</sup> On October 12, the Assembly of the Municipality of Senta passed a decision<sup>515</sup> not to accept returnees, because the appropriate conditions in the municipality are not present.<sup>516</sup> The decision stated

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 settle the returnees in Vojvodina is, for them, unacceptable. *Dnevnik*, 19. 10. 2007.

513 Dušan Petrović, Chairman of Democratic Party Deputies’ Group, stated that Vojvodina is not institutionally prepared for returnees. Živorad Smiljanić, member of the Socialist Party, held a similar view. According to Tihomir Simić, Chairman of the Serbian Strength Movement Deputies’ Group: “there are almost 300 thousand unemployed in Vojvodina, and the arrival of a new group of people without a clear vision of where they would live and work” could “provoke a crisis”. On the other hand, D. Petrović reiterated that Vojvodina has a great problem with birthrate and that it holds a lot of capacity, empty space and empty villages where, according to Velibor Radusinović, representative of the Democratic Party of Serbia, many people from readmission could be settled. He pointed out that the county budget has sufficient funds and that responsible departments should prepare programs to help the returnees. *Građanski list*, 15. 10. 2007.

514 In his letter, Agošton stated that Petar Lađević, Director of the Service for Human and Minority Rights, and Velimir Ilić, Minister of Infrastructure, sent letters to presidents of 24 Hungarian municipalities and asked them to consider the possibility of legalization and construction of Roma settlements funded by the Republic. Agošton reiterated that 194 municipalities exist in Serbia and that the letter was sent to 39 of them, as much as 24 of which are in Vojvodina. *Građanski list*, 1. 10. 2007.

515 Tamaš Korhec, Provincial Secretary of Regulation, Administration and National Minorities, said that the decision of the Senta municipality is of a declarative nature, with the intent of pointing out that the municipality does not have the capability to settle a great number of returnees. *Dnevnik*, 17. 10. 2007.

516 Atila Juhas, President of the Municipality of Senta, stated that the decision was passed because of the difficult economic situation and a great number of unemployed in the municipality. He said that, in the period from 1991 to 2002, ten percent of the population left and that at present

that all returnees should return to the towns where they lived before leaving the country.<sup>517</sup> The president of the Municipality of Bečej warned that his municipality can hardly accept people without housing and employment.<sup>518</sup> On the occasion of the signing of the Agreement on Readmission, representative Laslo Đula submitted a draft declaration to the Assembly of Vojvodina, expressing the readiness of the Assembly of Vojvodina to take part in the process of readmission of all individuals living illegally in EU countries who are originally from the Autonomous Province of Vojvodina. On the other hand, the declaration stresses that Vojvodina does not have the capability to take part in potential collective resettlement of individuals illegally living in EU countries. The assembly did not open a debate on the submitted draft declaration, because, according to the words of president Kostreš, declarations, resolutions and recommendations, as outlined by the Rules of Procedure, can be submitted only by the Executive Council.<sup>519</sup>

Although the returnees are people of different nationalities, mainly Roma were referred to in public, and thus the strongest reactions came from their representatives. Vitomir Mihajlović, President of the National Council of Roma, stated: "We are appalled by the views of Senta representatives".<sup>520</sup> In the parliament, Srđan Šajn, President of the Roma Party, asked the police and public prosecution to investigate if Andraš Agošton is responsible for spreading national hatred and intolerance. Expressing his expectations that members of DPVH will dissociate themselves from their leader, Šajn pointed out that Agošton mentions Roma because "he is afraid to attack

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eight percent of the population is unemployed. *Danas*, 19. 10. 2007.

517 *Danas*, 19. 10. 2007.

518 "We have 4000 unemployed and 2000 people on social welfare" stated Dušan Jovanović, President of the Municipality. *Građanski list*, 17. 10. 2007.

519 *Dnevnik*, 7. 12. 2007.

520 Atila Juhas gave a statement to Novi Sad's *Dnevnik* that the decision of the Assembly of the Municipality of Senta "is neither nationalistic nor chauvinistic, but simply local-patriotic". He judged Petar Ladević's statement that the decision of the Senta Assembly spreads fear amongst minorities, both Hungarians and Roma, as ridiculous. *Dnevnik*, 31. 10. 2007.

those who are politically organized and strong”.<sup>521</sup> Other than the representatives of the Hungarian community, Šajn criticized the Service for Human and Minority Rights, because the branch of this Service responsible for readmission “does only office work and has no actual projects and contacts with the people in the field”.<sup>522</sup> According to him, at this moment Serbia is not ready to receive returnees and the best solution for them is to remain in EU countries, as they have “at least some perspective and basic living conditions over there”.<sup>523</sup>

Among the reasons for concern of the minorities was also the privatization of electronic media which, in compliance with the law, had to be finished by the end of year 2007.<sup>524</sup> Representatives of minorities pointed out that compulsory privatization would endanger the right of minorities to be informed in their own language. On the meeting “Media and minorities in South-Eastern Europe”, it was pointed out that there are no interested buyers due to the fact that broadcasting programs in minority languages is costly.<sup>525</sup> The roundtable of the Independent Society of Vojvodina Journalists pointed out that private owners will not have a commer-

521 *Dnevnik*, 3. 10. 2007.

522 *Građanski list*, 4/5. 8. 2007.

523 *Dnevnik*, 7. 11. 2007. “There is no life for us in Serbia, we are fed up because nobody wants to help us and we are told to go through garbage cans with our children and collect old paper in order to earn daily at least 300 dinars. We don’t know where to complain, who to talk to. When we send our children to school, others tell them they smell. I don’t have a house, don’t have water... Serbia is ruined, and life here is miserable. I can’t go back to Kosovo either, because lives of Roma are threatened by Albanians over there. Everybody is thinking only about filling up their own budget, and Roma here are bareback. I will have to pack up again and flee from Serbia” stated one of the deported Roma, Kenedi Hasani. *Građanski list*, 6. 6. 2007. During the promotion of the publication “Violation of rights of Roma deported to Serbia under the Agreement on Readmission” it was pointed out that deportation itself is humiliating for many, that the money and property of many Roma remains in the country they were deported from, that families are separated, that the right to education is hard to realize because the children are not fluent in Serbian, that returnees fail to validate their diplomas, and are thus treated as unqualified labor on the work market, etc.

524 According to the letter of the law, media that are not privatized will be shut down.

525 *Danas*, 23. 4. 2007.

cial interest in maintaining programs in minority languages.<sup>526</sup> Different solutions were proposed for solving the issue of preservation of media richness and diversity – from the idea of exempting minority media from the privatization process<sup>527</sup>, to the idea of transferring the founding rights of electronic media to national councils<sup>528</sup>, as was the case with printed media, and the idea of creating special state funds to finance multiethnic programs.<sup>529</sup> The proposition to exempt these media from the privatization process was supported by the Executive Council of Vojvodina<sup>530</sup> and by the Minister for State Administration and Local Self-Government, Milan Marković, who has departmental responsibility for the realization of minority rights. Pajtić declared that “the protection of the national minority rights is a public interest and no one can expect private owners to take care of multilingual media programs, the privatization of which has to be concluded by December 31”.<sup>531</sup> Declaring that his ministry “stands by its opinion that the privatization of electronic media reporting in languages of national minorities has to be stopped”,<sup>532</sup> minister Marković empha-

526 *Dnevnik*, 10. 4. 2007.

527 The Alliance of Vojvodina Hungarians demanded that the Draft Law on Amendments to the Broadcasting Law be placed on the agenda of the Serbian Assembly, but this initiative was rejected. AVH proposed that all local electronic media broadcasting in minority languages for 800 minutes weekly should be exempted from privatization. *Građanski list*, 9. 7. 2007.

528 Dragan Janjić, Assistant Minister of Culture responsible for media, stated that transfer of founding rights could be a possible solution: ways should be found within national councils to fund media in minority languages, by means of state funds, donations and other sources. *Građanski list*, 9. 7. 2007.

529 According to the words of Milorad Đurić, the solution should be looked for in amendments to the Broadcasting Law or through establishment of funds that would create conditions for maintaining multiethnic programs on commercial stations. *Građanski list*, 9. 7. 2007.

530 According to Bojan Pajtić, President of the Provincial Executive Council, there are 21 media in Vojvodina founded by local self-governments, broadcasting programs in nine languages. Besides Serbian, those languages are Hungarian, Slovakian, Rusyn, Romanian, Croatian, German, Macedonian and Roma. *Dnevnik*, 6. 12. 2007.

531 *Danas*, 6. 12. 2007.

532 *Dnevnik*, 6. 12. 2007.

sized that “founders of these media have to be local self-governments, and their property has to be public.”<sup>533</sup>

However, other opinions were also publicly voiced. Slobodan Đorić, member of the Republic Broadcasting Agency, stated that privatization<sup>534</sup> will not jeopardize the stations broadcasting programs in minority languages. Judging the decision not to privatize minority media as unprincipled and bad, Rade Veljanovski, professor at the Faculty of Political Science, reminded that there are other solutions to safeguard the survival of minority media. According to his words, minority media can appeal to RRA to provide adequate number of frequencies for RTV stations broadcasting in minority languages within its development of the broadcasting strategy, thus transforming these stations into stations of the civil sector, which is permitted by law. “What the Ministry for State Administration and Local Self-Government and the Executive Council are proposing is a bad solution, as the media would still remain in the hands of local politicians.”<sup>535</sup>

The fact that a comprehensible media strategy does not exist became obvious with the passing of the Law on Local Self-Government and the Law on the City of Belgrade, which, contrary to the Broadcasting Law<sup>536</sup>, offers

533 *Danas*, 6. 12. 2007.

534 At the roundtable, held in mid-February in Kragujevac, directors and editors of media founded by local self-governments – Kragujevac, Niš, Novi Pazar, Subotica – proposed a transformation of these media into regional public services. Warning that privatization of electronic media in Serbia will ruin the system of public information, they expressed disbelief in the idea that the National Public Service will compensate for their disappearance from the media scene. They also stated that privatization does not guarantee professionalism and objectivity. Slaviša Popović, Director of RTV Kragujevac, stated that the change of ownership structure will make money become editor in chief of media: “As there is a lot of dirty money in Serbian privatization, this money consequently leads to corrupt editorial policy”. *Danas*, 19. 2. 2007.

535 *Danas*, 7. 12. 2007.

536 While the Law on Local Self-Government, for example, contradicts the Broadcasting Law, the Draft Law on the Constitutional Court contradicts the Law on Protection of Rights and Freedoms of National Minorities by curtailing minority rights. The draft law does not include the provision which exists in the so-called Law on Minorities, stating that minorities may file a complaint to the Constitutional Court if their constitutional

to local self-governments the possibility of creating local media. Besides on the media plan, the flaws in the state minority policy are additionally visible in the issue of key institutions of minority self-governments – national councils. A certain number of national councils (Hungarian, Slovakian, Croatian, Rusyn, Bulgarian, Bosnian, Bunjevac...) reached the end of their mandate, but new councils were not formed, as the necessary legal preconditions for their election do not exist. The passing of a law on national councils was announced several times, but this has not happened yet.<sup>537</sup> In May 2007, the Service for Human and Minority Rights proposed a draft Law on Elections, Authority and Financing of National Councils, but the national councils refused to accept it. The Ethnicity Research Center and the Alliance of Vojvodina Hungarians also proposed their own drafts. At the end of June, members of councils agreed on the creation of an expert group (Marijana Pajvančić, Tibor Varadi, Goran Bašić) with the aim of drafting a compromise proposition<sup>538</sup> that would be reviewed by national councils and then forwarded to the Serbian Assembly for adoption.<sup>539</sup> In

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rights are jeopardized. National councils warned the Government that such a solution would abolish the acquired minority rights, which is prohibited by the Constitution.

537 At the beginning of September information emerged in public that the councils would be constituted on basis of the new law only in the spring of 2008.

538 According to Laslo Joža, President of the Hungarian National Council, the greatest flaw in all existing drafts is a lack of specific provisions, elaborated in detail, on the authority of national councils in all areas of interest. The funding of the councils is covered in a satisfactory way, but according to Joža's opinion, it should be clearly stated whether all cultural, educational and media activities of the minorities are to be funded by transfers through national councils, or as it was done so far, through state or provincial budgets and donations, where national councils have no influence. *Građanski list*, 12. 11. 2007. Another issue exists where a consensus has not been reached, and that is the procedure for electing national councils. Namely, will the councils be formed as they are now, through electors, or by direct elections. Whichever model of the law is proposed, declared Slavko Oros, President of the Rusyn National Council, it would be best if alternatives for the election of these bodies existed. It should be left to national councils to decide on their own how they are going to be formed. *Dnevnik*, 30. 7. 2007. An opinion similar to that of Orosov was voiced by Jovan Radeski, President of the Macedonian National Council.

539 Results of the work of the expert group are still not known to the public.

order to expedite the passing of the law, presidents of national councils asked for a meeting of the Republic Council for National Minorities, but they never received an answer.

In the middle of the year, leaders of three Hungarian parties<sup>540</sup> sent a letter to Kinga Göncz, Hungarian Minister of Foreign Affairs, stating that the indirect, electoral method of electing national councils does not protect the interests of their community. They asked her to verify the existence of a document in the Council of Europe which supports the electoral method of electing the national councils. Petar Lađević, Director of the Service for Human and Minority Rights considered this letter as inappropriate internationalization. Lađević gave a statement to the agency *Tanjug* saying that direct elections for national councils on the state level do not exist in almost any other country, and that in Serbia the electoral method of elections is, simply put, the most efficient system. Lađević gave three reasons to support his claim, the first: "direct elections imply a separate voter registration list for minorities, and since according to our legal system citizens are not under the obligation to state their nationality, that could result in inequality of citizens before the law", the second: some minorities are not territorially concentrated which would make direct elections very difficult to organize, and the third: the organization of direct elections is very expensive.<sup>541</sup>

In the meantime, members of the German national minority formed, in the middle of December, their own national council.<sup>542</sup> Before that, in March 2006 the Vlach national council was formed in Bor. However, after it was constituted, it was faced with the problem of registration. Živoslav Lazić, President of the Council, stated: "We believe this to be a deliberate obstruction by the Serbian Government". He pointed out that the Council

540 Alliance of Vojvodina Hungarian, Democratic Party of Vojvodina Hungarians and Democratic Community of Vojvodina Hungarians.

541 *Dnevnik*, 26. 5. 2007.

542 Andreas Birgermajer, who was elected president of the council, declared preservation of national identity and fostering of language and culture as priorities in the work of this organization, but also raising "unpleasant" questions such as the return of property, rehabilitation of Germans who perished in camps, and marking mass graves.

fulfilled all the necessary conditions for registration, but the registration failed, which will force the Council to initiate an administrative dispute and seek protection of its rights in the court of law.<sup>543</sup> Lazić expressed his discontent with the manner in which collective rights of Vlachs are realized. Vlachs are subjected to discrimination and assimilation, which, according to Lazić, is supported by data on the number of Vlachs, but also by the fact that in “the educational sphere there is no mention of Vlachs in any textbook. Vlachs have their own tradition and culture, but that is all reduced to folklore and Vlach folk dance”.

Dissatisfaction, with the attitude of the state and the position of their community, was voiced by other minorities, like Bulgarians, Albanians in southern Serbia or Vojvodina Croats. Several organizations of Bulgarian national minority<sup>544</sup> asked for help in solving their problems from the Serbian Assembly, Bulgarian Sobranje (National Assembly) and EU Parliament. Serbia was asked to respect its own laws, human rights and minority rights of the Bulgarians, to facilitate education in Bulgarian and official use of Bulgarian within state bodies, to respect the national and cultural identity of the Bulgarians, to encourage their economic development, create conditions for a functioning market economy and the rule of law, and to return to the Municipality of Bosilegrad the villages of Klisura, Božica and Topli Dol which were annexed to the Municipality of SurDulića. Bulgaria was asked to take an active part in the renewal of national and cultural identity, to negotiate with Belgrade the protection of rights and interests of Bulgarians, and to remove from the relations of the two states the formulation that the Bulgarian minority is a bridge of cooperation, as it is humiliating. Sofia was asked to facilitate free circulation of merchandise, ideas and capital, education of young people on Bulgarian

543 Zoran Lončar, Minister of Public Administration and Local Self-Government, replied “that the Government cannot accept the registration, because the law on ministries and their authorities has not been passed.” However, according to Lazić, on May 15, the National Council of Egyptians was formed and registered. “If that is so, then I ask why the National Council of Vlachs has not been registered as well”. *Danas*, 19. 3. 2007.

544 These organizations were the Cultural-Information Center, the “Matica” of Bulgarians in Serbia and the Democratic Alliance of Bulgarians.



universities, opening of a border crossing in the village of Izvor, restoration of citizenship to all those who so desire and cancellation of the visa regime for citizens of border zones. Brussels was asked to become actively involved and monitor the position of the entire Bulgarian minority in Serbia and to include the Bosilegrad municipality in projects of trans-border cooperation.<sup>545</sup>

In comparison to other minorities, Albanians from southern Serbia are the least integrated in the social and state structure. According to the words of Riza Halimi, President of the Party for Democratic Action, the responsibility for this lies with the state. Ministries are not interested in solving practical, concrete problems of citizens in the Serbian South. The state does nothing to prevent and alleviate difficult economic and political conditions.<sup>546</sup> In mid-September, Halimi strongly criticized the decision to reorganize the Coordination Body for southern Serbia. Halimi stated that reorganization was necessary, but that it was absurd that no Albanian representatives were participating in it. On that account Halimi also sent a letter to the Serbian Prime Minister Koštunica pointing out that this represents a serious omission, and that by this move the Government is sending a message that it is not interested in the integration of the Preševo Valley Albanians into the institutions of the system.<sup>547</sup> Rasim Ljajić, President of the Coordination body, rejected Halimi's accusations as petty politics. In his statement given to the *Beta* agency, he said that these changes were of a technical character, and that leaderships of the three municipalities in southern Serbia were notified of this reorganization.<sup>548</sup>

545 *Danas*, 28. 5. 2007

546 *Danas*, 13. 8. 2007.

547 In his letter Halimi stated that the economic situation in this region was aggravated, that the employment rate of the Albanian population is by far the lowest in the state, and that the Municipality of Preševo is the most undeveloped in Serbia with an income six times lower than the average in the Republic. Halimi informed Koštunica that all inflow of capital has been severed and that the initial investments in building a maternity hospital, a sports center and a faculty for teachers have been stopped. *Danas*, 15/16. 9. 2007.

548 Ljajić stated: "It was necessary to involve the Ministry of Economy and Regional Development in the work of the Coordination Body, because its founding goal was

By the end of September, the Albanian representatives in local assemblies convened in Preševo and passed a Political Declaration pointing out that “The National Assembly of Albanian Representatives of the Preševo Valley is a political body in charge of making strategic decisions”. Albanian representatives supported Ahtisaari’s plan to resolve the status of Kosovo because it presents the basis for establishing long-term peace and stability in the region.<sup>549</sup> During the debate, some statements of Serbian representatives, like the statement of the state secretary in the Ministry for Kosovo and Metohija that all available means, including a blockade of Kosovo, will be used to prevent the realization of Ahtisaari’s plan, were judged as threats to regional stability. Halimi stated that he is convinced that, in case independence is declared, Serbs will not be leaving Kosovo any more than they did before: “Because, if, for example, those who lived south of the river Ibar wanted to leave Kosovo, they would have done so in 1999, when the situation was more dire than today... There is no question of humanitarian displacement... There will certainly be individual cases of migration, but I truly do not believe this will happen on a massive scale.”<sup>550</sup> Skender Destani, Leader of the Democratic Union of the Valley, stated that Albanians from the south will solve their problems within the institutions of the state they live in, if the Contact Group remains at the standpoint that there should be no division of Kosovo. In case Kosovo is divided, we will demand that Bujanovac and Preševo be annexed to Kosovo.<sup>551</sup>

Like the Albanians, members of the Croatian minority also expressed their discontent with the attitude of the state. Thus around twenty distinguished public personalities of the political and cultural life of the Croatian minority sent an open letter to the president, the prime minis-

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regional development. All other changes are of an administrative nature, and include a reduction from eight working groups to three... with the aim of providing a better coordination of work. Three relevant ministries, for regional development, social policy and safety, are now participating in the work of the Coordination Body, and there is no rational reason for anybody to raise objections.” *Danas*, 11. 9. 2007.

549 *Danas*, 1. 10. 2007.

550 *Dnevnik*, 1. 10. 2007.

551 *Dnevnik*, 7. 6. 2007.

ter and the president of the Assembly of Croatia in the aim of preserving the integrity of the Croatian minority. In this letter, they stated that the introduction of the new subject “Bunjevac dialect with elements of national culture” created a basis for a separate language and the denationalization of Vojvodina Croats – Bunjevci. The signatories of the letter called on Croatia to take necessary measures and prevent the artificial division of the Croatian indigenous population in the north of Bačka.<sup>552</sup> Also, the Croatian National Council asked the Regional Department of Culture to withdraw the decision on introducing the Bunjevac dialect into Vojvodina schools, because it is illegal and meant to disintegrate the Croatian community.<sup>553</sup> Tamaš Korhec, Provincial Secretary of Regulation, Administration and National Minorities, rejected accusations that Vojvodina violates the rights of the Croatian community. He stated that Bunjevci were recognized as a minority on the state level, not at the level of Vojvodina. “Vojvodina was neither asked, nor did it participate in making this decision. But, if a community is already recognized, then it has certain rights, and

552 *Danas*, 2007. A part of Croatian intellectuals recognized the handwriting of the Milošević era in the partition of one sub-ethnic substrate of Croatian people into a separate community. This partition is aimed to “provoke a permanent dissolution of the integrative potential of the Croatian community and acquire a considerable resource for incidents with respect to relations with the Republic of Croatia”. Pointing out that declaring oneself to be of the Bunjevac nationality is also a “consequence of ethnic mimicry, because it is a choice that brings greater security and a better perspective than in the case of declaring oneself as a Croat”, Tomislav Žigmanov, publicist, reminded that certain individuals who insist today on the rights of Bunjevci, founded Croatian cultural institutions in the 1970s and some of them hold Croatian passports. Davor Vidiš, Consul General of the Republic of Croatia in Subotica, also declared on one occasion that some members of the Bunjevac community have Croatian documents, which they acquired on the grounds of declaring themselves as Croats. *Građanski list*, 2. 10. 2007. Mirko Bajić, member of the Bunjevac National Council, replied to Vidiš, stating that during mid-1990s, during the period of sanctions, Bunjevci were deliberately offered certificates of Croatian nationality in order to be assimilated into Croats, or else, they could buy them in Budapest. In his opinion, these documents should be subjected to revision, because they are not in compliance with the laws of Serbia and Croatia. *Građanski list*, *ibid*.

553 *Danas*, 13. 8. 2007.

it is our duty to guarantee these rights to everyone, under equal conditions". Koherc stated his assurance that this case will not have serious political consequences. Namely, if Croatia wanted to aggravate relations with Serbia on the account of the Bunjevac question, it could have done so in 2002 or 2003 already.<sup>554</sup>

On the other hand, Nikola Babić, President of The Bunjevac National Council, expressed his contentment with the decision to introduce the abovementioned (elective) subject into primary schools in areas where Bunjevac population lived, adding that the introduction to Bunjevac culture and tradition will help around 20 thousand Bunjevci to preserve their identity. Babić said he did not know how many students will study this subject because their parents have to decide on this matter, but that "we are not disintegrating the Croatian body by this, as we are accused of doing, as Bunjevci have existed in this area for centuries".<sup>555</sup>

Divergent answers to the question whether Croats and Bunjevci are branches of the same ethnic group or two different ethnic entities resulted in a certain level of antagonism between them. Some Croatian intellectuals recognized in this the handwriting of the Milošević era and an attempt to politically weaken the Croatian community. The influence of relevant state agencies is even more obvious in the example of the Islamic community in Sandžak, i.e. Serbia. There are two Islamic communities in Serbia today: the Islamic Community of Serbia (ICS) and the Islamic Community in Serbia (ICIS).<sup>556</sup> The seat of the first community is in Belgrade, headed by reis-ul-ulema Adem Zilkić, and of the other in Novi Pazar, headed by chief mufti Muamer Zukorlić. The first supports an independent Rijaset seated in Serbia, while the other recognizes the reis-ul-ulema in Sarajevo as the supreme religious leader and the Rijaset he is heading.<sup>557</sup> As

<sup>554</sup> *Dnevnik*, 11. 8, 2007.

<sup>555</sup> *Građanski list*, 4. 9, 2007.

<sup>556</sup> Both Islamic communities are filed in the register of churches and religious communities – the Islamic Community of Serbia as Rijaset, seated in Belgrade, and the Islamic Community in Serbia as Mešihat, seated in Novi Pazar.

<sup>557</sup> At the end of March, Hamdija Jusufspahić stated: Our brothers in Sandžak wish the Mešihat of the Islamic community to be subordinated to the Rijaset of the Islamic

each community claimed it was the only legal and legitimate institution of Muslims in Serbia<sup>558</sup>, mutual accusations followed<sup>559</sup>, and subsequently, the first conflicts.<sup>560</sup> Culprits for the divisions were identified within the Is-

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- community in Bosnia and Herzegovina. "We strive to unite the Muslims of Serbia under the independent Rijaset of the Islamic Community in Serbia, seated within the borders of Serbia". *Danas*, 27. 3. 2007. Muhamed Jusufspahić expressed a similar opinion: "the most natural thing is that the headquarters of the Islamic community is located in Belgrade, not in Baš čaršija. It has nothing to do with DPS, it is a state-building standpoint which every party in Serbia should support. Can anybody imagine the situation if religious officers are admitted to the army service that military imams and the mufti are assigned by the reis-ul-ulema in Sarajevo." *Danas*, 9. 10. 2007. According to the words of Rasim Ljajić, the public in Belgrade "bought" the story that there is a "conceptual conflict within the Islamic community, and that some are heading towards Sarajevo, and the others towards Belgrade, which is a lie". What is wrong with our wish to maintain a spiritual connection with Muslims in Bosnia, asked Ljajić. "Are we going to condemn Serbs from Croatia, from Bosnia and Slovenia, for their wish to maintain a spiritual connection with the Serbian Orthodox Church in Belgrade. The spiritual connection with Sarajevo is presented here as a political choice between Sarajevo and Belgrade, which is totally absurd". *Danas*, 12. 10. 2007.
- 558 "There are not several Islamic communities in Serbia, but only one, and I'm heading it. Muamer Zukorlić is a branch office of the Islamic community of another state", declared the reis of the ICS, Adem Zilkić. *Novosti*, 8. 10. 2007.
- 559 Unbalanced infrastructural development, degradation of religious officers, alienation of believers, single-mindedness, are only some of the accusations the Rijaset of ICS made on account of Zukorlić. *Danas*, 1-2. 12. 2007. In addition to that, there were complaints against Zukorlić's boasting with money, expensive armored cars, usurpation of resources of the Islamic community, banning of knowledgeable people, etc. *Novosti*, 8. 10. 2007. On the other hand, mufti Zukorlić named the "traitor imams" as culprits for the rift, as well as local authorities in Novi Pazar, the Jusufspahić family, and the intelligence and security structures. In his letter addressed to the President of the Republic, mufti Zukorlić asked President Tadić to protect the Muslims and the Islamic Community from the consequences of illegal actions of the aforementioned state agencies. He asked to be granted access to the original files of collaborators of intelligence and security agencies within the ranks of Islamic community officers from 1946 until today. *Danas*, 20. 4. 2007.
- 560 In mid-November, four persons were injured during a conflict between supporters of the two Islamic communities in front of the Altum-alem mosque in Novi Pazar, just before the main daily prayer. According to media reports,

lamic community, but also beyond it, in the local government, as well as in the state apparatus.

In his letter sent to President Tadić in the second part of April, mufti Zukorlić claimed that the Islamic Community was subject to “a few organized and well coordinated attacks”, amongst others from the president of the Municipality of Novi Pazar (who publicly stated that the Mešihat of the Sandžak Islamic Community does not exist and that in the future the Islamic Community will be under the jurisdiction of the Bosnian National Council), namely, intelligence and security agencies. Reminding that the role of the abovementioned agencies is not to engage in organizing the Islamic Community, Mufti Zukorlić asked president Tadić to protect Muslims and the Islamic Community from their illegal activities.<sup>561</sup> Before mufti Zukorlić’s letter, the Council for the Relations with Religious Communities of the Bosnian National Council publicly stated that it does not support activities headed by Muamer Zukorlić, which could lead to further intensification of divisions amongst the Bosnians. The statement pointed out that leaders of the Islamic community demonstrated ambition to participate in political life, abusing religious sites and institutions and causing rifts and divisions within the Bosnian National Body. Rasim Ljajić, Leader of the Sandžak Democratic Party (SDP), expressed his concern over the events happening within the Islamic Community. He stated that the existence of two Islamic Communities suited some structures in Belgrade, because it weakens the Islamic community, and declared Sulejman Ugljanin<sup>562</sup> the

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the police succeeded in preventing a conflict on a larger scale. Hasib Suljović, mufti of the ICS, expressed his regret over the conflict, and accused the ICIS mufti Muamer Zukorlić for all that had happened. *Danas*, 17/18. 11. 2007.

<sup>561</sup> *Danas*, 20. 4. 2007.

<sup>562</sup> Referring to the accusation that he provoked a crisis within the Islamic community, Sulejman Ugljanin, President of the Municipality of Novi Pazar, declared that he will address the President of Serbia and leader of the Democratic Party Boris Tadić, given that those who attack him were elected on the list of that party: “By spitting on the Muslims DP will not prove its pro-European and pro-American loyalty”. *Dnevnik*, 20. 11. 2007.

epicenter of the crisis. "He wants to take complete control over the Islamic religious community, to use it for funding and political promotion".<sup>563</sup>

In a desire to avoid further aggravation of the problem which could, according to Ljajić, escalate towards "spilling of blood which would be an absolute defeat for all of us", both Bosniac leaders, on the initiative of the Serbian Prime Minister, addressed all Bosnians in a joint appeal. They appealed for a demonstration of full responsibility, prevention of all disruptions of public safety and peace, joint safeguarding of peace, and solving of issues related to the work of the Islamic Community in accordance with internal religious regulations. However, the joint appeal did not curtail mutual accusations.

Warnings that the state is involved in the conflicts within the Islamic community came from outside Serbia as well. This was clearly stated in the letter that Mustafa Cerić, Reis-ul-ulema of the Islamic Community in Bosnia and Herzegovina, sent to President Tadić, pointing out that "the Serbian leadership got involved in interior questions of the Islamic Community in Serbia and provided administrative and media support to the creation of the institution of reis-ul-ulema in Serbia".<sup>564</sup> The behavior of state bodies was a subject of criticism on other occasions, as well. The Law on Amendments to the Law on Citizenship of the Republic of Serbia contains provisions for admission to Serbian citizenship of members of the Serbian nation not residing on the territory of the Republic of Serbia, as well as of members of other nations or ethnic communities from the territory of the Republic. It has been judged that these provisions will cause more problems than they will solve. While pro-Serbian parties in Montenegro greeted the changes to the Serbian law with enthusiasm,

563 "The existence of two Islamic communities means that you can flirt and calculate with both of them. But the cohabitation of the two communities is impossible". Responding to the criticisms that he is "Zukorlić's man" – in the words of Muhamed Jusufspahić: "the connection between Zukorlić and Rasim Ljajić is known to everyone, as is the fact that Ljajić's men provide support to Zukorlić" – Ljajić replied that "he was the first to criticize Zukorlić when Zukorlić sponsored the foundation of a political party. I was the first to criticize him for his intent to become both a religious and lay leader". *Danas*, 12. 10. 2007.

564 *Danas*, 16. 10. 2007.

other parties warned that they mean political pressure and called upon the Montenegrin government to file a protest and demarche to Serbia for interfering in internal matters of the Republic of Montenegro.<sup>565</sup> “Serbia is in direct violation of the Council of Europe Declaration on Citizenship of 1997”, stated Miodrag Vuković, representative of the ruling Democratic Socialist Party, pointing out that the Montenegrin Ministry of Foreign Affairs should send a note of protest to the Council of Europe on the account of Serbia’s discrimination regarding dual citizenship. On another occasion, Vuković reminded that, according to the current laws of Montenegro, citizens can have only Montenegrin citizenship and if they accept citizenship of another state they automatically lose the Montenegrin citizenship.<sup>566</sup> The solution has been criticized from inside Serbia, as well. Stevan Lilić, Professor at the Faculty of Law in Belgrade, stated that “from the standpoint of international law and good political relations between Serbia and Montenegro, this is not a good solution, because it leads to a situation where one state, in this case Serbia, interferes in internal matters of Montenegro”. He added that “Serbia can neither regulate legal relations within Montenegro, nor offer Montenegrin citizens from that state Serbian citizenship, before reaching a bilateral agreement on this issue with Montenegrin authorities.”<sup>567</sup>

Citizens of Montenegrin nationality living in Serbia showed great interest in the resolution of the issue of citizenship. Requesting dual citizenship, the Association of Montenegrins “Krstaš” warned Montenegrins who accepted Serbian citizenship that they were under the threat of assimila-

565 *Danas*, 26. 9. 2007.

566 *Građanski list*, 9. 7. 2007. Jusuf Kalamperović, Minister of the Interior of Montenegro, declared that “In principle, small states, with a small number of citizens, preserve their citizenship, and do not easily agree on dual citizenship. I believe that Montenegro will opt for the preservation of its citizenship, and that it will not be so generous”. *Danas*, 21. 7. 2007.

567 *Dnevnik*, 17. 9. 2007. A statement made by Božidar Đelić, Vice-President of the Government of Serbia should also be noted. Namely, he voiced the standpoint of the Government that students from Montenegro who declare themselves as Serbs will be able to study under the same conditions as citizens of Serbia. “Finally, those who declare themselves as Serbs shall have priority somewhere”. *Građanski list*, 9. 7. 2007.



tion. Nenad Stevović, President of “Krstas” stated that Montenegrins do not seek to realize any special political and electoral rights in Montenegro, just a chance not to be assimilated by the new state. “Citizens of Serbia with Montenegrin citizenship will not be exempt from paying taxes on their first flat, although they are born in Serbia. Likewise, Montenegrin citizens can not sign up for shares in companies where they worked all their lives, thus being deprived of their ownership rights. A silent assimilation is on the horizon, because in every similar situation they are advised to become Serbian citizens”.<sup>568</sup>

The issue of Yugoslavs remained outside the scope of public interest during the last year. Referring to the interpretation of the Provincial Secretariat for Regulations, Administration and National Minorities, that Yugoslavs don't have one of the distinctive characteristics of national minorities, their own language, which would differentiate them from the majority of the population, the provincial ombudsman decided that Yugoslavs can not be considered a national minority.<sup>569</sup> The question of Yugoslavs was raised after the Center for Development of Civil Society from Zrenjanin filed a complaint with the provincial ombudsman pointing out that this interpretation of the provincial secretariat for minorities violates the Law on the Protection of Rights and Freedoms of National Minorities and prevents Yugoslavs from becoming members of councils for inter-national relationships. The existence of these councils is facilitated by the Law on Local Self-Government and in more than half of multiethnic municipalities in Serbia (40 out of 68), these bodies have been formed. However, the lack of clear regulations not only puts these bodies into a situation where they cannot perform their role, but also sometimes even turns their work into a caricature.<sup>570</sup> In a debate dedicated to the function-

568 *Gradanski list*, 10. 7. 2007.

569 *Gradanski list*, 18. 4. 2007. According to this interpretation, Croatians, Bosniacs and Montenegrins could not be considered a minority either, because their language is not different from the language of the majority!

570 In a debate organized by the Center for Development of Civil Society from Zrenjanin in the Belgrade Media center, many ambiguities in the regulation of the work of these bodies were mentioned. For example, in Loznica, tasks within the jurisdiction

ing of councils for inter-national relationships, Vladimir Ilić, Director of the Center for Development of Civil Society stated it would be a good idea to enable these bodies to invite an OSCE mission to investigate the condition of inter-national relationships in their municipality. It is an interesting idea, but the question is whether it is acceptable to decision makers. Because even the announcement of the arrival of a monitoring mission of the Council of Europe Parliamentary Assembly, scheduled for the end of November, raised doubts as to the purpose of this visit, namely, whether it's goal is to discipline Serbia or to gain a realistic insight into the condition of human and minority rights.

It was not only the visit of the monitoring mission, but also December 10, 2007, the International Human Rights Day, which presented a good opportunity for a public evaluation of the condition of human and minority rights in Serbia. As opposed to representatives of the authorities, representatives of NGOs were far more critical in their evaluations. Petar Lađević, Director of Service for Human and Minority Rights, assessed the condition of human rights as satisfactory, although it could, as he added, be better. Speaking about the rights of national minorities he stated that his service has fulfilled its mandate in that segment, and that human rights are on a satisfactory level: "However, there are many things that have been promised and not fulfilled... and this refers mostly to the finalization of the so called minority legislation".<sup>571</sup> Lađević pointed out that his Service will get particularly engaged in the protection of Roma

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of the Council are performed by members of the Council for Gender Equality; in Novi Sad the radical majority formed a Council where five members of Serbian nationality can always outvote the four members from minorities, and the similar is true for Žitište; in Plandište, there are no representatives of the Serbian community among Council members; in Priboj all members of the municipal government are at the same time members of the Council, etc. It was pointed out in the debate that political parties have no business in councils for inter-national relationships, and that the election of their members should be left to national councils, cultural and other institutions of national minorities. Vladimir Ilić, Director of the Center, stated that it would be a good idea to enable these bodies to invite an OSCE mission to investigate the condition of inter-national relationships in their municipality.

571 *Dnevnik*, 10. 12. 2007.

rights in the following period, as their rights are not respected and the attitude towards them is based on prejudice. On the other hand, Nataša Kandić, Director of the Belgrade's Humanitarian Law Center, stated that basic human rights in Serbian society are under assault and that the authorities are unable to secure the respect of these rights. According to her words, activists and protectors of human rights are particularly targeted. "If we make a comparison with the condition of human rights in previous years, this year is a step back in many aspects".<sup>572</sup> We are faced with growing negative tendencies of politization of the public life. According to Petar Teofilović, Provincial Ombudsman, a hermetical system of party division of public sector is established in Serbia, and it is getting harder for people to get a job if they belong to the wrong political party. He stressed that for the sake of getting a full picture one should add the underdevelopment of many institutions, like the Constitutional Court, which does not contribute to the improvement of human rights and the growth of trust in institutions.<sup>573</sup> Teofilović reminded that responsibilities in protection of human and minority rights were assigned to Vojvodina, regardless of the fact that no mechanisms for this protection are available.<sup>574</sup> In spite of that, it was pointed out at the Novi Sad conference organized by the Vojvodina Center for Human Rights that minorities in Vojvodina have much more success in realizing their rights than is the case in the remainder of Serbia.<sup>575</sup>

The condition of human rights in Serbia has been discussed also in relation to the report of Jelko Kacin, European Parliament representative and rapporteur. In his report, Kacin concluded that Serbia has made improvements, especially in the economic sphere and in the field of human rights protection, adding that the situation in Vojvodina is better than it was ten years ago.<sup>576</sup>

<sup>572</sup> *Ibid.*

<sup>573</sup> *Dnevnik*, 11. 12. 2007.

<sup>574</sup> *Danas*, 24. 4. 2007.

<sup>575</sup> It has been stated at the conference that the rights of members of the Roma, Albanian, Ashkali, Croatian and Hungarian minorities are the most endangered. *Danas*, 19. 11. 2007.

<sup>576</sup> *Dnevnik*, 1. 8. 2007. Kacin declared that there are areas which are still

Kacin's assessments provoked reactions from representatives of both the civil and the political sector. A warning came from the Center for the Development of Civil Society that Kacin's words regarding the situation in Vojvodina should be taken "with elasticity"<sup>577</sup>, because "although it is true that the number of recorded ethnically motivated incidents has decreased", sociological research shows that the situation is looking good only on the surface: "from the end of last year, the focus of incidents has shifted towards incidents on religious basis and the number of such incidents is rising. Actually, there was no serious progress in the area of human rights in Vojvodina for years, except for the fact that minority parties entered the Parliament on the last elections. However, this too is based on a well-meant but unlawful decision of the Republic Electoral Commission, which overstepped its authority."<sup>578</sup> In addition to this, there was "a decrease in the institutional level of state concern for human and minority rights, i.e. the abolition of the Ministry and a reduction of this topic to the level of a Government service, while the Republic Council for National Minorities... convened only once in the last year and a half."<sup>579</sup> The Democratic Community of Vojvodina Hungarians evaluated Kacin's report as unrealistic. The leader of this party, Andraš Agošton, stated his opinion that the inter-national incidents are still too frequent, and that Hungarians are always at the receiving end. In a great number of cases, he pointed out, Hungarians didn't even want to report the incidents, "because they have the feeling there is no understanding and support for their problems".<sup>580</sup> Agošton stated that he will ask Hungarian representatives in the European

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not harmonized with European regulations, such as the protection of basic individual rights and individual ownership rights, as well as legal protection of small and medium enterprises.

577 Snežana Ilić, program director in CRCD, stated that she can not recall "any crucial events in 1997, and that, besides, Kacin came to Vojvodina only in 2004 and 2005 within an EP delegation sent to Vojvodina after a series of inter-ethnic incidents at that time". *Dnevnik*, 6. 8. 2007.

578 *Dnevnik*, 6. 8. 2007.

579 *Ibid*

580 *Dnevnik*, 13. 8. 2007.

Parliament not to ratify Kacin's report, and thus call attention to the problems that still exist in Vojvodina.<sup>581</sup>

Pal Šandor, President of the Democratic Community of Vojvodina Hungarians, reacted very harshly to the statement of Vojislav Koštunica, Serbian Prime Minister, that the Republic of Serbia will guarantee Albanians from Kosovo the most privileged status that any minority has in the world today. Stating that he was deeply shocked by this statement, because the Prime Minister divides national minorities into those of first and second rate, he wrote in his open letter to Koštunica: "If you start from the assumption that Kosovo is an integral part of Serbia, how come you are not offering the most privileged minority status to Hungarians, who participate in political life of Serbia? How come that the status of the most privileged minority is not offered to those who are loyal citizens, but to those who do not want, under any circumstances, to be part of Serbia?"<sup>582</sup> Ištvan Pastor, President of the Alliance of Vojvodina Hungarians, stated that the formulation about the most privileged national minority is not appropriate, because it might provoke other national minorities and make them think that there are status differences among minority communities, but he pointed out: "I don't have the impression that minorities in Serbia are divided into those of first and second rate, but it is obvious that the issue of Kosovo diverts all attention of the political public away from minority issues, as well"<sup>583</sup>

The solving of the Kosovo status had its reflection on minority demands, those of the Hungarian minority in the first place, as the most numerous and best organized, in yet another way. Namely, certain political representatives of Hungarians demanded that the position of the Hungarian community in Vojvodina be regulated in the same way as the position of the Serbian community in Kosovo.

581 According to the words of Antal Bozoki, President of the NGO "Argus", Hungarian non-governmental organizations are also dissatisfied with the report Kacin sent to the European Parliament. At the beginning of November, Hungarian NGOs produced a bulleted report for the CE monitoring mission, in order to point out the problems.

582 *Danas*, 6. 10. 2007.

583 *Dnevnik*, 6. 10. 2007.

According to the words of Miroslav Samardžić, it is inappropriate to make a parallel between Vojvodina and Kosovo regarding the protection of minority rights, because “the difference between Vojvodina and Kosovo is drastic. Vojvodina does not have a divided society, a drastic ethnic conflict and a territorial dispute. Things are solved differently over here. In no way should Vojvodina develop the level of minority protection on the example of Kosovo. Every region has its own experiences, which should be the foundation for creating solutions both in the domain of inter-ethnic relations and the protection of minorities”<sup>584</sup>

In mid-year, Bojan Pajtić, President of the Executive Council of the AP Vojvodina, referring to the anachronous character of minority protection and its noncompliance with European standards, announced an amendment to the Decision on Provincial Elections, because it does not guarantee representatives in the Assembly of AP Vojvodina to all minorities.<sup>585</sup> “The civilizational, political and moral obligation of the Democratic Party, as the party that promotes the European future of Serbia, is to incorporate mechanisms in the new decision on provincial elections that will enable the multiethnic character of Vojvodina to be reflected in the structure of its highest representative body. That is”, according to Pajtić, “the best guarantee of protection of those citizens who do not belong to the majority nation”. On a meeting of the Provincial Council for National Minorities, it was decided that 12 representative mandates will be reserved for representatives of national minorities in the next session of the Vojvodina Assembly. It was also decided that only minorities that have more than ten thousand members and that have already formed their national councils will have guaranteed representative seats. “In this way, mandates in the Vojvodina Assembly will be divided between eight minorities – three representative seats will be reserved for members of Hungarian minority, two for members of Slovak and Croatian minority each, and one for Rusyns, Romanians, Macedonians, Bunjevci and Roma”, while their “na-

584 *Dnevnik*, 6. 10. 2007. Samardžić was the one to point out the fact that the form of protection of minorities in societies where ethnic conflicts are present is always different in comparison to societies where such conflicts do not exist.

585 *Danas*, 7. 5. 2007.

tional councils will be in charge of establishing the voter registration lists". According to the words of Bojan Pajtić, a voter registration list will have to "cover more than 50 percent of voters of a particular national minority in order for the list to be valid, and for them to gain the right to have a representative in the Assembly".<sup>586</sup> However, the proposal that the Democratic Party and the Alliance of Vojvodina Hungarians coordinated with the national councils, which was also supported by the Serbian Strength Movement, turned into a challenge for the ruling coalition. Due to the opposition to the proposal of the fourth coalition partner, the League of Vojvodina Social Democrats, not only was the meeting where the proposal was supposed to be discussed canceled, but the President of the Assembly Bojan Kostreš initiated changes of the Statute of AP Vojvodina and the introduction of a purely proportional system like the one functioning on the republic and local level. Dragoslav Petrović, chief of the coordination body of the ruling coalition, stated that the coalition will not support Kostreš's proposal, which was supported by representatives of the League, as well as by representatives of the Democratic Party of Serbia, G 17+ and the Serbian Radical Party, because the "proposed change of the Statute is of great importance and would essentially mean a new statutory act ... and would not be in the spirit of the Constitutional Law".<sup>587</sup>

586 *Gradanski list*, 23. 5. 2007. Laslo Joža, Coordinator of National Councils, declared that the decision is a novelty and that this European move was greeted by all national councils in Vojvodina. It should be noted that out of 120 representatives of the Assembly of Vojvodina, 60 are elected by the majority system, 60 by the proportional system, with Vojvodina as a single electoral unit, a census of 5 percent and a natural threshold for political parties of minorities. According to the proposed amendments, 60 representatives would continue to be elected by the majority system, 48 by the proportional system, and 12 places would be reserved for the representatives of minorities.

587 *Gradanski list*, 13. 6. 2007. As circumstances change, so do priorities of political parties. At one time the League advocated the introduction of a mixed system and today it opts for the proportional. DPS remained consistent in its opposition to the mixed system. The proportional system suits the Radicals, because they won almost one third of the votes in the elections (21 out of 36). The Democratic Party had better results with the majority system (20 out of 35), and the proportional system better suits LSDV, because it enabled them to win 6 out of 7 mandates. The

However, the proposal of the Democratic Party and the Alliance of Vojvodina Hungarians<sup>588</sup> was not left without serious objections. “If they strive for democratic legitimacy”, stated Zoran Lončar, President of the Provincial Board of DPS, “then all political actors interested in participating in the elections should be included in these talks. And that means – not only the Assembly Majority, but the opposition as well, and even interested non-parliamentary parties”. According to him “national councils should in no way participate in political life” because, unlike parties, “they are non-political bodies”.<sup>589</sup> Milorad Mirčić, Vice-President of the Serbian Radical Party, was even harsher: “the change of the electoral decision in order to guarantee representative mandates to minorities is an act of pure manipulation by the Democratic Party”.<sup>590</sup> Dušan Bajatović, member of the Socialist Party of Serbia, stated that he was surprised that the leading coalition claims to monopolize the electoral rules.<sup>591</sup> Ivana Dulić Marković, Vice-President of G 17+, also strongly criticized the Democratic Party. She stated that by insisting on the change of electoral rules, the Democratic Party attempts to adjust the electoral system to its needs, which represents political abuse. According to her, it is especially unacceptable to change electoral rules in the electoral year.<sup>592</sup> In the opinion of Srđan Šajn, President of the Roma Party, the idea to guarantee seats in the parliament to .....

apparent political correctness of the proposition by DS and AVH conceals narrow party interests to secure the continuity of ruling through minorities. Since mandates of the minorities are obtained through the proportional system, SRS or LSDV wouldn't be able to count on participating in the distribution of all 60, but rather only 48 mandates. DS would compensate for its loss by mandates of the minorities.

588 Andraš Agošton, President of DPVH, asked Ištvan Pastor to call a meeting of Hungarian parties because of the proposed change of electoral rules. In his opinion, the proposed electoral model is dictated from Belgrade, and it is detrimental to Hungarian parties, because it diminishes their political significance. *Građanski list*, 13. 6. 2007.

589 *Dnevnik*, 22. 5. 2007. Velibor Radusinović, Lončar's party colleague, labeled the proposition for the change of electoral rules as awkward: “This phenomenon was characteristic for Milošević's regime, namely setting electoral rules so that I can win”. *Dnevnik*, 19. 6. 2007.

590 *Ibid.*

591 *Ibid.*

592 *Dnevnik*, 11. 7. 2007.



minorities is a good one, but according to him, Roma should get two seats. However, he stressed that he was against “the idea that anyone is given the right to vote twice – once for the minority list, and once for the party list – because that would be a double voting right. That would not be fair, because it would represent a discrimination of the majority”.<sup>593</sup> The proposal to entrust national councils with the preparation of voter registration list was also met with criticism. Marko Blagojević, Program Director of CESID, stated: “I can not see how can the creation of a segregative voter registration list in a modern world be useful... What will be the criteria for deciding whether someone is a member of a national minority or not? This can not be done in a proper way”.<sup>594</sup> Slobodan AntoniĆ, a political analyst, assessed the idea that national councils prepare voter registration lists to be in opposition to the Republic legislation which prescribes the existence of a single voter registration list.<sup>595</sup>

Pointing out that the criteria for establishing guaranteed mandates were set in a completely arbitrary manner, Miroslav Samardžić, a political scientist, stated his opinion that the proposal by DP and AVH could be considered as positive discrimination, but would have to be applied only to minorities that are in a particularly unfavorable position and can not have their own representatives due to a small number of their members. He believes that measures of special protection are not necessary for Hungarians, who constitute approximately 14 percent of the population of Vojvodina. These measures, after all, can be introduced only by the Republic. Samardžić also raised the question whether the province can manage voter registrations lists and extend the jurisdictions of national councils without the consent of the Republic. Furthermore, he did not fail to mention the political risks deriving from proposed changes of electoral rules. “Protected” representatives of national minorities, who are elected by a small number of votes, could become the decisive factor for the Assembly Majority, which might lead to an escalation of ethnical tensions. In his opinion, if the changes are accepted, it would mean that the AVH will remain

593 *Dnevnik*, 17. 7. 2007.

594 *Građanski list*, 21. 7. 2007.

595 *Dnevnik*, 22. 6. 2007.

forever in power in Vojvodina, which would force Serbian nationalistic parties into a position of a hopeless minority. This would subsequently make them attempt, striving to improve their position, to persuade Serbs that they are discriminated.<sup>596</sup>

Disputes about the changes of electoral rules, which lasted for months, were finally ended when the key advocates of changes gave up their proposals.<sup>597</sup> The Alliance of Vojvodina Hungarians declared that it was more acceptable for them to abandon the introduction of guaranteed mandates, than to fail to use that right because of the lack of time for its realization.<sup>598</sup> Dušan Elezović from the Democratic Party, stated that, after hearing the standpoint of the Alliance, the Democratic Party had no other option but to abandon the proposed changes as well.<sup>599</sup> According to Ana Tomanova – Makanova, President of the Slovak National Council, changes of the electoral rules should not have been abandoned. She stressed that the Regional Council for National Minorities supported the changes of electoral rules, but that no one informed or consulted the national councils on their withdrawal.

596 Samardžić's comment was published on the web site of the New Serbian Political Thought. He believes that "the best solution is a purely proportional system with Vojvodina as a single electoral unit and a natural threshold for minorities. In that case it would not be necessary to make special voter registration lists... Such a system enables minorities that are a little more numerous to be represented in the Assembly of Vojvodina, and every member of minority can decide him/herself whether to vote for his/her national party or another party of the wider society. The best solutions are those that offer several options and enable an autonomous decision of the individual".

597 The Regional Committee on Refugee Assistance in Vojvodina asked the President of the Assembly and the Provincial government to secure guaranteed places for refugees and displaced persons from Bosnia and Herzegovina, Croatia and Kosovo in the same way as it was done for the national minorities, *Građanski list*, 21. 5. 2007.

598 *Dnevnik*, 21. 8. 2007.

599 *Dnevnik*, 4. 9. 2007.

## Conclusions and recommendations:

Problems related to the realization of rights and to the position of national minorities should be viewed in the context of two broader problems: Kosovo and European Integrations. The insistence, that all political activities be subordinated to the preservation of Kosovo, lead, as far as minorities are concerned, towards a prolongation of the state of “lawlessness”. The disregard for the requests to legally settle the question of the election of national councils, which has been going on for years, is taking the form of a predetermined and cynical (anti) minority policy. The concern is intensified by the fact that a structure for releasing chauvinism exists in the society, and that the government tolerates the existence of formal and informal organizations, like the National Squad (*Nacionalni stroj*), Racionalists (*Racionalisti*), Cheek (*Obraz*), Division Blood and Honor (*Divizija krv i čast*) and others. In the situation where a part of the government uses Kosovo to open the door to political autocracy, the calling upon the Constitution and acquired minority rights loses importance.

- Energetically continue the ongoing process of European integrations
- Transform the support given by the minorities to this process into a comprehensive and coherent minority policy
- Continue the process of development of minority legislative by passing laws on national councils and other legal provisions
- Reexamine the policy of privatization of media that report in minority languages
- Increase the monitoring of European institutions regarding the respect of human and minority rights in Serbia and Vojvodina



XII

Serbia and  
The Hague  
Tribunal



# The Strategy of Undermining ICTY

After the death of Slobodan Milošević (2005) and notably after the Bosnia-related judgment of the International Court of Justice (24 February 2007) the Serb authorities seemed to have totally lost interest in the work of the Hague Tribunal. Although the aforementioned judgment established Serbia's responsibility for non-prevention of genocide in Bosnia, that judgment amnestied Serbia from involvement in the Bosnian war. Despite serious implications of that judgment for the state of Serbia, the Serb government simply –snubbed it. The Serb officials in 2007 kept reiterating their well-known “mantra”, namely that Serbia was doing its best to complete co-operation with the ICTY, that it is in the state's interest to send all the war crimes indictees to the Hague, and that there is resolve and political will to meet that both domestic and international commitment. However, in 2007 co-operation with the Hague was nearly stalled. To all the reports and remarks of Carla del Ponte during her visits to Belgrade cabinets of President and Prime Minister of Serbia responded by communicating that the state bodies and institutions were doing their utmost to locate and arrest the remaining fugitives from the Hague justice. By the end of her mandate Carla del Ponte expected “positive results”, notably and above all the hand-over of Ratko Mladić. In her farewell visit to Belgrade she stated that she was leaving her post as a “disappointed prosecutor,” notably because Ratko Mladić was still not in The Hague dock.

The last three years of her mandate were characterized by her media war with Belgrade. She kept reiterating that she was “sure” that Ratko Mladić was hiding in Serbia, while Radovan Karadžić was hiding somewhere in the region. She also underlined that her duty, as the ICTY prosecutor, was to ask Serbia to do its utmost to arrest the last four ICTY indictees, regardless of whereabouts of their hiding places. Such assertions of hers were interpreted by Belgrade as “a method of pressure,” and not as a result of accurate information. Her assessments of Belgrade's under-cooperation

were snubbed, and her urging that the EU postpones signing of the Stabilization and Association Agreement with Serbia until the full co-operation with the ICTY is attained, was harshly criticized as “the ICTY’s continual placing of demands and conditions.” It turned out that her demands were in fact all grist to the mill of Prime Minister Vojislav Koštunica, who used them as an argument against the EU. The foregoing also helped him cover up for a long time his own responsibility for Serbia’s distancing from the EU.

When in late May 2007 Zdravko Tolimir, retired general of the Army of Republika Srpska, indicted as the main accomplice of Ratko Mladić in Srebrenica massacre, and considered the head of the gang engaged in hiding Ratko Mladić, was arrested (in the territory of Republika Srpska, and later transferred to Belgrade), many thought that the said success was a prelude to the arrest of Mladić proper. But as the year wore on the ICTY only received from Belgrade officials the age-old “promises” to the effect that “concerted efforts are being made to locate that fugitive from the Hague justice...but to no avail...to date.” But the fact is that in the course of 2007 two indictees were handed-over to the Hague Tribunal (one of whom was arrested in Montenegro.) However, four indictees are still at large. In the territory of Montenegro was arrested the retired general of the Serb police Vlastimir Đorđević, indicted for war crimes against Kosovo Albanians in 1999. In order to achieve a “full” co-operation with the ICTY Serbia must still hand-over the four indictees: Goran Hadžić, Stojan Župljanin, Ratko Mladić and Radovan Karadžić.

## Media image of the Hague Tribunal

Despite of lack of co-operation, the Serb media regularly and on several levels covered the ICTY activities. On the first level the media followed the total co-operation between Serbia and the Hague Tribunal, on the second level, they treated individual cases, and on the third level they dealt with the Chief Prosecutor, Carla del Ponte and expiry of her mandate in late 2007.



The media were not interested in the trials, barring those of Haradinaj and Šešelj. However those trials were “covered” by straightforward agency news.

Coverage of the total co-operation with the ICTY ranged from permanent warnings and reminders by some media that a successful completion of that co-operation was both a string attached to Serbia’s accession to the EU and its commitment to itself, to the criticism of the Hague Tribunal because of “its continual making of new demands and conditions”, “political character” and “anti-Serb character.”

And finally there was an extensive and biased coverage of rather unpopular, Carla del Ponte. She was always portrayed in the negative light, and frequently in a tasteless manner. At play were obviously attempts to depict her as a “Serb hater” stubbornly bent on placing the Serbs behind the Sheveningen bars, at any cost. The chief prosecutor was so much present in the media, that most newspapers simply called her “Carla”.

## Media coverage of co-operation with the Tribunal

Coverage of the co-operation with the Hague Tribunal usually increased on the eve of Carla del Ponte’s visits to Belgrade or disclosure of her reports, on which hinged Belgrade’s inching towards the European integrations. Outside of that context, no newspaper dealt with the issue of war crimes and war criminals. Added to that her “strings-attached” stance, was all grist to the mill of anti-EU Prime Minister Koštunica. Hence her statements were oft used to step up the anti-EU mood in the society. By extension in the focus of the total media picture of the ICTY was the fact that on the hand-over of Ratko Mladić hinged the EU prospects of Serbia. Ratko Mladić was mentioned by the media exclusively in the context of effected or about- to-be-effected searches for him. When the technical negotiations on the Stabilization and Association Agreement with the EU were fine-tuned on the 10<sup>th</sup> of September, the majority of media warned

that the Agreement's signing depended on the co-operation with the ICTY: "Carla holds the key" (*Novosti*), "Mladić still the ticket for Europe" (*Glas*), "Olli Renn waits for the appraisal of Carla del Ponte" (*Politika*).

The media took an active part in simulation of the state's co-operation with the Hague Tribunal. Every negative report of Carla del Ponte and expectations of the Prosecution that concrete actions would be taken "after the end of the annual holidays," were accompanied by statements of local, competent officials to the extent that "the Serb Prosecution is ready to act immediately." For example the Serb Justice Minister Dušan Petrović and the War Crimes Prosecutor, Vladimir Vukčević, were always quoted as stating their satisfaction with their performance and readiness of Belgrade to take over the cases from the Hague Tribunal after its closure.<sup>600</sup> Also quoted were the statements of the police officials: Aleksandar Kostić, head of Service for Uncovering War Crimes in his interview to daily *Danas* mentioned several searches for the Hague indictees, criteria of work of his services and the damage incurred by the state because of those still on the run.<sup>601</sup>

What the media emphasized in their coverage of del Ponte's visits to Belgrade was that on her report hinged the future of Belgrade's moving forward vis a vis the EU accession process. In announcing her September 2007 visit to Belgrade, *Glas* ran the article headlined "Carla shall take to task Tadić and Koštunica." *Novosti*, a day later informed on the Belgrade talks of the Hague prosecutor by running the article "Carla is again satisfied", while *Blic* "learnt" that del Ponte asked her hosts some very "unpleasant questions" about absence of co-operation in the previous three months. *Danas* reported that the meetings were held in "an OK mood", and that the main topic was- Ratko Mladić.

The local media very negatively responded to Carla del Ponte's recommendation to Brussels that Serbia first had to meet the ICTY conditions. It was moreover interpreted as "a recommendation welcomed by Brussels, for it enabled the EU to further freeze Belgrade's access to the EU...the official Brussels yesterday was quick to disappoint all those who

600 *Glas javnosti*, 14 September 2007.

601 *Danas*, 20 September 2007.

encouraged by the Slovenian Prime Minister Janez Jansa's words, had hoped that we would be provided with a short cut to the candidacy for the EU...thus the European Commissioner for Expansion, Olli Ren "appeased" Carla del Ponte."<sup>602</sup> Carla del Ponte's report was carried by all the media, for its contributed to the non-signing of the Stabilization and Association Agreement.

The media commented the postponement of the signing by a bombastic headline "Serbia a hostage to the fugitives from the Hague justice", and by stating that "instead of the expected signature on the Stabilization and Association Agreement, the EU Council of Ministers put the pertinent papers in the drawer, and thus put Serbia on hold until the late October, when Carla del Ponte plans to visit Belgrade anew." *Politika*, under the headline, "Belgrade surprised by Del Ponte's visit" carried responses of some politicians to the Hague Prosecutor report. Most politicians were of opinion that the Brussels' decision to defer the signing of agreement with Belgrade was bad news.<sup>603</sup>

Frequent Carla del Ponte's visits to Belgrade (25 October) before the end of her tenure attracted much media attention. They announced that visit as a 're-appraisal of co-operation with the Hague Tribunal.' (*Blic*). As there was the talks black-out, the media had to rely on communiques and their "outside sources." Daily *Danas* on its front-page carried the statement of Carla del Ponte to the effect that she did not want to be a hurdle on Serbia's pathway to the EU. During that visit *Blic* carried the article "There is good-will, but actions are wanted," while *Novosti* carried an interview with the President of the National Council for Co-operation with the ICTY, Rasim Ljajić, who, inter alia, stated that Carla del Ponte did not trust the Serb politicians.

This was the message of daily *Glas* to Carla del Ponte on the eve of her visit "First arrest Mladić, and then Serbia can sign the EU agreement," while *Politika* reported that "Serbia is resolved to wrap up co-operation with the Tribunal." In a special text "Good-bye Carla" daily *Politika* alleged that it was probably the last del Ponte visit to Belgrade and carried her words on Serbia

602 *Glas javnosti*, 2 October 2007.

603 *Politika*, 17 October 2007.

and EU integrations-uttered during a Belgrade seminar- as well as her hope to see Mladić in the Hague dock at the end of the year.

Media coverage of her visits clearly indicated that Mladić would not be arrested, by the end of her mandate, and that Belgrade 'gloated over' its successful co-operation with the prosecutor. Many media used the end of her tenure to make a check-and-balance of that institution. Thus weekly *NIN* in the text headlined "Good-byes are said in the Hague" presented that institution in a totally negative context and light, as a court whose intention was not only to try, but rather to "write history and have a monopoly over the law and justice" (...) As the funds are drying up, so the moral and professional bankruptcy of the institution pompously called 15 years ago the International Criminal Tribunal for Former Yugoslavia is –surfacing (...) The gist of the Hague Tribunal failure is its combination of incredible arrogance, inability and hefty ambitions...the foregoing are characteristics of some individuals from the Prosecution bent on writing the history, and having the monopoly over the justice and law, instead of focusing on trials."<sup>604</sup>

The same-themed was *NIN*'s article on the "alleged war between the Hague prosecutors" ", which carried mutual accusations between the Prosecution spokeswoman Florence Hartmann and Geoffrey Nice (former prosecutor). Namely Mrs. Hartmann accused Geoffrey Nice of being ready to withdraw genocide and crimes against humanity charges against Slobodan Milošević, the allegation that Mr. Nice flatly denied. On the basis of excerpts from a radio broadcast (*Peščanik*) and Zagreb daily *Jutarnji list*, *NIN* "concocted: the following sub-heading "How Florence Hartmann and Carla del Ponte associated to declare war on Geoffrey Nice."<sup>605</sup> In *Jutarnji list*, Hartmann suggested "the connection between Geoffrey Nice and the British Foreign Office" and in detail quoted the cases in which Mr. Nice asked that the gravest of all counts, the one related to genocide in Srebrenica and Sarajevo, be dropped against Milošević." Geoffrey Nice thus responded to her accusations: "Citations of statements made in Mrs. Hartmann book are inaccurate, ungrounded and unchecked...they seem to

604 *NIN*, 4 October 2007.

605 *Ibid.*

have only one purpose, namely to protect the position of Mrs. Del Ponte, in line with the principle “attack is the best defense.” All topics identified in that book in fact pinpoint weak points of the rule of Mrs. Del Ponte, of which she is obviously very aware. By attacking the whole world, in order to defend the legacy of her boss, Mrs. Hartmann in fact opened the Pandora’s box of Mrs. Del Ponte proper, for the examples of her unprofessional conduct and unnecessary politization of the Prosecution should shortly fully see the light of the day.”<sup>606</sup>

This is what Sir Nice stated to the *Jutarnji list*: “My tack to the problem of the indictment in its Srebrenica and Sarajevo parts brought about the emergence of additional evidence. On the other hand, the very process of decision-making which I initiated, and for which I have full responsibility, unfolded in a democratic and transparent spirit, which coalesced a broad backing of the whole team to retain the two charges (Sarajevo and Srebrenica). And finally all that was recorded in minutes of meetings and written reports that I used to get from my collaborators. Mrs. Hartmann has not participated in any stage of that process, but it apparently does not prevent her from expressing strong and clear stances on the related topic and me. Mrs. Hartmann is neither an investigator nor a jurist. Her expertise stems from her journalistic work and the spokes woman position in the office of Mrs. Del Ponte (...) Therefore the UN administration should launch a probe into the aforementioned.”<sup>607</sup>

In order to “lay bare that conflict” Belgrade daily *Politika*, in a text titled “Auto-Destruction of the Hague Tribunal”, first reminds its readers of mutual accusations of Mrs. Hartmann and Sir Nice, and then concludes that “one gets the impression that the institution (Tribunal) is on its last legs...in which there is a certain degree of chaos.” The daily also noted that “perhaps the UN Secretary General, Ban Ki Moon, shall first have to deal with the situation in the ICTY, or at least in the Prosecution...prior to naming the successor of Carla del Ponte.” On the other hand, the other Belgrade daily, *Glas Javnosti*, in its text “The Hague Tribunal again distrusts Belgrade” notes the following: “At the end of her last visit Car-

606 *Jutarnji list*, 17 September 2007

607 *Ibid.*

la del Ponte was optimistic because of a basketful of promises she had been given...But Zoran Dragišić, for the Faculty for Security, stated that all promises of the Serb officials relating to the arrests of the Hague indictees were just tactical tricks, motivated by political reasons, that is by time-frames and deadlines closely connected to the road-map of Serbia's accession to the European Union."<sup>608</sup>

End of mandate of Carla del Ponte was seen as a good opportunity by many to get involved in the discussion on the performance and importance of the ICTY. In those terms Belgrade weekly *NIN* ran a lengthy commentary headlines "Nuclear bomb in the court-room." The lead-in covered opinions of the world experts on the Hague Tribunal, its impact on the international law, or on the notion of justice in general. In further text *NiN* dealt with "one of the much contested doctrines of responsibility before the international penal tribunals, the one of the joint criminal venture." This is what *NIN* had to say about that doctrine: "it still awaits the judgments and appraisals of the leading international legal experts. However even now many of them ask whether such international criminal trials may contribute to its proclaimed purpose-attainment or dispensation of universal justice and reconciliation between the peoples or they only serve as a proxy for history's judgment, the proxy fabricated to justify the past and future actions of the most powerful states in the world."<sup>609</sup>

In March 2007 the Helsinki Committee for Human Rights in Serbia organized the panel discussion titled "Legacy of Milošević's trial." That was one of the first discussions related to that topic and the one of the Hague Tribunal legacy. According to the ICTY chief prosecutor, Sir Geoffrey Nice, one of the participants in the panel discussion, the greatest value of the Milošević trial, is a contribution to the awareness that such events should not happen ever again. This is what Sir Nice said in that regard: "Trials before the Hague Tribunal are imperfect, but they leave in their wake vast material, both of documentary and testimonial nature, which, if the trial had not been put in place would have never come to light." Sir Nice added: "Film from Kula, as part of the crown evidence presented at the

608 *Glas javnosti*, 6 December 2007.

609 *NIN*, 13 December 2007.

Milošević trial, does not leave any doubt as to his full knowledge in 1991 of impending formation of the Red Berets. Similarly important in terms of undeniability of crimes, is the evidence, in the shape of a video recording, showing members of the paramilitary unit of Scorpios liquidating 6 Muslim youngsters from Srebrenica.”<sup>610</sup> Speaking about the ideological instrumentalization of the law in Serbia, in terms of “the vehicle used by all the authorities”, the second participant, lawyer, Srđa Popović, indicated the fact that good part of Serbia, had seen the Milošević trial as an injustice to “the hero...arrested thanks to the assistance of domestic traitors.” According to Popović even if the trial was finalized and the judgment handed down, that judgment would be interpreted in Serbia in two ways: part of the general public would treat it as inevitability, and the other part –as injustice. Historian Latinka Perović thought that the key issue was whether the Milošević trial was “the expression of a historical trend, or an exception from it.” She went on to note: “The impulse for a substantive facing up to the past must come from within the society, like it happened in Germany and France”. Sara Dareghshori, author of the Human Rights Watch report “Weighing up the evidence: lessons to be learnt from the judicial proceedings against Slobodan Milošević”, underscored the significance of that trial for the process of transition justice, whole Obrad Savić from the Belgrade Cricle centred on delineation between the law and justice.<sup>611</sup>

## Media coverage of Carla del Ponte

Coverage of the Chief ICTY Prosecutor was oft unprofessional, ill-intentioned, slanderous and-vulgar. Her professional and moral qualities were denied, and some media ridiculed even her female attributes and looks. After a prolonged outsmarting with the Serb officials by dint of the media, she felt disappointed in Belgrade and its intentions. Until the very last day of her tenure she was hopeful that Ratko Mladić would soon be in The

610 [www.helsinki.org.yu](http://www.helsinki.org.yu)

611 Ibid.

Hague dock. Her frustration grew as the circumstances started favouring Belgrade. For the sake of having Mladić in the Hague she even agreed to a deal that documents on the responsibility of the Serb/Yugoslav army in the Milošević case be blacked out and not handed over to the International Court of Justice, that is, to the Bosnian delegation.

The media campaign targeting Carla del Ponte was in fact a smear campaign, or the one of sheer demonization. When she told the Ljubljana-based *Dnevnik* that Serbia “does not either have the intelligence or culture to enter the EU,” one Belgrade tabloid a day later ran the text “Nasty Carla”, with her caricature (the caption read “horns suit her”) and photography. All that was accompanied with a statement of the Secretary General of the Radical Party, Aleksandar Vučić – “Hitler’s Nazis are small children when likened to del Ponte’s hate speech”- and by a statement of Democratic Party of Serbia official, Nebojša Bakarec that del Ponte’s statement “was stupid and in poor taste.”<sup>612</sup>

After the German magazine *Spiegel* ran del Ponte’s statement that she was 80% sure that by the end of the year Ratko Mladić would be arrested and handed over to the Tribunal, Belgrade tabloid *Press* carried her photo with the caption “Dream on!” and sub-heading “the Hague Tribunal and the Serb authorities have no information about Mladić, del Ponte’s statement reflects only her hope.” Tabloid *Sutra* in early December thus commented the Belgian jurist, Serge Bramerc, del Ponte’s successor, “they are poles apart...unlike her, he is not aggressive and inclined to blackmails.”

In late December *Glas* ran a three-installment feature on Carla del Ponte, uncovering some so far unknown details from her life. In the introduction it was alleged that “a controversial Swiss subjected her legal career to her private interests and interests of those whom she successfully defended, instead of prosecuting!” In a totally arbitrary text, no source was mentioned. The text strove to deny any professional and moral virtues of del Ponte. The allegation that the Hague prosecutor got her job from the former US head of diplomacy, Madeleine Allbright (“Serb hater”) during an airport meeting was underscored. In the conclusion it was stated that Carla del Ponte would be leaving her post in “a somber and angry

612 *Kurir*, 19 March 2007



mood” for she did not complete the task she had been entrusted her by Allbright.”<sup>613</sup>

Early December farewell visit of Carla del Ponte was commented in a rather malicious tone. Tabloid *Gazeta* ran the most vicious commentary “Carla says good-bye to Mladić”, in which it was underlined that she was ending her mandate “empty-handed” for there was no chance of Mladić and other indictees being in The Hague at the year-end. On the same page the tabloid ran a pamphlet headlined “In sex Del Ponte is better than Shakira”, and a day later was mentioned del Ponte’s plea to the EU not to sign the Stabilization and Association Agreement with Serbia until the surrender of Ratko Mladić in the text called “The Last Blow.”<sup>614</sup>

As the end of Carla del Ponte’s tenure approached, several dailies ran interviews with her. In those interviews she expressed her discontent and disappointment with the fact that Mladić was still at large.<sup>615</sup> In summing up her eight-year work for the ICTY, she told *Novosti*, that she was leaving the Hague in with a strong sense of disappointment, and added that “someone in Serbia obstructed the hunt for Mladić.”<sup>616</sup> She also gave a farewell interview to daily *Blic* in which she reiterated her assertions how Belgrade obstructed the arrest of Mladić. As regarded the tally of accused and convicted Serbs, Croats, and Muslims, the Hague Tribunal prosecutor stated that she did not believe in numerical apportionment of the blame and guilt, because she did not believe in relevance of ethnic descent of those convicted.<sup>617</sup>

Early February diplomatic initiative of Carla del Ponte aimed to convince the EU countries not to resume the Stabilization and Association negotiations with Serbia until the latter’s full completion of co-operation with the ICTY (including the arrest of Ratko Mladić), was commented in different ways by the Belgrade media. At the end of that three-week long initiative *Politika* ran the text in which it assessed del Ponte’s initiative as a

613 *Glas javnost*, 24 December, 2007

614 *Gazeta* 5 December, 2007

615 *Danas*, 17 December 2007.

616 *Večernje novosti*, 22 December 2007.

617 *Blic*, 25 December 2007.

failure, since she was instructed by the Belgian head of diplomacy to once again take a hard-line stance on Belgrade.

#### Media coverage of Karadžić and Mladić

Radovan Karadžić, the Hague indictee, was a non-existing person for the Serb media (it is widely thought that his case is under the jurisdiction of the Bosnian authorities,) but Belgrade tabloids tended to mention the indictment against him. When the local, Bosnian searches for him were sporadically mentioned, Belgrade media tended to encourage him not to surrender and to condemn his “persecutors.”

The case of Ratko Mladić was covered mostly in the context of European integrations, that is when statements of various officials to that effect that “search for him is going on”, “we don’t know exactly where he is” were carried by the media.

Much publicized was the 12 October 2007 info that the state of Serbia would pay 1 million Euros for any information about Mladić’s whereabouts (and 250,000 Euro on the moves of fugitives from the Hague justice, Stojan Župljanin and Goran Hadžić). The print media with an obvious amazement commented that information: “1 Million Euro for Ratko!” (*Kurir*), “One Million Euro for Mladić” (*Glas*), “Do you want to become a millionaire?!” (*Press*), “Serbia offers 1 million Euro for Mladić” (*Blic*), “Serbia gives one million Euro for Mladić’s head” (*Pravda*). *Pravda* accompanied that text with the statement of Luka Karadžić (Serbs shall not betray my brother Radovan) and Jovo Djogo (arrested because of alleged hiding of Mladić) who stated that the announcement of that reward was-shameful.

Tabloid *Kurir* in its text headlined “Head-Hunters”, asserted that Belgrade was flooded by foreign mercenaries, who were still at a loss whether to ask for millions of dollars from the Serb authorities, or five million dollars from the US, for any information about Ratko Mladić. Namely the US agency *Rewards for Justice* offered such a hefty reward for any information about Mladić in July 1995<sup>618</sup>. On its front-page *Politika* ran the text “Call 9191 to Denounce Ratko Mladić” in which it was stated that since the advertisement of the reward that number was dialed “by several citizens” who demanded additional explanations, like whether their iden-

618 *Kurir*, 14 October 2007.

tity would be protected, and the manner of payment of the reward. <sup>619</sup> And weekly *Svedok* in a lengthy text noted that “advertising of competitions and rewards to those ready to denounce former commander of the Republika Srpska Army anew became a mandatory topic for all hysterical internationalism- and EU-minded citizens and politicians and their media.”<sup>620</sup> Vladimir Vukčević, a special prosecutor for war crimes, then sent the following message to the general public: “Serbia is more important than Mladić...punishing of criminals is a noble job.”<sup>621</sup>

The entire media story about the arrest of Mladić assumed farsical features, and it was obvious that the hunt for him was stage-managed to partly satisfy Carla del Ponte’s demand. Even *Press* stated that “Serbs do not want to snitch Mladić”, an alleged that a month on since the announcement of 1 million dollars reward no results were obtained.<sup>622</sup>

Karadžić re-emerged in the media after Banja Luka “*Focus*” published a facsimile of the 1996 “secret agreement” according to which Karadžić made a deal with the then US diplomat Richard Holbrooke to withdraw from politics in exchange from being “exempted” from the ICTY prosecution. The print media, notably the local tabloids, tried to respond to that allegation (*Kurir* with the text “The US deal with Radovan”) and *Novosti* (“Is there any truth about Karadžić and Holbrooke agreement?”) by running the statement of Vladimir Nadadzin, the then head of cabinet of the Yugoslav Foreign Secretary to the effect that “the Holbrooke-Karadžić agreement is in the files of the Interior Ministry of Serbia.” Luka Karadžić, Radovan’s brother also confirmed the existence of that agreement. <sup>623</sup> Many TV programs were devoted to that topic, in terms that “the US has the jurisdiction over the arrest of Radovan Karadžić, since he was placed under its protection long time ago.”

The local media were also were interested in the contents of the book written by Florence Hartmann, former spokeswoman of the ICTY

619 *Politika*, 16 October 2007.

620 *Svedok*, 23 October 2007.

621 *Standard*, 26 October 2007.

622 *Press*, 8 November 2007.

623 *Kurir*, 22 March 2007.

prosecution office. But they were primarily interested in her confirmation of the existence of Holbrooke – Karadžić deal and her assertion that Richard Holbrooke was the chief architect of the strategy of Karadžić's withdrawal and of a "non-hand-over trade off." However the said book received much more media attention in Bosnia and Herzegovina. In Serbia the promotion of that book was even postponed.

*Politika's* comment of Florence Hartmann's assertions was the 21<sup>st</sup> September front-page article "Radovan's friend Richard", which included the facsimile of the agreement with signatures of Karadžić and Holbrooke and suggested the credibility of such an agreement. Belgrade daily also noted that the US have a long-standing tradition of such "unconventional" diplomatic operations, and that it was quite "possible" that Holbrooke offered Karadžić such a deal. *Politika* then went on to explain why such an offer could be made: a possible testimony of Karadžić about the background of the roles of the US, France, Great Britain, and Germany in the Bosnian war could harm "many former and incumbent politicians in the West."<sup>624</sup> Tabloids reminded of the 11<sup>th</sup> anniversary of withdrawal of Radovan Karadžić from all his official positions, by underscoring that he did that "in full respect of the agreement previously signed with Richard Holbrooke." Numerous interviews with Luka Karadžić, Radovan's brother ("Brother, don't even think about surrendering!") served to substantiate the authenticity of the aforementioned assertion.<sup>625</sup>

Many media "marked" the 12<sup>th</sup> anniversary of filing of indictment against Karadžić and Mladić, by running their photos under the headline "12 years of freedom". The accompanying article was choke-full of statements by some officials of the Serb Radical Party and the Socialist Party of Serbia to the effect that the Hague Tribunal "was a graveyard of our top military officers and statesmen". However, the statements of officials of the Democratic Party to the effect that the two indictees should be immediately arrested were also quoted. But DP officials also commented that "for the majority of citizens of Republika Srpska, Karadžić is a hero, and not a war criminal."

624 *Politika*, 21 September 2007.

625 *Pravda*, 19 July 2007.

In contrast to the majority of the print media, which routinely carried the info on the search of Karadžić's relatives house, for tabloid *Pravda* it was always an issue of great importance, which merited bombastic headlines, photos and statements of Luka Karadžić, Radovan's brother. When in mid-July the Montenegrin police detained close relatives of Radovan Karadžić, *Pravda* carried Luka Karadžić's criticism of the Montenegrin president Filip Vujanović and wondered whether "Vujanovic was counting all Karadžić family members on the order of Carla del Ponte."

On its front-page *Pravda* ran a lengthy article devoted to the Hague Tribunal indictees, headlined "Karadž Family Strikes Back." The article quoted Luka Karadžić's statement that he would file charges against Montenegrin police inspectors for harassing his family." In her regular *Pravda* column, Isidora Bjelića thus commented detention of some members of Karadžić family: "NGOs are not protesting against the persecution of that family...at one signal of Carla del Ponte, the terror campaign against that them was stepped up."<sup>626</sup>

All the print media carried the transcript of May 2004 talks between Carla del Ponte and Dragan Kalinić, president of the Republika Srpska parliament, from the Banja Luka based daily *Nezavisne novine*. In those talks the ICTY prosecutor confirmed that she was still trying to discover whether Holbrooke-Karadžić deal really existed. The media also carried del Ponte's statement that "Karadžić negotiated his surrender with the Hague Tribunal in 1999...but later opted out of such a possibility." Carla del Ponte in her talks with Kalinić allegedly expressed her doubt about intentions of some to kill Karadžić.<sup>627</sup> Numerous media ran nearly all the excerpts from del Ponte-Kalinić talks under the headline "Only Karadžić's body may arrive in the Hague"<sup>628</sup>, "He was under the threat of liquidation" and the sub-heading "Karadžić knew that he would be killed after his arrest by NATO or KFOR."

Part of short-hand notes/minutes was ran by *Pravda*, under the headline "SFOR ready for liquidation" and accompanied by the commentary

626 *Pravda*, 21-22 July 2007.

627 *Glas javnosti*, 2 October 2007.

628 *Politika*, 2 October 2007.

of Luka Karadžić that he was sure that his brother never wanted to surrender to the ICTY. That daily also carried a small-scale poll, in which all 7 interviewees answered affirmatively to the question “Is Radovan Karadžić alive?” In its continuing defence of Karadžić and campaign of attacking the Hague Tribunal, *Pravda* ran an interview, with its regular ‘contributor’, academic Kosta Čavošk under a banner-headline “Dirty Hands of the Hague Tribunal.” That article was motivated by the fact that Karadžić’s son was banned from entering Serbia. According to Čavoški that ban was a clear indication of “the most horrendous collapse of all civilized values.”<sup>629</sup> Much publicized was also the plea of Ljiljana Karadžić, wife of Radovan Karadžić, to the indictee to give himself up, as well as her statements concerning huge pressures piled on her and her family: “We live in hell<sup>630</sup> and we live in fear that we shall all end up in jail.”<sup>631</sup>

## Media coverage of Ramuš Haradinaj trial

Media followed with a great attention the start of the trial of Ramuš Haradinaj (5 March) former commander of Liberation Army of Kosovo and former Kosovo Prime Minister, who with his brothers-in-arms Idriz Baljaj and Ljaha Brahimaj was indicted for crimes against Serbs, Albanians, and Romany in Decani area, in the late-May –August 1998 period. There was a detailed coverage of all prosecution witnesses’ testimonies and the focus on information on harassment, intimidation and ultimately liquidation of those witnesses during the Hague legal proceedings. Media coverage of Haradinaj trial was more extensive than the one of the Vukovar threesome, which was due to the political context, notably the likelihood of Kosovo going independent. Through that case was created the media image of Albanians as a criminal community unable to build its own state. That stereotype fits into the general perception of Albanians.

<sup>629</sup> *Pravda*, 22-23 September 2007.

<sup>630</sup> *Večernje novosti*, 5 October 2007.

<sup>631</sup> *Nedeljni telegraf*, 24 October 2007.

Introductory remarks, by Carla del Ponte, and her branding of the KLA members as “gangsters in fatigues, with bloodied hands” were widely quoted, notably by tabloids. Stimulated by such qualification the print media then started their own labeling of Haradinaj, as a ‘murderer,’ ‘butcher,’ ‘criminal.’ It bears mentioning that such adjectives used by the Hague Tribunal prosecutor most certainly were a precedent. Such qualifications have never before been used in any other case dealt with by the ICTY. Thus they probably indicate a high level of frustration, poor preparation of Haradinaj trial, and lack of relevant evidence corroborating the indictment counts.

Belgrade dailies commented that trial by running the following headlines: *Politika*- “Del Ponte: Haradinaj is a gangster with bloodied hands”, *Novosti*: “A gangster with bloodied hands”. *Novosti* on the 18 th February 2007 carried Tanjug’s information that the Hague witness Beriša was killed in Podgorica, under the sub-heading “Beriša perished in a car accident”, On home pages the daily’s article commented that “a witness against Haradinaj was hushed up.” *Danas*, on its front page, carried the B92 news with a question mark “Haradinaj trial witness was killed.”

In early May *Novosti* disclosed an assertion, based on information from reliable ICTY sources, that at least 10 witnesses were killed, that is, that “all those who could and wanted to testify about the crimes of the Kosovo butcher, were liquidated.” *Novosti* also gave the names of all the killed potential witnesses, along with the remark that they all had been previously intimidated or blackmailed by money accumulated from a wide range of Haradinaj’s criminal activities.

In March *Novosti* ran a two-installment feature on Haradinaj. The first part headlined “Killer of Serbs!” included Haradinaj’s “criminal biography” since 1991 and mentioned that “Haradinaj himself boasted about his criminal dreams and feats.” The tabloid also ran a quotation from introduction to Haradinaj’s book “Stories about War and Freedom” or *Pre-nosi se i citat iz predgovora Haradinajeve knjige “Priče o ratu i slobodi,”* in which he admitted to having liquidated the Serb policemen and removing the disobedient Albanians.

A day later, *Novosti* carried the article “They put salt in the wounds”, illustrated by photos, along with the caption “Victims of butcher Ramuš Haradinaj found in the vicinity of his headquarters in Glodjane near Dečani”. The article stated that it was established on the basis of charges filed against him by the Serb authorities, that Haradinaj “personally killed 67 persons, ordered the killing of 267 persons and abducted 400 Serbs.” It is furthermore maintained that Haradinaj enjoyed the backing of the international community, which he was a protégé of the former UNMIK representative in Kosovo, Soren Jesen Petersen and that he was the only Hague indictee allowed to continue to engage in politics.

*Politika* carried a Tanjug’s article, quoted also by the Los Angeles Times: “Support which the former Kosovo Prime Minister enjoys among the UN and the US officials raises the question of impartiality of his trial, and the one of whether Serbs and Albanians can view the UN as a just middleman.” That article was headlined “Special treatment for Haradinaj”.<sup>632</sup> In mid-November *Politika* ran on its front-page the article “Liquidation of anti-Haradinaj witnesses”, in which it carried the Hague report that an Albanian from Kosovo, Sadri Selca was arrested because of his contempt of the court: “The third Kosmet Albanian, who in fear of a vendetta renounced to testify about the crimes of one of the leaders of the Kosovo Liberation Army, was accused of holding the court in contempt and taken to the Hague.”

Tabloid *Press*, after stating that Carla del Ponte was right to call Haradinaj “a gangster with bloodied hands,” accordingly bannered the headline “Haradinaj, a monster.” *Press* quoted that its journalist accessed Haradinaj’s Hague Tribunal file and thus got the confirmation that “Haradinaj committed most heinous and bestial crimes.” Further text is full of details of crimes listed in the indictment. Several days later, after quoting the indictment counts, in a special article, headlined “A gangster,” *Press* deals with criminal activities of Haradinja: “former Kosovo Prime Minister for years now has been engaged in arms, drugs, cigarettes, hard liquor trafficking, racketeering, blackmails and liquidations of both Serbs and Albanians.”

<sup>632</sup> *Politika*, 13 July 2007



## Media coverage of the “Vukovar three” trial

Acquittal of Miroslav Radić, captain of the former Yugoslav Peoples’ Army (originally indicted like Mile Mrkšić and Veselin Šljivančanin for crimes committed in Vukovar, Croatia), was commented as a “big surprise” by the Belgrade press, but also as “confirmation that the Hague Tribunal was prone to mistakes, for it originally charged an innocent man.”

Lenient “punishments” meted out in the case of the „*Vukovar Three*“ Mile Mrkšić, Veselin Šljivančanin and Miroslav Radić, indicted for the war crime committed in the farming estate Ovčara, near Vukovar, in 1991, caused a veritable uproar and resentment in Croatia, while they were approved and positively assessed by Belgrade.

Prosecution charged the “Troica” for shooting down over 250 Croat prisoners of war, taken from the Vukovar hospital. The trial chamber found Mrkšić guilty of assisting in and backing the killings, torture and cruel treatment of prisoners of war in the agricultural estate, Ovčara, near Vukovar, on 20 November 1991. In the trial chamber’s decision it was stated that although he knew that Territorial defence and paramilitary were a treat to prisoners of war held in Ovčara, Mrkšić nonetheless withdrew the military police guarding the prisoners, thus encouraging and in a way backing the members of the Serb territorial defence and paramilitaries to commit the said criminal offence. In the trial chamber judgment it was also underscored that in Ovčara were killed 194 identified persons, but that it was not proved that Mrkšić (60), Šljivančanin (54) and Radić (45) were members of a joint criminal venture, or that they had ordered to forces in Ovčara to commit the said crime. The trial chamber established that Šljivančanin did not have prerogatives or power over Territorial defence and paramilitaries, but that he only commanded the military police, which did not commit a single criminal offence from the indictment.

However, the trial chamber found that Šljivančanin spent some time in Ovčara, and was thus able to witness brutal treatment of prisoners of war at the hands of Territorial defense and paramilitaries, but failed to enforce any measure to prevent such a treatment, or to step up the protection of prisoners of war. According to the trial chamber that is why

Šljivančanin was found guilty of assisting in and abetting the torture of prisoners of war, and not guilty on all other counts of indictment. The trial chamber decided that Radić was not guilty on any count of indictment and that there was no evidence of Radić's presence in Ovčara, on 20 November 1991, or of his assistance to commission of criminal offences from the indictment. The trial chamber was of opinion that the prosecution failed to prove that Radić knew that soldiers under his command committed the crime in Ovčara.

Trial of "Vukovar three" began in October 2005. During the proceedings 88 witnesses were heard and over 800 pieces of evidence were presented. Indictment did not cover allegations on the attack on Vukovar, destruction of that city and crimes against civilians. Such a judgment <sup>633</sup>

633 Details of judgment as read by the trial chamber: Trial chamber of the International Criminal Tribunal today sentenced Mile Mrkšić and Veselin Šljivančanin, former officer of the Yugoslav Peoples' Army (YPA), to twenty and five years in prison, respectively, because of their role in killings in Ovčara. The third accused, was acquitted on all counts of indictment. Mrkšić was found guilty for assisting and backing the criminal offences of killing, torture and cruel treatment of 194 non-Serb prisoners taken from the Vukovar hospital after the Croat town in November 1991 was overran by the Yugoslav People's Army and the Serb paramilitary forces. Šljivančanin was found guilty of assisting in and abetting the torture of prisoners of war in question. At the time of the commission of crime, Mrkšić was the YPA colonel and commander of all the Serb forces, including the Yugoslav People's Army, Territorial defense and paramilitary forces in the area of Vukovar. Radić was the Yugoslav People's Army captain and commander of an infantry squad within the framework of the 1<sup>st</sup> battalion of the 1<sup>st</sup> guard motorized brigade. Šljivančanin was the YPA major at the time covered by the indictment and head of security of the guard motorized brigade and of the operational group South. According to the indictment, on 20 November 1991, after the end of a brutal siege of Vukovar-initiated in August 1991-Yugoslav Peoples' Army soldiers and the Serb paramilitary forces under command of Mrkšić, Radić and Šljivančanin, took from the Vukovar hospital about 260 non-Serbs, transferred them to a building in the agricultural estate Ovčara, and then beat them up, tortured and finally killed them. Accused were charged with crimes against humanity and war crimes on grounds of their alleged involvement in the joint criminal venture which aimed to maltreat and kill prisoners, and on

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grounds of their personal and chain of command responsibility for torture and killings. Trial chamber established on the basis of forensic evidence from the Ovčara mass grave and later conducted autopsies the identity of 194 non-Serb victims, whose names are listed in the indictment. Trial chamber underscored that its findings don't exclude that over 200 persons, of whom 194 were identified, died in Ovčara on the aforementioned day. Trial chamber dropped all the charges relating to crimes against humanity, and concluded that the persons killed by the Serb forces in Ovčara "were singled out either because they were known as or suspected of being members of the Croat forces in Vukovar. The Serb forces which maltreated and killed those victims were perfectly aware of the fact that they were prisoners of war and not civilians. "As regards the suspected existence of the joint criminal venture, the trial chamber concluded the lack of direct corroborating evidence in that respect. Thus the judgment reads "according to the Chamber's conclusion the evidence does not corroborate that the three indictees, or any of them participated in any joint criminal venture with the aim of committing criminal offences quoted in the indictment. "Trial chamber established that the perpetrators of beating up, torture and killing were members of forces of the Serb territorial defence, many of whom were Vukovar Greater Area locals, led by Miroslav Vujović, and the Serb paramilitary forces. Killings, torture and beatings-up were not ordered by Mrkšić or Šljivančanin. Mile Mrkšić was found guilty for assisting in and abetting the killings, for having withdrawn the YPA forces guarding the prisoners of wars, under an alleged pressure of the local Serb authorities and in the face of threat from Territorial defence members and paramilitary forces in Ovčara. The aforementioned YPA withdrawal allowed the Territorial defence members and paramilitary forces to perpetuate the crime, that is kill the prisoners of war. The YPA forces under his command had previously created inhumane imprisonment conditions, and Mrkšić moreover failed to order the YPA guards to adequately protect the prisoner from torture at the hands of the Serb territorial defence and paramilitary forces. Veselin Šljivančanin was found guilty for assisting in and abetting the torture and not providing adequate YPA guards in Ovčara as well as for failing to ensure that the YPA guards under his control take adequate measures to prevent the Territorial defence members and paramilitary forces from beating up the prisoners of war. The presented evidence indicated that Miroslav Radić was in the Vukovar hospital on 19<sup>th</sup> November 1991 and that the YPA soldiers under his command initially protected and guarded that hospital. Furthermore it was established that Miroslav Radić was present in the hospital's compound

provoked sharp responses by the Croat public opinion. Thus Prime Minister of Croatia Ivo Sanader stated: "I want to say that in my mind this is the defeat of the idea of the ICTY." Sanader also underscored that the Republic of Croatia was a member of the United Nations, which founded the Hague Tribunal. Therefore, according to Sanader the Republic of Croatia would file a strong protest to the UN Security Council. Sanader said that he expected that "the Prosecution would file an appeal, if it wanted to be consistent."<sup>634</sup> Clint Williamson, the US ambassador for the war crimes, stated that he had "understanding for a deep frustration and disappointment over the judgment felt by those who had survived the Vukovar terror and families of the Vukovar victims." And Peter Galbraith, the former US ambassador to Croatia stated the he could not understand how someone could be sentenced to only 5 years in prison for the murder of over 200 people."

Official reactions in Belgrade were very cynical. Thus Rasim Ljajic, Head of the National Council for Co-operation with the Hague Tribunal, stated that reactions in Croatia to the sentencing of the Vukovar threesome "may only give rise to some very negative emotions, and that is precisely the development which we don't need now." He added: "Any comments, notably those from Croatia, would not be wise. Even I refrained from making any comment, though I could say many things about the ICTY judgments to

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in the morning hours of 20 November 1991, but that he did not take part in division of prisoners into groups which took place in front of the hospital. Trial chamber furthermore concluded that the prosecution did not establish whether Miroslav Radić knew or had reasons to know that soldiers under his command committed crimes in Ovčara. Trial Chamber ordered his immediate release. Original indictment against Mrkšić, Šljivančanin and Radić was issued on 7 November 1995. Mrkšić was in the ICTY's detention unit since 15 May 2002, while Šljivančanin was transferred there on 1 July 2003. The time which both indictees spent in the detention unit shall be deduced from their total prison term. President of the trial chamber, judge Parker ordered an immediate release of Miroslav Radić. Source: ICTY, the Hague, 27 September 2007.

634 Source: <http://dnevnik.hr/vijesti/hrvatska/hrvatska-ce-uloziti-prosvjed-vijecu-sigurnosti.html>

date.”<sup>635</sup> Tinged with cynicism was also the statement of Tibor Varadi, legal councillor of Serbia before the International Court of Justice: “Such a lenient punishing of the Vukovar threesome shall drastically lessen Croatia’s chances of proving before that International Court of Justice that Serbia committed a genocide in Croatia during the early 90’s war.”<sup>636</sup>

Former US ambassador to Belgrade, William Montgomery in his weekly column in daily *Danasu* was very critical of the the Vukovar crimes-related judgment of the ICTY: “Instead of contributing to the reconciliation and bringing the feelings of justice to the region, the ICTY once again, unintentionally acted-otherwise.” Montgomery also maintained that 12 years after the war in Croatia, the ICTY practically kept alive that war in the memories of many “by either hunting for the remaining fugitives (as required by the EU and the US), Carla del Ponte visits to the region, trials and and now even with its verdicts.”<sup>637</sup>

The local media gloated. *Novosti* wrote about “the first Serb who defeated the Hague Tribunal” and summed up on the front page all trials against the Serbs conducted by the ICTY, including those against the indicted who in the meantime had died. That Belgrade daily also underscored the fact that the said judgment “casts new light on the nature of war in Croatia and all the early 90’s developments.”<sup>638</sup> *Press* also underlined that Radić was the first Serb to be acquitted by the ICTY, and described the cheerful mood at the Belgrade airport where Radić was welcomed “by a roaring applause, Serb flags and and cheers ‘Bravo, Bravo to the Serb man!’” In the subheading *Press* carried Radić’s statement that “there is no justice in the Hague Tribunal, but all should fight for it!”<sup>639</sup>

*Kurir* in its article “Injustice” noted that the judgment relating to the “Vukovar threesome” divided the Serb public opinion, while part of citizens maintained that it was the first, just judgment, the second part of

635 *Fokus*, 28 September 2007.

636 Radio Television Vojvodina, 1 October 2007.

637 *Danas*, 6-7 oktobar 2007.

638 *Večernje novosti*, 29 September 2007.

639 *Press*, 29 September 2007.

citizens thought it was a political decision made to “curry favour with the Serbs in this first stage of Kosovo status-related negotiations.”<sup>640</sup>

All the media carried reports on the embittered and disappointed mood in Croatia in the wake of the said judgment. Belgrade dailies also noted that “the said judgment occasioned an incendiary debate in the Croat parliament.”

In covering those responses, Belgrade weekly *NIN* in its early October issue ran the text “Doctoring of truth.” In that article it was stated that for many denizens of Vukovar the Hague Tribunal “was a rallying point of vicious people, haters of Croatia.” That weekly also wrote that creators of public opinion in Croatia suggested that “the Hague news is shocking... our country is humiliated...there is no justice for our people...judges are benevolent snobs, and the prosecutors flegmatic amateurs. Croat politicians are consternated, flabbergasted and outraged.” The weekly thus draw the conclusion that Croatia understood that the Hague judgment was in fact the first settling of post-war accounts and the first interpretation of the war, and that in that process “the official Zagreb is currently on the loser’s side.”

*Politika* (8 October) on its front-page ran the text “False witnesses in the Hague Tribunal” in which it posed the following question: “Shall Serbia ever learn the names of those persons who resorted to perjury in the Hague in order to get the immunity or a new identity in the West.” In quoting the conclusions of the judgment relating to the “Vukovar three-somevukovarskoj trojci”, the daily alleged that some testimonies “were either intentionally false or only half-true.” *Politika* also noted that the ICTY now had a good opportunity to, for the first time in its history, try those who had resorted to open perjury. The Belgrade daily also posed the question how it was possible “that someone like Miroslav Radić could be indicted by the Hague Tribunal.”<sup>641</sup> In the same issue *Politika* ran the text headlined “Thirty against One”, which gave in detail the genesis of the Radić trial and excerpts from some testimonies of protected witnesses. In the sub-heading it was maintained that “a journalist from Serbia and a

640 *Kurir*, 29 September 2007.

641 *Politika*, 8 October 2007

doctor from Croatia were amongs the alleged eye-witnesses who in vain tried to convince the Hague judges that Miroslav Radić was in place in which he was not, and that he was responsible for the crimes which existence he totally ignored.”

## Smear campaign against Dragoljub Ojdanić

Dragoljub Ojdanić, once seen off as the Serb hero, and a long-time ICTY indictee for the persecution of Kosovo Albanians in 1999, was very badly treated by nearly all the media when during his brief release in July, after the news leak that his family was still using the residence intended for the Head of Chief of Staff of the Yugoslav Army (Ojdanic was ousted from that position sever years ago.) The follow-up was the Defence Secretary Dragan Sutanovac decision to ban all the Hague indictees from using the media. And that news resonated well among the media and the general public.

*Press* ran an article “Arrogant Ojdanić” with photos of residence (220 m2) and the flat owned by Ojdanić (330 kvadrata). It was noted that the family Ojdanić all the time lived cost-free, for the army paid for everything. *Novosti* also emphasized that Ojdanic family did not want to move from the residence to the recently purchased villa for “they were waiting for the state to repair the villa’s roof.” That daily also ran photos of both the residence and Ojdanic’s villa.

*Pravda* is one of the rare dailies which on the eve of Ojdanic’s brief stay in Belgrade (mid July), had a positive coverage of the Hague indictee. Belgrade daily carried an interview with his wife, “My Dragoljub shall win in the Hague too”, in which maintained that her husband devoted all his life to the army and homeland. She thus commented the Defense Minister’s request to them to move out from their residence: “ I am embittered... they should be ashamed of their behaviour...only I and children are in the residence.”

## Other fugitives from justice

There was an extensive media coverage first of the arrest in Montenegro (mid-June), and subsequent hand-over to the ICTY of the retired general of the Serb police, Vlastimir Đorđević, charged with war crimes committed in Kosovo in 1999. Prior to his arrest he had been hiding in Russia for several years. Few days later all the media carried the news that Đorđević declared himself not guilty in the court-room of the ICTY.

Trial of the former commander of the Bosniak army, Rasim Delic, indicted for Mujaheddin-led crimes against the Croat and Serb prisoner-of-wars and civilians in 1993 and 1995 in Central Bosnia also grabbed the media attention. Some dailies carried in details many harrowing testimonies. Large-circulation daily *Vecernje Novosti* (6 October) hyped those testimonies'accounts by headlining one article "They decapitated Serbs."

Media also covered the case of Zdravko Tolimir, retired general of the Army of Republika Srpska-apprehended in late May and handed-over to the Hague Tribunal on the 12<sup>th</sup> of July- but they were mostly interested in the place in which he was arrested, and not in the charges he faced (Tolimir is indicted as the principal accomplice of Ratko Mladić in the Srebrenica genocide, and the principal man in the gang which kept hiding Mladić). According to assertions of the Serb authorities, Tolimir was arrested in the territory of Republika Srpska, whose citizen he holds. But according to Tolimir's assertions he was arrested in Republika Srpska and then transferred to the Hague.



## Conclusions and recommendations:

Koštunica-led government by its turning to Russia renounced co-operation with the Hague Tribunal and thus stalled the process of Serbia's drawing closer to the EU. One of the strings attached to the signing of the Stabilization and Association Agreement is the very co-operation with the ICTY. That condition is used as the argument that the West is blackmailing Serbia and thus continually places hurdles on Serbia's pathway to the EU. By deftly using the media Vojislav Koštunica promoted his own anti-Western stands. After Russia's open backing of Serbia on the issue of Kosovo, Vojislav Koštunica fully demonstrated that co-operation with the ICTY, and consequently with the EU, was not his priority.

The media commercialized co-operation with the Hague Tribunal from its very start. Neither the authorities nor the EU representatives ever mentioned that the said co-operation should be also seen as acceptance of the value system necessary for Serbia's accession to the EU.

Even after the May 2008 elections and possible signing of the Association and Stabilization Agreement with the European Union, it is necessary to create a social climate propitious for the arrest of Ratko Mladić and other fugitives, not only for the sake of completion of co-operation with the ICTY, but also for the sake of getting across a clear message that thus a clear break with with Milošević era policy would be effected.

It is necessary to organize panel discussions, seminars et similar on the ICTY and its legacy, in order to create a necessary framework for understanding the events of the last two decades.



# The Scorpions Case: Denial of Genocide

The Case of *Škorpioni (Scorpions)* best illustrates how the Serb elite doctored the memory of war developments in Bosnia and Herzegovina in 1992-1995 period. Screening of the documentary film on killing of 6 Muslim youngsters in the Hague Tribunal courtroom is probably the most drastic example of the process of facing (shock therapy)<sup>642</sup> up to the crimes committed against Bosniaks. But, in parallel the position of the Serb elite on the case of *Škorpioni* amply illustrates how that elite doctors a recent past, that is, relativizes responsibility for the committed crime. That doctoring is best reflected in the oft repeated, official assertions that “crimes were committed by all the warring factions and sides in the civil war”, and „it is a well-known fact that civil wars were always impassioned in a pathological way, for hatreds at close quarters- are horrible.“<sup>643</sup> To prove its aforementioned thesis the Serb side erected a monument to the Serb victims in Bratunac<sup>644</sup>, a locality close to Srebrenica. In fact the Serb politicians tried to effect a symmetry in order to diminish the sense of responsibility for the Srebrenica crime. However, for the Serb elite Srebrenica is additionally traumatic as the Srebrenica genocide was first proved before the Hague Tribunal for Former Yugoslavia, and then confirmed by the International Court of Justice. Thus the example of Srebrenica best reflects the denial of genocide by the Serb nationalists<sup>645</sup>. They additionally tried to implant in the ethno-centric memory of population at large the idea

642 That shock therapy failed because the Serb elite denied the involvement of Serbia in that crime.

643 Danko Popović, writer (Book about Milutin), *Ogledalo*, 14 November 2007.

644 Bratunac crime took place in 1993. On the Christian Orthodox Christmas in 1993 the Serb village of Kravice was attacked by the Bosnian army. The toll was 35 villagers killed (of whom 11 were civilians) and 36 wounded. (Data of the Sarajevo-based Research-Documentary Centre)

645 It is obvious that the Serb elite is vexed by the fact that it is increasingly difficult to deny the Srebrenica genocide before the international public opinion.

that “independent” criminals were accountable for the Srebrenica crime. Immediately after the aforementioned screening in the Hague Tribunal, the Serb authorities kicked off the trial of “independent criminals” and managed to a large extent to trivialize their crime in the minds of most of its citizens. In actual fact the Serb side tried to morph the Srebrenica genocide into an-ordinary war crime. The day of the Serb memory -12 of July, was invented as a counterpart for the Bosnian Day of Memory-11 of July. The Serb political class does not deny the Srebrenica crime, but relativizes it and reduces the number of victims to 3,000. Added to that almost every public figure in Serbia, notably nearly all politicians, if someone mentions Srebrenica, immediately starts recalling the Serb victims in Bratunac.

*Škorpioni* unit was founded at the very outset of war in the former Yugoslavia (SFRY). Namely in the early stages of the war in Croatia a large number of (para)military formations was founded. They were all under control of the Serb Interior Ministry, or the Yugoslav People’s Army. *Škorpioni* unit was formed in fall of 1991 thanks to assistance of Željko Ražnjatović – Arkan and Radovan Stojčić – Badža (at the time a high official of the Serb Interior Ministry), in Erdut, a rallying centre of all the Serb armies during wars in former SFRY. Leaders of the *Škorpioni* unit were the two brothers, Slobodan Medić – Boca and Aleksandar. Slobodan Medić was promoted to the rank of the unit commander, while his brother was named his deputy. As regards the manner of formation of *Škorpioni* unit, Slobodan Medić, at the main hearing during the trial for killing of 6 Bosniaks in Srebrenica in 1995, stated the following: “*Škorpioni* unit was founded as early as in 1991, as part of the Army of Yugoslavia, as a regular unit, and it operated in the area of Bosnia and Herzegovina. After the completion of war operations in Bosnia and Croatia, that unit was withdrawn to Serbia. However, the man power, that is the unit’s nucleus was preserved, as the rules implied, and as we were instructed, to enable us to re-introduce our people to normal life.”<sup>646</sup>

In 1991-1995 period, until the signing of the Erdut Agreement in November 1995, the war path of *Škorpioni* was mostly characterized by trafficking in oakwood and crude oil and gasoline, though in that kind of

646 *Vreme, Scorpio Sting*, 25 December 2003

“activity” in Croatia members of volunteer guard of Željko Ražnatović Arkan were favored or rather-privileged. It bears saying that the Škorpioni unit got rich by providing “security services” to the Oil Industry of Krajina, and “trading” in valuable Oakwood. “Ancillary activity” of that unit was a massive pillage of “liberated” territories in the Republic of Croatia. In 1992 the unit was formally incorporated into the Armed Forces of Republika Srpska Krajina. Then they got new uniforms and emblem: yellow scorpions on a black backdrop.

In that period members of Škorpioni unit had ID cards of the State Security Services. Those IDs, valid for up to six months, were issued to all members of Škorpioni by the aforementioned services.<sup>647</sup>

The end of war for the *Škorpioni* unit meant the end of their profit making, and withdrawal to Serbia. However, because of its war merits the unit, at the end of the war in Croatia, in 1995, was accorded a special status. Namely in line with the Interior Ministry of Serbia decision, Škorpioni unit was incorporated as a reserve unit into the Special Anti-Terrorist Formation of the Interior Ministry of Serbia. Thus the state of Serbia formally recognized that unit as part of its system.

However, the plunder of resources in Croatia, and trafficking in crude oil, gasoline, stolen cars, Oakwood and other war booty, tarnished even more the “reputation” of that unit. The said formation, which during its “career” was guided exclusively by the state of Serbia, became “famous” after the two events: the killing of six Bosniaks in 1995 in Srebrenica, and the killing of 19 Kosovo Albanians, mostly women and children in March 1999, in Kosovo, during operations of an active formation of Special Anti-Terrorist Units.

## *Škorpioni* and Srebrenica

During the trial of Slobodan Milošević before the ICTY, in June 2005 the Serb TV aired a video recording, which caused a short-lived, but, still a veritable shock in the media-blocked Serbia, and caused the first episode

<sup>647</sup> *Ibid.*

of facing up to the reality of 1995 Srebrenica genocide. Namely the video recording clearly showed the execution of 6 Bosniaks (three of whom were underage) on the slopes of mountain, Jahorina, in the vicinity of village Trnovo, in Bosnia and Herzegovina. Srebrenica locals, Azimir Alispahić (17), Safet Fejzić (17), Sidik Salkić (36), Smail Ibrahimović (35), Juso Delić (16) i Dino Salihović (20) were then killed. A shocking footage of their execution prompted many politicians, public figures, and association of citizens, to publicly express their revolt and strongly condemn that atrocity. Only the Serb Prime Minister, Vojislav Koštunica kept mum. Čedomir Jovanović, President of the Liberal-Democratic Party thus commented the latter: „Koštunica’s failure to condemn that mass killing is totally in line with his continuing silence on atrocities committed in Sarajevo, Dubrovnik, Vukovar, Peć, Priština... Koštunica, we ask you who killed hundreds of thousands of innocent people?”<sup>648</sup>

After the airing of that video recording, the Serb state, in an out-of-character move swiftly responded by apprehending that very night the killers. <sup>649</sup> Their trial began in November 2005. The epilogue of the entire case was the judgment handed down in April 2007 by the war crimes trial chamber of the Belgrade District Court. Four members of the Škorpioni unit were found guilty and sentenced to a total of 58 years in prison, while one of the accused was acquitted. Slobodan and Branislav Medić each received a twenty-year jail sentence for the war crime of murder of 6 civilians. Petar Petrašević<sup>650</sup> was sentenced to 13 years in prison, while Aleksandar Medić received a 5-year jail sentence. Slobodan Davidović, seen on the footage, was arrested in Croatia and sentenced to 15 years in prison.

648 *Blic* “Koštunica Kept Mum”, 5 June 2005.

649 Serb government was in possession of the said film several months before its Hague screening. Therefore a swift locating and subsequent arrest of all members of Škorpioni unit was not surprising.

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## Rahman Morina Street no. 7

Crime in Rahman Morina street no. 7 happened on 28th March 1999, only four days before the NATO campaign against Serbia. On that day a special unit *Škorpioni*, part of the regular Special Anti-Terrorist Units of the Serb Interior Ministry, was sent to town. During the judicial proceedings the following was irrefutably confirmed: Commander of the unit, Slobodan Medić – Boca immediately went to a meeting in the town command centre, while he ordered his men to remain in the buses until his return; members of the unit disobeyed his order, and in smaller groups dispersed and started raiding the neighbouring houses, under the pretext of looking for accommodation; they also started plundering the shops, first searching the civilians whom they found in houses and encountered in the streets and then seizing their money and golden jewellery; after a group of *Škorpioni* members' had raided the house full of civilians in Rahman Morina street no.7, the gun barrage was heard, and later in that courtyard a pile of corpses was found; when shortly afterwards the unit's Commander Slobodan Medić – Boca appeared on the scene he ordered his soldiers to go back to the buses; the unit was immediately withdrawn to Serbia, and subsequently dismantled.

During the raid in Rahman Morina street no. 7 Saša Cvjetan and several other members of the unit *Škorpioni* killed the following members of family Bogujevci: Špeti (10), Špenda (13), Nora (15), Salida (39), Šefćeta (43) and Šehida (69).

Aljbion (2), Mimoza (4), Arber (7), Fitneta (36), Isma (69) Dafina Durići (69), and Fezdrija (21) and Nefisa Ljugaljiu (54) were also killed. Jehona (1), Genc (6), Ljirije (9), Fatos (13) and Saranda (14) Bogujevci were heavily wounded.

But in late May 1999, while the war still raged, the two members of *Škorpioni* unit, Dejan Demirović from Beška and Saša Cvjetan from Novi Sad were arrested. During the inquest Demirović stated that he was in the courtyard with several of his fellow-soldiers, that they held a group of civilians at a gunpoint, but when they heard gunfire they hid, fearing for their own lives. Cvjetan, on the other hand, stated, that they took out a group of

civilians, and after harassing and searching them, he heard Boca's brother, Dragan, nicknamed Gulja, the squad commander of Škorpioni, say that they should kill all of them. He went on to say: "And then I opened fire, as did Guljo and the youngster who had searched them. Other 6 or 7 men opened fire too. All those who were thus gunned down fell over each other, in a pile."<sup>651</sup>

However, because of the failure of the investigating magistrate Mijat Bajović from Prokuplje, who had interrogated both suspects, to assign a duty lawyer to Cvjetan, the latter's confession cum admission was declared as legally null and void. Due to inefficiency of Prokuplje court the proceedings were moved to a Belgrade court. The latter finally handed down the judgment, tantamount to sentencing Saša Cvjetan to twenty years in prison because of war crime against civilian population. That sentence became final in the course of 2007. Later there was another development in that case. Namely, on the 19th of October 2007 four former members of Škorpioni, suspected of having committed the said crime, were arrested in Sremska Mitrovica. Thus, judging by the words of the chief prosecutor for war crimes, Vučković: „the case of crimes in Rahman Morina streets was wrapped up.”<sup>652</sup>

## Škorpioni and the state of Serbia

### – relativization of the crime

The Serb general public did not show any particular interest in the unit *Škorpioni* until the airing of the video recording of execution of 6 Bosniaks in 2005. Before that broadcast the name of Škorpioni was most frequently linked only to the crime against Kosovo Albanians in Podujevo in 1999. But the broadcast of the crime-related footage suddenly acted as a spur to a debate on the involvement of the state of Serbia in ethnic-cleansing campaigns in Bosnia and in genocide in Srebrenica. But later a U turn was

<sup>651</sup> *Ibid.*

<sup>652</sup> [www.b92.net](http://www.b92.net)



effected. Namely the authorities, and nearly the whole top establishment in Belgrade in collusion with the judiciary first used that video recording and later a trial of *Škorpioni* to relativize both the crime and its involvement in the most heinous crime on the soil of Europe in the post-WWII period.

Immediately after the broadcast of aforementioned video recording, the genocide-themed session was held by the Serb parliament. The proposal of MPs Žarko Korać and Nataša Mičić that a declaration condemning all the crimes committed by the Serbs in Srebrenica be adopted<sup>653</sup> was rejected by a consensus of nearly all political parties in the Serb parliament. The response to that initiative was best summed up by the then parliamentary president, Predrag Marković: „This parliament is not competent to discuss a single event, and above all, an event which took place beyond the territory of our country.“<sup>654</sup> Though a large part of public opinion, as well as some politicians, political parties, public figures were outraged by what the video recording had shown, they also stiffly opposed the proposal of a group of MPs relating to a strong condemnation of crime in Srebrenica.

At this point it is important to clarify that the video recording of execution for the first time raised an issue of paramount importance both for Serbia and the region, and that issue is the involvement of the state of Serbia in the Srebrenica genocide. All the world power centres and the authorities and opposition should have timely and strongly piled pressure on the Serb elite to finally start tackling in a serious manner that issue. But, instead we faced no-pressure in that direction from the international prime movers and consequently the much-needed debate on war crimes and the state's accountability never materialized within the fold of the Serb society.

In fact the video recording also raised a taboo issue in Serbia, namely the issue of responsibility of the Serb Orthodox Church. In the early footage we can see the ritual of blessing of members of the *Škorpioni* unit, on the eve of their action. The video recording shows Father Gavriilo, head of

653 Declaration was made thanks to the assistance of a group of NGOs from Serbia.

654 *Večernje novosti* „All of them should be condemned“, 4 June 2005

monastery Privina Glava, blessing the unit members by uttering the following words: „Brothers, Turks have raised their ugly heads once again. They are bent on destroying the Serb sacred and holy institutions and monuments. Let God help his faithful army by providing it with the courage to prevail over the hostile people.“<sup>655</sup>

In order to thwart a serious discussion on the consequences of the broadcast, politicians and other national workers launched an entirely different discussion-the one on diverse features of the Srebrenica genocide. Thus the Interior Minister, Dragan Jočić engaged in a psycho-babble: „They were childish, they just wanted to show off“<sup>656</sup>. Milorad Vučelić, a high official of the Socialist Party of Serbia, touched on the issue of accountability: „They are trying to lay the blame on us, because of the 10th anniversary of Srebrenica and of an imminent start-up of negotiations on Kosovo status...because they are trying to create a mood propitious for the arrest of Ratko Mladić. That is why someone covered up this crime until now.“<sup>657</sup> A high official of the Serb Radical Party, Milorad Mirčić, for the sudden emergence of this video recording blamed some NGOs, and demanded that „a link between prostitution and human trafficking networks and Natasa Kandic, Director of the Humanitarian Law Fund, Sonja Biserko and Sonja Liht, be established.“<sup>658</sup> Acting President of the Serb Radical Party, Tomislav Nikolić, was emotionally hurt by the public discussion on the Serb crimes during the wars: „It hurts me that everyone in Serbia is talking about crimes committed by the Serbs, and no-one talks about crimes committed by the Muslims. Even if a Serb in RS committed a crime, I don't see what kind of sin is it for Serbia?“<sup>659</sup>. Secretary General of the Serb Radical Party, Aleksandar Vučić, stated that „the goal of the media campaign against the Serb people and state is an unobstructed arrest of Ratko Mladića and formal abolition of Republika Srpska“<sup>660</sup>.

655 *Danas*, „Priest Gavriilo does not repent for blessing Scorpio unit“, 9 June 2005.

656 *Večernje novosti* „I have five of them in a package“, 4 June 2005.

657 *Danas*, 18 June 2005.

658 *Večernje novosti*, „Violence against Serbia“, 9 June 2005.

659 *Nacional* „There were no crimes“, 10 June 2005

660 *Kurir*“ Vučić: This is an anti-Serb campaign“, 6 June 2005.

However, Milošević's Socialists and Šešelji-Tomić's Radicals were not the only participants in the public polemic. Democratic Party which in similar situations in the past preferred to sit on the fence, this time around got involved in the polemic in a rather shameful way. Instead of its regular, succinct press releases or statements condemning in principle crimes *committed on all side by killers of all nationalities*, the party of the Serb President of the Republic this time around opted for an utterly different tack. Namely the party's founder, one of the most influential persons in that party, and also one of the key politicians in Serbia, Dragoljub Mićunović, raised the level of blame to a higher level, by stating that the Milošević regime was accountable for war crimes, and obviously the state of Serbia never had anything to do with that regime (sic)! Mićunović went as far as to maintain that „the state of Serbia and its people are not criminals, and the whole issue of war crimes is closely linked to the criminal character of the former regime.“<sup>661</sup>

Dragoljub Kojčić, an official of Democratic Party of Serbia, was of opinion that the airing of that video recording was part of conspiracy of the international community, for “their goal is to instill the feeling of collective guilt in the Serb public opinion, to make us swallow more easily the punishment they have prepared for us. That punishment is most likely to take the shape of toppling the Dayton-established position of Republika Srpska, Bosnian victory over Serbia in a lawsuit before the International Court of Justice in the Hague, and possibly the laying of foundations for independence of Kosovo and Metohija. And thus, Serbs shall be most likely pushed anew into an inferior position.“<sup>662</sup>

Airing of the execution recording was obviously intended to kick off the process of relativization of Serbia's involvement in the Srebrenica genocide, and incredibly, but truly so, also the process of relativization of the very responsibility of the unit *Škorpioni*. High official of Democratic Party of Serbia, MP Đorđe Mamula (defense attorney of the accused Saše Cvjetan) offered the following explanation: “The recording shows only

661 *Večernje novosti* „Regime should be blamed“ 4 June 2005.

662 *Nacional* „Bestiality of some individuals serves to condemn the whole nation“, 6 June 2005.

two persons and not the whole unit shooting at the prisoners. Therefore only those two individuals should be tried for that crime. Preliminary criminal proceedings are already under way. The four arrested members of "Škorpioni" are in the Central Penitentiary. After the police interrogation they were handed over to the War Crimes Court. Since most of our journalists are sensation-hounds and hostages to sensationalistic stories they have misinformed the public that a dozen former members of "Škorpioni" were arrested. Part of the print media stubbornly defends the indictment, even more so than the prosecutor, and part of them is obviously undermining the defense arguments, to the horror of the defense attorneys. Someone is stage-managing public opinion in this country." Mamula then went on to explain that it was even possible that some members of "Škorpioni" sold the video recording. He added: "It is a heinous crime, as the video recording shows, and every crime should be punished. But one must note that films about the terrible suffering of Serbs in Sarajevo, in Krajina, and in operations "Flash" and "Thunderstorm" have not and are not broadcast. All the victims should receive an equal treatment, while courts of law should take decisions relating to questions of the guilt or innocence." <sup>663</sup>

Thus *Škorpioni* became a vehicle in the procedure of the state-innocence-proving. By extension that unit, a group composed of pathological murderers, was made a total scapegoat, for the blame for Srebrenica and also the other crimes committed in the name of the state of Serbia, was placed on their shoulders, on the shoulders of persons who allegedly without any motives, without any state assistance, independently committed the crimes. In other words, despite numerous evidence (recordings, witnesses' testimonies), the state of Serbia, with the little helping hand of its own judiciary, „proved“ that Serbia and its state bodies did not participate in the Srebrenica massacre, and that the said crime was committed by "self-organized" paramilitary formations, beyond the control and command of Serbia or Republika Srpska. In a judgment passed in April 2007 by the presiding judge of the trial chamber, Gordana Božilović Petrović<sup>664</sup> it

663 Source: <http://www.b92.net/info/iz-dubine-duse/izjava.php?ID=126-1962005>

664 Judge Božilović-Petrović was replaced in October 2007 because of her "inefficient work."

is alleged that the founding of this unit may have been engineered by the non-extant and internationally unrecognized Republika Srpska Krajina. Thus some blame is laid on that non-extant or artificial state.

So what were the conclusions of the trial chamber and its president, judge Božilović-Petrović? She dealt with the character of the very war in Bosnia, then the descent of victims, and also with the very unit *Škorpioni*, its origins and actions, all of which was not the task of the court. Firstly, the judge concluded that due to the complicated character of the civil war in Bosnia and Herzegovina it was difficult to establish the exact origins and the manner of inception of the unit *Škorpioni*, and the origins of victims ...In its judgment the court additionally spelled out that the 6 victims were not from Srebrenica and stated that it was not able to establish the whereabouts of the victims, despite numerous, to the contrary statements of the families and next of kin of the victims.<sup>665</sup> Namely, families of the victims testified in the courtroom that the victims had been ferried from Trnovo to Srebrenica, and that they disappeared from Srebrenica after the Serb forces entered that town.<sup>666</sup>

But the gist of the judgment is the attempt of Serbia to distance itself from the unit, which was, in one way or another, part of its official special forces. On the other hand there are numerous indications of Serbia's involvement in the Srebrenica genocide. For example, in Lazar Stojanović's film „Scorpios, Memories“ broadcast by B92 on the day of the verdict-reading, one of interviewees stated that the vehicles which transported the prisoners to the shooting site had police licence plates of the Interior Ministry of Serbia, with numbers M-606.

The fate of *Škorpioni* unit indicates a new tack of a “modern”, “democratic”, state of Serbia, Namely by dint of its courts-of-law, media, and most political parties acting in collusion, the state of Serbia is trying to prove both to its domestic and international public that it is blameless, or innocent, while those individuals, proven criminals and murderers should be held accountable for all the crimes committed in the 90's in the territory of former Yugoslavia. By extension one point is strongly implied: all and

665 *Danas* „Maximum Sentences for Škorpioni“, 11April 2007

666 *Danas* „Politically- Motivated Sentences“, 13 April 2007

sundry may be guilty, but the state of Serbia is totally innocent. Blame for mass killings in Croatia, Bosnia and Kosovo, is being laid on mysterious paramilitary formations which apparently self-emerged, without any state assistance or involvement, in war-torn areas. Thus it is implied that all the ethnic-cleansing campaigns were carried out at the level of municipalities, and that all the crimes were committed by mentally derranged persons. *Škorpioni* are the most salient example of such a practice. That unit has always been controlled by the state of Serbia. It was set up by the high police officers of Serbia. And those same officers persons at a much later date formally dismantled that unit. However, the Serb public, its courts of law, political parties, and public figures are currently only interested in proving the "innocence" of the Serb state. And, thus, the very state which had formed *Škorpioni*, in the judicial proceedings, before its own court, successfully "proved" its own innocence.

And finally it is noteworthy that the said unit seems to be active even today. Namely, in April 2007, "unidentified criminals" tried to kill Dejan Anastasijević, long-standing staffer and top journalist of the weekly magazine *Vreme*. Dejan Anastasijević was a war correspondent of that magazine from various ex-Yugoslavia's battlefields in the 90's, he was a witness during the Hague Tribunal trial of Slobodan Milošević, while lately he has been covering the gangland-related developments in Serbia and war crimes. The failed assassination attempt, that is, the bomb planted on his window-sill, which luckily did not hurt him or his family, is linked by many observers to his comments on the special court lenient sentencing of *Škorpioni* in a radio B92 program "Kaziprst". Though several members of *Škorpioni* were arrested on suspicion of being involved in Anastasijević case, they were soon released. Thus even 7 months after that failed assassination attempt the police failed to clarify the case and to find the perpetrators thereof.

Judicial proceedings against *Škorpioni*, similarly to the June 2005 campaign, indicated Serbia's lack of readiness to take on its share of responsibility for the wars in former Yugoslavia. Adamant refusal of the Serb elite to take a clear stand on the Srebrenica crime proved that elite's unwillingness to face up to its role in recent developments. In that regard

it is also worth noting a new, problematic tack of the international community. Namely the international community as of late stopped insisting on Serbia's meeting of its Hague Tribunal commitments. Because of the new, ambivalent tack of the international community on the ICTY, Ratko Mladić and Radovan Karadžić are still at large, and their hand-over to the Hague Tribunal does not seem imminent. Added to that the judgment of the International Court of Justice in the Hague on the Bosnia and Herzegovina Application against Serbia<sup>667</sup> may serve as yet another example of the international community failure to "intervene" in the case of the Serb "doctoring" of the past. In fact that judgment seemed like a kind of the international community's yielding before the official Belgrade in the final stage of the Kosovo status-related negotiations. However, it bears stressing that the judgment established responsibility of Serbia, but exclusively in the area of non-prevention of genocide, or in assistance rendered to perpetrators of "the joint criminal enterprise," in terms of offering above all, a refuge to Ratko Mladić. Responses to that judgment both in Serbia and in Republika Srpska were schizophrenic: it provoked both inadequate celebrations and protests. For the Serb elite the most important part of judgment was the non-mention of direct involvement of Serbia in genocide in Srebrenica, and for the international community the Hague's court confirmation of the Srebrenica genocide.<sup>668</sup> Added to that the said judgment produced a consensus between the media and political parties in Serbia. Namely it was officially assessed that the judgment would contribute to reconciliation of the Balkans peoples (sic!), or that it would produce a much-needed balance in the international community's Balkans policy.<sup>669</sup> In Bosnia and Herzegovina that judgment caused a veritable uproar,

667 Formally legal name of the application is : Bosnia and Herzegovina application against the **FRY** for genocide. But legal successor of the FRY is Serbia, thus, in practice, the judgment is in fact exclusively related to –Serbia. The judgment was publicly passed on 26 February 2006.

668 "Prosecutor is very satisfied. We welcome the court's judgment confirming that the Srebrenica massacre was qualified as a genocide." Olga Kavran, spokeswoman of the ICTY Prosecution Team, *Politika*, 26 February 2007.

669 *Politika* , "The issue of the past has been resolved once and for all " , 27 February 2007.

and consequently a new wave of destabilization in an already unstable country. Similar, negative response-and justifiably so- was seen in Croatia, in November 2007, after a shameful, lenient sentencing of the “Vukovar threesome” for the crime committed in the agricultural estate Ovčara (Mile Mrkšić was sentenced to twenty years’ imprisonment, Veselin Šljivančanin to 5 years in prison, while Miroslav Radić was acquitted of all charges). The Hague Court of Justice judgment was also vocally contested by the family members of Srebrenica genocide victims: „Here I am in Belgrade...I implore all the good-will people to help us hand-over war criminals, regardless of their religion. I am a living proof of Srebrenica massacre, I was a witness to that crime. The truth must be disclosed and divulged. We cannot move ahead if we keep that truth under wraps. I firmly maintain that Srebrenica has happened, despite your claims to the contrary. And as I frequently take the Sarajevo – Srebrenica route, on that route I imagine how I meet Radovan Karadžić, take him to the police station, and proudly say: Here he is, I have brought him to you. ... Just after few days, we, the people in Srebrenica suffered the most severe food shortage. Then the paramilitary formations entered from Serbia. They were so-called White Eagles, and Šešelj’s and Arkan’s men. They had a task, they were organized, and we, Muslims, did not know what our fate would be. I did not stockpile food in my house, because in my building we had a supermarket. But the inflow of the Eastern Bosnian refugees was huge, people from 9 municipalities sought refuge in a small town of Srebrenica. 5,600 citizens of Srebrenica lived peacefully there, when we were suddenly inundated by a refugee wave. 60,000 refugees settled in our town. And then there was no food...we ate everything what the land had yielded. I am sure that 99% of population in Serbia shall not be able to believe what I say now: my two sons, one 7-year old, and the other 10-year old, for 21 day did not eat anything ...they just had water. ...I went to Jasenovac to see what had happened there, so now I would call on all the Serb youngsters to come to see Potočare. That is our Jasenovac and they should see it...When they don’t want to hear us, when they say they don’t believe that Srebrenica has happened I must tell them that buses and trucks parked in a column, ready to take away Srebrenica citizens were all from Serbia, they were buses from



the Serb transport companies, 7 Juli of Šabac, Strela of Valjevo, Raketa of Titovo Užice, etc. ”<sup>670</sup>.

*Škorpioni*- related developments attest to another oversight by the international community. In other words, after the 5 October 2000 change-over representatives of the international community failed to seriously compel Serbia to tackle the issue of facing up to its recent past. That said, it is obvious that Serbia does not have the sufficient potential to deal alone with that issue. It is also obvious that the part of the Serb elite most responsible for the 90’s negative developments is not willing to raise, in an adequate and thorough way, the issue of accountability of the state proper and some of its citizens for the war crimes committed in recent past. In the current mood characterized by the loss of international community’s energy to lure Serbia to European values, and of the Serb elite’s absorption with its own survival, notorious *Škorpioni* perpetrators of Srebrenica genocide have been turned into a social and media sideshow, brought to the general public’s attention only once a year, in the month of July.



XIII  
Redefining  
Foreign Policy  
Course



## Anti-West Policy in Action

International activities of Serbia and its diplomacy clearly indicate the absence of a well-defined foreign policy and geo-strategic orientation of the country. Vascillating at home between increasingly and dramatically split two currents, the national-conservative and democratic-pro-European one, Serbia's foreign policy activities in 2007 by extension also fluctuated between the EU orientation, so-called "third road" of alleged neutrality and a turn towards the East, that is, toward an unquestionable and full reliance on Putin's Russia. Such a shilly-shallying and to a large extent intentionally created confusion, slowed down the process of getting closer to European integrations and in late 2007, and notably, in early 2008, brutally called that process into question.

In the course of 2007 all the international and diplomatic activities of Serbia were practically focused on the alleged defense of Kosovo. In that context the blocking of the decision on the Kosovo status in the UN Security Council, prolongation of the negotiations by the international troika (the US, Russia, and EU), and its carrying over into the year 2008, was considered the greatest achievement of Serbia's diplomacy. That diplomatic "success" was achieved thanks to the whole-hearted help of Russia, which used the case of Kosovo for its own re-positioning in international relations. By using energy resources as "a weapon" in its diplomatic vying for supremacy primarily with its European partners, Vladimir Putin, at the end of its second tenure managed to generally restore for Russia an important role in international affairs. And in thus-created balance of power Serbia was one of the pivotal points in that supremacy struggle.

Thanks to that 2007 U-turn, Belgrade capitalized its long-running blackmailing policy (put in place in 2006, after suspension of negotiations on Stabilization and Association Agreement). For the international community and notably for the EU that is obviously an additional challenge in its efforts to keep Serbia on EU track. Namely, though 70% of citizens in 2007 favoured Serbia's accession to EU, such an opinion or rather direction was not consistently espoused by any executive representative. In other

words not a single representative of the political elite tried to channel social energy and potential of Serbia to that end. On the contrary!

Russia's support in the case of Kosovo, is used for discrediting the EU-US relations, that is the Western policy in general. The aforementioned first (in early summer) became visible through increasingly vocal and massive opposition and resistance to a possible accession of Serbia to NATO (under the pretext that in Kosovo "the NATO state" is being constituted), and regardless of the fact that all the new EU members first became the NATO members. In December 2006 Serbia acceded to the *Partnership for Peace*. When in late 2007 it became clear that a two-year successful Kosovo status-postponement manoeuvring was nearing its end, a clear message was sent to Brussels: "Europe shall have to choose between the signing of the *Stabilization and Association Agreement* with Serbia, or under the US pressure ... taking of the decision to send its civilian mission to Kosovo in order jump-start the rejected Ahtisaari's plan on supervised independence of Kosovo, that is, the plan on the West-engineered grab of a part of territory of Serbia." <sup>671</sup>

A parallel effort of the EU to incentivize Euro-enthusiasm in Serbia did not give the desired result. Though EU resorted to a revision of its own criteria and conditions, in order to resume in June 2007 the suspended negotiations on the *Stabilization and Association Agreement* and even envisaged its swift –November 2007–signing, the foreign policy of Serbia, its diplomatic activities and ultimately economic policy were fully-"Putinized." That formal shift in fact crystallized the gist of the matter: the Serb elite originating from a deeply-rooted patriarchal-authoritarian tradition of the Serb society was not ready for a modern European value system, frameworked within the continental institutions and organizations, notably the EU and NATO. That is surely the primary reason for the absence of a general, social and state –level consensus on joining the EU. Due to the foregoing the accession topic never made part of the definition of the Serb state policy.

Brussels gauged by the three criteria the EU accession of the former Eastern Block and other former Socialist countries: firstly, the political one,

671 Statement in writing of Vojislav Koštunica, *Danas*, 4 January 2008.

– status of democracy, minorities, human rights; secondly, the economic one – competitiveness of their markets in the EU market and thirdly, the administrative one – ability of the state apparatus to pass and enforce legal regulations. And, as it was assessed by Vladimir Medjak from the Serb government's Office for Negotiations with the EU: "All countries undergoing transition met the second and the third criterion, while lagging behind the benchmarks set by the first, while Serbia nearly met the second and the third criterion...and did not even get close to the first one, because of the absence of the pertinent national consensus."<sup>672</sup>

## Changes within the EU fold

Since the EU Summit in Thessaloniki, five years ago (June 2003) when countries of the West Balkans were offered European prospects, only Serbia and Bosnia and Herzegovina still have not signed the *Stabilization and Association Agreement*. Namely, Croatia and Macedonia already have a status of candidate, while Montenegro (since the fall of 2007) and Albania on the basis of its signing of the aforementioned Agreement are working intensely on meeting the necessary conditions to fast-track their accession to EU integration.

Over the past four years even EU proper passed through different stages of its own development and transformation. In the meantime the number of member countries rose from 15 to 27, which made a smooth-running, and not overtly bureaucratized structures face new challenges. After France's and Belgium's referendum-based (2005) rejection of the European Constitution, Brussels needed some time to overcome the ensuing crisis. The impasse was successfully broken in fall 2007 by adoption of so-called Lisbon Treaty, which factually deblocked institutional paralysis of EU. The newly-adopted document enables better functioning of an expanded EU, and also accession of new members, which should be of great importance for Serbia.

672 Interview to Radio B92, 21 November 2007

An even greater temptation for the most powerful continental association was Russia's comeback to the international scene and thereafter its flexing of muscle, that is, its efforts to re-exert influence primarily on the European affairs and events. Thus Russia emerged as the most controversial topic in the European Union. "In the 90's of the past century members of European Union used to simply reach agreement on their joint tack to Russia. They were rallied around their strategy of democratizing and luring to the West of a weak and heavily indebted Russia. But that strategy no longer works. Growing prices of oil and gas have made Russia more powerful, less co-operative and above all less interested to join the West."<sup>673</sup>

That development brought about internal EU splits, manifested not only by the absence of a unified strategy towards Russia, but also by different tacks of EU member-countries towards the Kremlin. Generally speaking within the EU there are two schools of thinking as regards the current Russo-EU challenges. One line of thinking urges that Russia be treated as a potential partner which may be sucked into the EU orbit only through the process of "a creeping integration", that is inclusion of Russia in as many EU institutions as possible and incentivizing of Russian investments in the EU energy sector, even when Russia sometimes violates the rules in force. The other school of thinking sees and treats Russia as a danger. Advocates of that theory back "soft limiting" of Russia by its exclusion from the G8, expansion of NATO, urge rendering of support to the anti-Russian regimes, favour the building of the missile shield and would

673 In October 2007, the new European think-tank, devoted primarily to the European foreign affairs issues was set up. It was named the European Council for Foreign Affairs. Among other dignitaries, its members are: former German Foreign Secretary, Joska Fisher, former head of the Polish diplomacy, Bronislaw Geremek, former Italian Prime Minister, Giuliano Amato, Italian Minister for Europe, Emma Bonino, former European Commissioner, Chris Patten, Professor of the Oxford University, Timothy Garton Ash, former Finnish President, Marti Ahtisaari, and President of the Open Society Institute, George Soros. One of the first publications of the Council was "Revision of Power in the EU-Russian Relations", penned by Mark Leonard, Executive Director of the Council, and Niku Popesku, the Council's collaborator. From the publication's summary, *Danas*, 30 November, and 1-2 and 3rd December 2007.



like to see Russia excluded from investments in the European energy sector.<sup>674</sup>

In any case, relations with this new Russia of regained strength in the years to come is one of key concerns of EU in its quest for a maximally unified tack and policy towards its most powerful, and oft unpredictable neighbour. As regards Serbia, in that context, it is indicative that the EU after month-long internal disputes and bickering reached the consensus to “unify” on Kosovo issue and thus unified oppose Russia’s stance on Kosovo. When it became clear that Russia planned to block any new UN Security Council resolution on Kosovo, that is, any new resolution paving the way for supervised Kosovo’s independence and implementation of Ahtisaari’s plan, the EU and the US fine-tuned their stands on sending an EU civilian mission to Kosovo and also on the right of each EU member to individually recognize Kosovo’s independence.

## Recent trend of shunning Euro-Atlantic integrations

In the first half of 2007 international activities of Serbia were largely limited by the fact that until May the country was governed by the “technical government” of the former Prime Minister Vojislav Koštunica. When the incumbent coalition agreement was finally reached, and Koštunica was re-elected the Serb Prime Minister, the international community accepted that fact as a proof that in Serbia democratic, pro-European forces still prevailed. In line with such an assesment of internal political situation, and in full awareness of both an imminent denouement of the Kosovo knot favouring the province’s independence and lack of Serbia’s response to the EU insistence on the hand-over of the four remaining war crimes indictees (in the first place of Ratko Mladić), the European Union in early July renewed negotiations on the *Stabilization and Association Agreement*.

That major concession of international actors to the Serb political elite was not however accepted as a good-will gesture aimed at encouraging

<sup>674</sup> *Ibid.*

Serbia's staying on the EU track. In fact that gesture was inversely interpreted as a "a normal" withdrawal of Brussels bureaucrats in the face of all the injustice done to Serbia (notably the 1999 NATO intervention) and still being done to Serbia ( resolution of status of Kosovo).

Or to put it even more precisely, the ungrounded public campaign which was mounted in the summer months was formally related to stiff opposition to Serbia's accession to NATO. Behind the phrase that "a NATO state is being put in place in Kosovo" (the term "a NATO" state was coined and then used by the Serb Education Minister, Zoran Lončar?!), columns of the large-distribution and most influential newspapers as well as the prime time TV and radio programs became mere tools of anti-NATO propaganda machinery set in motion by the government ministers, Prime Minister's aides, analysts and journalists renowned as the government loyalists. Mile Savić, the Prime Minister's aide thus underscored: "If the condition for Serbia's integration in NATO is its voluntary renunciation of sovereignty over part of its territory, then it means that Serbia is required to confirm legitimacy of its own break-up. In parallel that would be tantamount to closing the circle and would provide us with a belated justification for NATO's bombing." Savić concluded: "Therefore Serbia's integration in NATO is possible only if one part of Serbia is integrated. Thus first the division of Serbia and then the guarantee of sovereignty over the rest of territory. In other words, by bombing Serbia without a previous UN approval, NATO violated the integrity of Serbia, only to integrate that diminished state in its structures and consequently confirm its own project of creation of the independent state of Kosovo".<sup>675</sup> This is just an illustration of similar-toned articles which were the staple diet of many newspapers for many months. Similar was the harsh wording of letters of readers also ran by the print media. But at this point it bears saying that the Serb public at large has a reserved stand on NATO. According to the findings of many public opinion polls conducted in recent years the percentage of citizens favouring Serbia's accession to NATO is much smaller than the one of those urging the EU membership of Serbia. It soon turned out that the said media campaign was just a prelude to an even more aggressive discreditation of

<sup>675</sup> Closing the circle, NIN, 19 August, 2007.

the European Union, this time around masterminded and directed by the government of Serbia, to the extent, according to Jelko Kacin, "that moves taken by Prime Minister Koštunica could hardly be understandable from the European standpoint."<sup>676</sup>

## An EU good-will gesture

After the formation of the government in May (after months-long tug-of-war between the coalition-forming parties), negotiations on the Stabilization and Association Agreement with Europe were renewed. Those negotiations were suspended a year earlier (3 May 2006), because of Serbia's non-compliance with its ICTY commitments. Practically since Vojislav Koštunica first Prime Ministerial mandate, in 2004, not a single indictee was arrested or handed-over to the Hague Tribunal. In view of the fact that 6 indictees had refused to voluntarily surrender to the Hague Tribunal, cooperation between Serbia and the ICTY was in fact suspended, which immediately resulted in suspension of negotiations with the EU.

Though there was no shift in Belgrade's policy on the arrest and hand-over of the ICTY war crimes indictees-the four indictees, notably Ratko Mladić, are still at large, the European Commission decided to renew negotiations. That decision was not even affected by the fact that Vojislav Koštunica remained the Serb Prime Minister (Boris Tadić's Democratic Party now has the majority in the government). As a follow-up to that Brussels good-will gesture, necessary preparations were continued within the framework of the Office for Association with the EU. Thus in September 2007 the last round of the Serb-EU technical negotiations was held.

However, the creation of public mood took quite an opposite direction. In parallel with a growing and quite irrational admiration for Russia and its President Putin,<sup>677</sup> commentators and analysts increasingly

676 Moscow uses Belgrade for its own ends, Danas, 12 February 2008.

677 In 2007 the Russian President became an honorary citizen of a dozen or so towns and localities. Putin's photograph was published by newspapers almost

called into question “one-track” foreign policy orientation of Serbia, that is, “its sole orientation towards the EU”. Along with the theses that no popular referendum on geo-strategic orientation of the country was ever held, that the EU kept imposing on Serbia new conditions, that it was important for Serbia to equally develop relations with the East and West, that the “world’s power-mongers “ (the US and EU) were treating Serbia in an arrogant way, etc. foundations were laid for a major government’s U turn concerning one of the key strategic priorities (as such promoted during the government’s inauguration), that is, continuation of European integrations.

This was the gist of the position suggested to public opinion: “Since Milošević’s ouster the Union’s policy towards Serbia was a combination of petty blackmail and arrogant lessons (...) Because of an exhausting policy of blackmail, the Union has never been fully recognized by the general public as a benefactor, despite its hefty assistance in the years after Milošević’s ouster, and its decision to write off two-thirds of Serbia’s debts... Concessions were dosed...One year was wasted, when the Union decided to suspend negotiations with Serbia...only to later decide to continue those negotiations despite Serbia’s non-compliance with the basic pre-condition. So what remains is a bitter taste of conditioning and blackmailing.”<sup>678</sup>

In parallel with thus-worded criticism, advocacy for re-assessment of foreign policy course of Serbia, in view of an altered geo-political situation in the world and consequently Serbia’s new position in such a context, gained ground. In those terms professor Svetozar Stojanović, one of most important members of the Council for Foreign Policy, an advisory body of the Serb Ministry for Foreign Affairs,<sup>9</sup> suggested the following: “Serbia is regaining on importance...which is out of sync with its real power. The Serb issue became an European, and to a certain extent, an international issue. Efforts of ‘Ahtisaari followers’ to prove the uniqueness of Kosovo and Metohija case, and therefore its non-precedent status have failed (...) That case surpassed the precedent issue-namely it has become a reflection of a changed constellation of power in the world, even the hint .....

every day, while posters with his photos or images are carries at mass rallies.

678 From the West with love, Politika, 23 January 2008

of emergence of the 'new world order'. In fact the Serb case serves to test the interests, self-confidence, and genuineness not only of the US, but also of the other two super-powers, China and Russia. ...Consequently the present-day Serbia faces a difficult question: how to preserve good relations both with the US and Russia. Our basic theme shall be for a long time to come the following: a small nation and its state vis a vis a dominant world, and the world characterized by a considerably changed balance of power. But precisely because of the foregoing the space for the defence of our national interests, including those in Kosmet and Republika Srpska, is being expanded".<sup>679</sup>

Despite such a "re-appraisal mood" on 7 November in Brussels Vice Prime Minister of Serbia Božidar Đelić signed the Stabilization and Association Agreement, but that "coming of the European dawn for Serbia" (Olli Ren's comment during the signing) did not provoke a new wave of the EU-enthusiasm in Belgrade. However it is indicative that at the formal level European track of the country was not called into question. On the eve of the Agreement's signing, Prime Minister Koštunica underscored the importance of that act: "It is an important greenlighting signal for an inflow of new investments, development of our economy, creation of new jobs, all those matters that lead up to betterment of living standard of citizens of Serbia." That statement of his posted on the government's web site also included his remark that "pursuance of Euro-Atlantic integrations is a program priority of the government."<sup>680</sup> Prime Minister's aide for European integrations, Milan Parivodic, on that occasion stated that "Serbia has now a free access to the full signing of the *Stabilization and Association Agreement* in February or March and fulfillment of the Hague Tribunal commitments is not longer a mandatory prerequisite for that act."<sup>681</sup>

After the Brussels episode the Europe-related topics were soon sidelined by the mass media. Thus there was only a scant coverage of the important signing of the framework agreement on donation of 1 billion

679 Confidence-boosting reasons, *Politika*, 13 November 2007.

680 Olli Ren: Turning-point for Serbia, 7 November 2007.

681 *Ibid.*

Euros from the *Fund for the Pre-Accession Assistance* to Serbia, signed in late November 2007 in Brussels by Vice Prime Minister Đelić.

Shortly afterwards Prime Minister made transparent his policy shift, that is, heralded new new anti-Western position. In other words, the Prime Minister's government minority (Democratic Party and G 17 plus make up the majority), thwarted the Brussel's efforts to keep Belgrade on the pro-EU track.

In early December two developments accelerated Koštunica's public opposition to Euro-Atlantic integrations (it became even more manifest how little he truly cared about them.) First on 10 December 2007 negotiations between Belgrade and Pristina were formally finalized. Only a day later, on 11 December 2007, presidential elections were called (without a previous agreement with the Serb Prime Minister, who was against them). When in the third decade of December the Brussels announced a possibility to sign the Stabilization and Association Agreement with Serbia on 28 January 2008 (which was understood as a sign of support for Boris Tadić in the race which pitted him against another presidential contender, the Radical Party leader, Tomislav Nikolić), the government mounted a virulent campaign against an already traced EU track. Such a campaign was justified by the fact that a future civilian mission, after Kosovo's independence, would be sent, without a prior UN Security Council and Belgrade's approval, by the European Union. Vojislav Koštunica thus commented the sending of that mission: "Arrival of the EU mission would herald the implementation of the rejected Ahtisaari's plan and declaration of unilateral independence of Kosovo. That is why Serbia in the most energetic way and in advance rejects such an unlawful decision on arrival of the EU mission." Koštunica went on to underscore the following: "Those who intend and wish to have Serbia as a partner, must be aware that Serbia accepts partnership only as a whole, and not as a halved state."<sup>682</sup>

With the passage of time such a rhetoric was stepped up and signals of Serbia's or its government's opposition to signing of the Stabilization and Association Agreement with European Union became manifest. Firstly, in the course of December, a suggestion was made that the EU should clearly

682 Ibid.

spell out in the text of the said Agreement that it “respects the sovereignty and territorial integrity of Serbia”. The foregoing was obviously not possible, as the text had been prepared well in advance. Then the print media, notably the most influential one, *Politika*, by a bevy of articles and headlines suggested to the general public that Europe was plainly engaged in a two-timing process, that is, that Serbia’s accelerated accession to the EU was just a trade off for the loss of Kosovo. Moreover, the public opinion polls indicated that citizens of Serbia well understood the name of the game; *Publikum* agency in mid-December disclosed the poll’s findings indicating that as many as 75% of respondents rejected the “Kosovo for EU trade off”.<sup>683</sup>

Anti EU-mood was stepped up in an inverse proportion to the Brussels propositions. This is summary of the New Year’s message to Serbia by Olli Ren, the European Commissioner for Enlargement: “...Serbia is at the crossroads...it is nearing the completion of the process of reconciliation with the past and is treading firmly the pathway of European integrations. European Commission is making concerted efforts to translate into reality the European prospects of Serbia, to enable it to free its enormous intellectual and economic potential. It should not be forgotten that our common goal is worth all our efforts: the European Union is a community based on the values of peace, freedom, solidarity and the rule of law. That community shall become complete only when Serbia and the West Balkans region are wholly integrated in the Union.”<sup>684</sup>

Koštunica’s response to that message was summed up in his following statement in writing: “Europe is the one which must make its choice: shall it sign the Stabilization and Association Agreement with Serbia or under the US pressure it will take a decision on sending of its civilian mission to Kosovo, in order to kick off the implementation of the rejected Ahtisaari’s plan on supervised independence of Kosovo, or on the grab of part of territory of Serbia... Therefore we have reached the point when Europe shall have to make a choice...it will have to show whether it wants the whole and internationally recognized Serbia as its partner or it wants to

683 75% of Serbia’s citizens against the trade-off, *Politika* 15 December 2007.

684 Common goal is worth all the efforts, *Danas*, 31 December 2007 – 2 January 2008.

create a mock state in the territory of Serbia.”<sup>685</sup> In similar spirit and tone were Democratic Party of Serbia ministers’ statements and those of their coalition partners from Velja Ilić’s Nova Srbija. The Serb Energy Minister, Aleksandar Popović, also maintained that the said Agreement was the EU’s choice: “No doubt that signing of the Stabilization and Association Agreement would be beneficial on economic grounds, but if the condition thereof is renunciation of part of our territory, then we from Democratic Party of Serbia firmly oppose it. The state is more important and older than any EU fund.”<sup>686</sup>

The EU-focused media commentaries were tinged with cynicism and messages implying that Europeans did not understand the strength of Kosovo-related Serb emotions. Thus a very influential editor-in-chief of *Politika* stated the following: “Western agencies interpret the Brussels proposition as a trade-off for Serbia’s imminent loss of Kosovo ...but even the most enthusiastic EU-advocates shall not be able to see that offer as a generous one. Please take into consideration the following suggestion of mine: If Olli Ren wants to soft-cushion our frustration over the loss of Kosovo, perhaps he and his European colleagues should ponder the following compensations: St. Paul’s Cathedral in London, Notre Dame in Paris, St. Peter’s Church in Rome, and in a good measure, Escorial in Spain.”<sup>687</sup>

Since early 2008 Slovenia’s chairing of the EU, that country and its highest state officials became a favourite media target in Serbia. ( in late February, after Kosovo’s declaration of independence, during the massive unrest in Belgrade, the Slovenian embassy was attacked too). *Politika*’s correspondent from Ljubljana, Svetlana Vasović Mekina demonized the Slovenian foreign policy and diplomacy, calling the Slovenians “stooges of Washington, spearheading the EU battle for independence of Kosovo.” On 24 January *Politika* ran a transcript of confidential talks between the Political Director of the Slovenian Foreign Ministry Mitja Drobnič with Daniel Freed and other State Department officials, held in late December 2007 in

685 European Union must decide whether it wants an agreement with Serbia, *Danas*, 4 January 2008.

686 For us the state is more important than the EU funds, *Danas*, 14 January 2008.

687 *Politika*, 8 January 2008.



Washington. Those talks centered on a co-ordinating the EU-US tack on declaration of independence of Kosovo. Before its disclosure by *Politika*, under the headline “Washington dictates, Europe assists”, the said transcript had been posted on the web site of the government of the Republic of Serbia.

As a follow-up to the disclosure of the said transcript, Belgrade daily *Politika* ran for many days a feature on the foreign policy of Slovenia since the year 1996 (?!), based on confidential documents from the archives of the Slovenian Foreign Ministry. Added to her continual discreditation of Slovenia, Svetlana Vasović Mekina (a recipient of *Politika*’s annual, journalistic award in 2007), in a mocking, cynical and offensive way wrote about the Slovenian state officials, especially about Dimitrije Rupel, Janez Janša and Jelko Kacin. When President of Slovenia, after demolition of the Slovenian Embassy in Belgrade, asked the Serb authorities to “apologize and offer compensation”, *Politika* under the headline “Compensation”, ran the following commentary of its Slovenian correspondent: “...The issue of compensation for broken windows, and apology for the shame, raised by the first Slovenia’s politician (President Danilo Tirk), at this sensitive time for Serbia, is a good indicator... The question is what Serbia could demand from Slovenia, which as the Chair of EU, like a contingent of its soldiers stationed in Kosovo, has not done anything to prevent violation of the international law and unilateral grab of part of the Serb territory. Should it ask for an apology? Compensation? Or both”.<sup>688</sup>

In the meantime the EU failed to reach a consensus on Serbia’s signing of the Stabilization and Association Agreement on the eve of the presidential runoff (28 January (Netherlands stuck to its position that Serbia should first hand-over Ratko Mladić to the Hague Tribunal). Instead Brussels agreed to offer to Belgrade “an interim” *Political Agreement*, in a bid to keep Serbia on the EU track. However, after Tadić’s victory in presidential elections – his slogan was “Let us conquer Europe together”, Prime Minister Koštunica blocked the work of government (he refused to call a government session) and thus foiled the taking of decision on signing of the *Political Agreement* (7 February 2008). That obstruction of his deeply dis-

688 *Ibid.*

appointed the EU officials (Olli Ren: "I am disappointed with Koštunica's renunciation of his long-standing position..." "some politicians have already started seeking the divorce, though the wedding has not been scheduled as yet"), but in Belgrade did not even cause a single tremor.

After proclamation of independence of Kosovo (17 February 2008), and destructive demonstrations targeting the embassies of countries which had recognized Kosovo, (but also the Embassy of Croatia which had not recognized the newly-emerged state), foreign banks, foreign restaurants and shops selling imported goods, normalization of relations with the EU and resumption of process of accession were no longer a topic of the official Belgrade.

In early 2008 Serbia anew embarked upon the pathway of self-isolation. The current mood in the country is quite similar to the one which characterized the early 90's of the past century. Demonized and publicly threatened are some political parties-primarily the Liberal Democratic Party-, nearly all NGOs and few media ( B92 in the first place) which urge Serbia's adherence to its European future despite the loss of Kosovo. Ambassadors were withdrawn from countries which had recognized Kosovo, and ambassadors of those countries, who remained in Belgrade, now don't have access to the leading state officials.

Although the revived anti-Western sentiment also impacted relations with the European Union, in the Serb elite mind its arch enemy is in fact the United States of America. It may be assessed that in a hundred-year old history of the US-Serb relations, those relations are currently at its record low. Anti-Americanism is a synonym for a strident anti-Western sentiment, which moreover seems to be evolving into a genuine ideology seeking refuge in the East (Putin's Russia). Because of such a turn of events, Serbia may be singled out as an anachronism in its own neighbourhood (all the neighbouring countries, barring Bosnia and Herzegovina, are either EU members or on the pathway to the EU accession). In fact it became evident that Prime Minister Koštunica-dominated cohorts used the recognition of the "false state" of Kosovo as a catalyst to trace an essentially anti-Western projection of future of Serbia.

## Conclusions and recommendations:

Current international position cum orientation of Serbia has (un) expectedly become a great challenge for numerous international organizations and actors which have been dealing with that country for nearly two decades. That said, a largely simplified perception of the Serb society contributed among other things to the birth of many wrong assessments and consequently wrong moves by international prime movers in their communication and dealing with the Serb authorities. In the current mood of a great national frustration over Kosovo, largely induced by Koštunica-led government, problems in relations with the West have multiplied.

A way out from the current “nowhere” situation presupposes a serious assessment of a true potential of the Serb society (and not only of the Serb economy) and primarily of its elite. Namely, a predominantly conservative and populist elite deftly manipulates the vast majority of uneducated population of modest demands and reduced interests, which is, moreover basically unwilling to embrace and support a key and comprehensive system overhaul.

Milena Dragičević – Šišić, professor of dramaturgy at the Belgrade Dramatic Arts Faculty and an expert in sociology of culture, in commenting the findings of the late 2007, *Politika* –conducted poll relating to the Serb cultural set of values, noted the following: “Our values and mind-set are not in tune with the European values and mind-set.”<sup>689</sup>

The said poll also indicated that only 39.2% of citizens of Serbia considered culture an important part of their life interests; 32.4% of those citizens were not interested in getting to know people from other states; nearly 50% of respondents did not wish to learn a foreign language; 75.4% of citizens were not at all interested in culture and arts of other countries; and finally only 1% of citizens spoke another language, that is, a language of an ethnicity- from many-who live in the territory of Serbia.<sup>690</sup>

689 Serbia and Europe think differently, *Politika*, 8 January 2008.

690 Ibid.

In the period after the ousting of the Milošević regime there was no major turnaround in the sphere of education, culture and value system. Due to the foregoing the incumbent authorities and its media accomplices see the new generation of the young which grew up and was raised in the 90's of the past century as the most reliable mainstay in their "combat" against the West. "... We have now in the arena a generation which changes a stereotype that Serbia is breeding a generation of anational, apolitical boys and girls interested only in Schengen visas, Afghanistan cocaine and Hongkong-made plasma TV screens." But those "new kids on the block" are as much disinclined to autism of the 90's ruling establishment, as they are sick and tired of democratic "co-operativeness" before super powers, for in their minds it is tantamount to a humiliating servility and subservience. ...Those self-conscious kids without inferiority complex respond to the Mufti-style plea of Dimitrije Rupel, with their own SMS-campaign: "Serbs and all other citizens immediately launch a boycott of Slovenian and Croat products..." In showering with kudos those who had attacked embassies and branch offices of foreign banks and companies, Slobodan Reljić, editor-in-chief of weekly magazine *NIN*, underscored that „their mind-set dictated to them to do immediately something for themselves and their people, instead of waiting to act only after Serbia's accession to the EU.”<sup>691</sup>

Prime Minister Koštunica perceives the young of Serbia in the same way: "the young above all tried to get across the message that Serbia favours the law, justice and freedom and repudiates the Western countries policy of force." Although such assessments can hardly be related to the total population of the young in Serbia, it is certain that the country's isolation, impossibility to freely travel (due to a stringent visa regime), poor educational system and media and other propaganda have contributed to the fact that a large number of youngsters simply first adopted and later started openly emulating the blueprint of their parents. There are many indicators that thanks to the assistance and support of the Serb Orthodox Church, the number of members of conservative-nationalist and clerical-fascist organizations (*Dveri, Nacionalni stroj, Obraz...*), has steadily grown.

691 Generation which is growing, *NIN*, 21 February 2008.

Moreover new organizations of that profile have been founded, notably the "1389", which began its promotional campaign in Belgrade and other cities in Serbia with a slogan "We shall not renounce Kosovo", and perfected it in late 2007, and early 2008, with a message "We shall never join the EU".

Political, institutional and social crisis generated by proclamation of independence of Kosovo showed that Serbia even 8 years after dislodging of Milošević regime has not reached a democratic turnaround enabling it to reach a social and political consensus on its European future. Though the foregoing is primarily an internal need and commitment, it seems that Serbia is not able to activate its internal potential and reach such a consensus. Assistance from the international community has to date been continuous and hefty. But in the future it should be elaborated in a strategic sense, that is geared continuously towards the liberal prime movers and front-men among political parties, civil sector, media, youth, students and trade-union organizations, and small-scale and medium-sized companies. Only if a critical mass of a new intellectual, political and cultural elite is created, prerequisites for genuine changes, similar to those effected during the government of Dr. Zoran Đinđić, shall be created.

### **Conclusions and recommendations:**

Help the establishment of a "Coalition Of Citizens for Europe" to incorporate all strata of the society;

Support the establishment of an alternative educational system (promoting European values, but also facing up the past) and render assistance to all those advocating pro-European trends; encourage alternative creative work (with acceptable value system) providing a mainstay for the young; extend support, for the same purpose, to the publishing efforts of talented writers (and translation of those book into other languages); recognize human rights organizations as full-time and reliable partners in the creation of a new cultural model, the more so since the human rights culture is still

in its fledgling shape in Serbia; at this stage also support the scrutiny and monitoring of human rights in the process of Serbia's accession to the EU;

Not only suspend the visa regime, but also enable large-scale student exchange (in the region and in the EU member-states) and students' incorporation into the European educational system; the foregoing is of a paramount importance since a vast majority of Serbia's youth is xenophobic and biased in regard to the neighboring countries and the world (the EU and the USA in particular);

Invite as many as possible young professionals (of various profiles) to attend training courses organized by the European Commission; this would prepare Serbia's younger generations for the country's accession to the EU; in this context, special attention should be paid to young peers of pro-European political parties;

Launch more regional initiatives in order to stage pro-European regional elites get-togethers; encourage communication between the young political leaders on the one hand, and humanistic sciences intelligentsia on the other (such regional communication to date has been either spontaneous or motivated solely by common interests);

Organize panel discussions on the topics that are still not in the spotlight, notably, on ecological issues (such discussions should be held both at local and regional levels);

Facilitate direct access of civil sector organizations to the EU funds; this implies a change in the prerequisites for funding, i.e. smaller percentage of "own resources;" a small-scale fund established through contributions by the interested EU member-states might help solve the problem;

Organize regional courses of graduate studies in international law – this is the more so important because an overwhelming majority of law schools in the region are of conservative leanings and thus in conflict with the new trends characterizing the evolution of the international law;

Assist local independent media and reporters' in-service education in covering corruption and other problems plaguing Serbia's transition;

Invite representatives of pro-European civil society organizations to conferences and other event organized by the EU (this is what Slovenia should take upon itself now); intensify the civil sector's communication with European parliamentarians, as well as organize visits of some parliamentarians to Serbia.

# Reliance on Russia

Thanks to its energy wealth and rising prices of oil and gas, Russia has recovered its role of a global and strategic power, which, in turn, impacted its foreign policy. The first visible changes in that regard began after the confrontational speech of President Vladimir Putin at the Munich Security Conference (February 2007). Added to that, Putin launched the restoration process in Russia, that is, re-centralization of the state. After the partial disintegration of the central power, in the wake of collapse of the Soviet Union, Putin made concerted efforts to re-regain that power. Thus the central authorities anew started dictating the Russian internal policy, under the mantle of democracy and market-orientation.

In its foreign policy Russia exploited the weaknesses of the EU and the US in order to revive its imperial policy. Such a development is dangerous for Europe, which strategic interest is modernization and democratization of Russia. Moscow's re-embracing of the imperial policy and barely masked authoritarianism were fully backed by the Serb political class, which voluntarily became an instrument of the Russian policy in its confrontation with the EU and the US. Next few years shall be critical in relations between Russia and the West. Namely Russia faces two options: either a close co-operation or continued undermining of the EU because of its energy dependence on Russia.

Prime Minister Koštunica publicly declared his pro-Russian leanings in late 2006, when he launched the thesis of neutrality of Serbia with reliance on Russia. Then the denial of the EU membership as Serbia's priority began. The media were then instructed to start hyping advantages of Russia as a partner over the advantages of partnership with the West. Such orientation of Serbia was backed by nearly whole conservative and popular camp, including the Academy of Arts and Sciences of Serbia, the church, and retired army top brass, which still wields some influence. Overlapping of the Russian interest to mark out its interest in the Balkans and the interest of Serbia to prevent independence of Kosovo were most pronounced

in the course of 2007, within the framework of the UN Security Council and the Troica group.

Over the past two years domestic, DPS controlled-media hyped the public image of Putin as a superman, who, from the post-Soviet chaos, in a magical way, restored the strength of the Christian Orthodox Russia and its image of the world power. Thus the once humiliated Russia, and sidelined in the world arena by the Yeltsin clique, became anew the traditional rival of the West. In other words, Russia has again become a prime mover in the international arena. It has an important say in all the world affairs, and notably as regards Kosovo. For "Russia shall not allow anyone to take Kosovo from Serbia!"

After the collapse of the Soviet Union, expansion of the European Union, and expansion of the NATO security structures from the West to the Black Sea, the Balkans and Russia are seen in such a light for the first time.

For the first time since disappearance of Comintern, in January 2008, on the eve of presidential elections, the Serb authorities felt the need to "certify" themselves, in Moscow. Recognition of impact of "good ties with Kremlin" on the Serb electorate is a new element of internal re-alignments in the Serb political scene. On the other hand, the foregoing testifies to the renewed influence of Russia on the decision-making process in the Serb politics, or perhaps to what President Vladimir Putin, alluded, first during his visit to Zagreb, and later to Turkey: "the Balkans and the Black Sea have always been the zone of our special interests...therefore the return of a strengthened Russia to that region is only-natural."<sup>692</sup>

In January 2008, the four Serb political prime movers, President of Serbia, Boris Tadić, Prime Minister, Vojislav Koštunica, Capital Investment Minister, Velimir Ilić (Prime Minister's coalition partner from the populism-minded "Nova Srbija") and Vice President of the Serb Radical Party, Tomislav Nikolić, visited Moscow. Each tried to avail himself of the opportunity to be photographed or seen next to-Putin.

Politically useful prioritization of Kosovo issue, "not to be renounced by the closely-knit Serb-Russia alliance, in the face of vindictive NATO and

692 Moscow Turns Its Attention To The Balkans, RFE/RL, 27.06. 2007.



Washington pressure and their open bid to create the “NATO state” in the Balkans and in Kosovo as a launching or offensive pad for their subsequent attacks on Russia,” is a product of a systematic political architecture of Prime Minister Koštunica in the past two years. He stated that “now we can clearly see how a cruel destruction of Serbia during the NATO air raids had only one goal: morphing of the province of Kosovo and Metohija into the first NATO state in the world. Unlawful construction of an enormous US military base Bondstill and Annex 11 of Ahtisaari’s plan confirming NATO as the supreme power body in Kosovo, have amply uncovered the true goal behind Serbia’s destruction and the 17<sup>th</sup> February unlawful declaration of the NATO state.”<sup>693</sup>

## Reciprocal ties and closeness

Division of Serb’s population right down the middle, caused by actions and words of the Serb equally divided political elite, attracted the attention of Russia. Putin’s regime recognized in the Serb nationalists-birds of the feather. Both Kremlin and the motley Serb conservative camp-composed of Šešelj’s, Democratic Party of Serbia’s and Milošević’s staunch loyalists, share the conviction that their former states, Yugoslavia, which in Milošević’s mind should have been dominated by Serbia, and the Soviet Union, as an expanded state of Russia, were “victims” of the post-Cold War era, or ultimate “victim” of an aggressive expansion of the West.

Both sides show a propinquity for closing their eyes in the face of reality, thus they also evade facing the real causes of previous crises and collapse of their state prerogatives. Russia lost power over its Soviet republics, but Moscow was even more humiliated by the loss of Eastern Europe, and blamed first Gorbachev and then Yeltsin for that loss.

Putin thinks that the Soviet Union, instead of its disintegration, should have been reformed. Both Russia and its Serb partners tend to interpret the post-Cold War era developments as consequences of the West-

<sup>693</sup> Statement of *Tanjug* 23 March 2008.

engineered conspiracies, instead of treating them as consequences of the lack of fundamental and comprehensive reforms. Consequently, both partners in recent times shunned a clear pro-reform course. Both sides perceived with unease, instead with high expectations and encouragement, the environment to which they objectively don't belong (legal state, the rule of law, responsibility, integrity of individuals, civil freedoms, minorities' rights, and respect thereof.) In Russia Milošević was and remains respected because of his rejection to bow to such an Europe, while Putin's "sovereign democracy" as a system of highly dosed freedoms, highly-centralized power and omnipotence of Cremlin, is reminiscent of the "values" promoted in Belgrade in its resistance to democracy, in the late Eighties and throughout the Nineties.

In its wish to subjugate Yugoslavia, Milošević era Serbia has lost Yugoslavia (which was the only natural and feasible framework of resolution of the traditional "Serb issue"). Milošević lost Kosovo, but Putin retained Chechenia.

Anti-European part of Serbia tends to equalize the two cases-Chechenia and Kosovo-alluding in the first case to the proven efficiency of deployment of the military force. It seems that the said part of Serbia, despite its recent harrowing experience, still believes in the power of arms. Some in Serbia don't want to see that it was not the power of arms (regardless of the two wars in that republic, in 1994-95 and in 1999) which enabled Russia to retain Chechenia. In fact such a development was made possible thanks to services of some Chechens, turn-coats, who sided with Cremlin in exchange for the wealth and their absolute power in Chechenia.<sup>694</sup> Thus the said war stopped being the Russian-Chechen one, and instead assumed the characteristics of the internal Chechen conflict. The last development was of paramount importance for Moscow, for it helped her clear its name, avoid further international condemnation, while allowing it to remain in the shadow, with all its military and police might and newly-arrived billions of petro dollars, as Kadirov's "little helper."

In contrast to Putin, first Milošević and later Koštunica in their Kosovo plot did not have an Albanian Kadirov. Perhaps he did not exist, or

694 C.J. Chivers, *IHT* 30. September 2007.

perhaps Milošević did not look for him persistently enough. As Serbia, unlike Russia, did not have an “intimidation” arsenal, Milošević was punished for attempting a “war solution” in Kosovo, while Cremlin has never been punished for devastation of Chechenia.

Afore-mentioned were some of the elements on the basis of which Moscow and Milošević grew closer. And later that union was solidified by Koštunica and his parliamentary coalition, Democratic Party of Serbia-New Serbia, the Serb Radical Party, and the Socialist Party of Serbia. Their mutual understanding is based on a tacit agreement that resistance or non-bowing to the EU and the international order must be continued by dint of the joint activities of the Russia-Serb informal pact. It is clear that none of the true supporters of the “Serb 5 October” could become an ally of Russia. Hence the recent vilification of Zoran Đinđić, “he deserved a bullet in his forehead, for being a puppet of the Americans,” on the prime time Russian news program.”<sup>695</sup>

## Instrumentalization of Serbia in Russia’s confrontation with the EU and the US

Russia has chosen its principal man in Serbia. His name is-Vojislav Koštunica. The newly-emerged model of co-operation between Serbia and Russia is based on Koštunica’s insistence that “Serbia and Russia shall never renounce Kosovo despite efforts to the contrary by Washington and NATO.” Russia promised that it would block the decision on independence of Kosovo in the UN Security Council. Belgrade spontaneously accepted to follow Moscow’s leadership. And Russia nearly automatically took all the initiative in its hands. The two policies easily flowed into each other (or perhaps the Serb foreign policy was reduced to the Russian one!?), while Moscow openly indicated its favourite man in the Serb coalition government. Milošević’s family, and its political and business clique

<sup>695</sup> *Blic*, 25 February 2008.

and coterie from the Nineties had been offered a refuge in Russia. Thus they became the bridge for co-operation with the Serb nationalistic policy and Koštunica's Belgrade. Russia's ties with the democratic flank of the coalition government were limited to formal co-operation. On the other hand, the most dynamic co-operation was established with the ranks of the Democratic Party of Serbia in the incumbent, executive authorities and the Serb Radical Party.

Serbia rewarded such friendliness of Russia by offering a preferential status and advantages to the Russian capital in the process of privatization of the remaining state-owned companies and participation of Serbia in the Russian energy projects for Europe. The foregoing was channeled through ministries run by the Democratic Party of Serbia and New Serbia, in a non-transparent way. Public opinion was not informed about the details of such deals, let alone of the goals of the end-game. (The only news leak so far was that the billionaire Deripasku, during his meeting was Koštunica, was presented by the latter with an offer to buy the copper mine in Bor.)

The biggest sensation in the course of December 2007/January 2008, was a soon-to-be-signed Russian-Serb deal on energy co-operation. But the details of the project of so-called southern flow of Russian gas into Europe, were for long kept under the lid. The only thing which is so far clear is the ongoing Russification of Serbia, as a "side-show," of a vitally important gasification of Europe with Russian gas. Added to "the battle for Kosovo", "energy co-operation" and "strategic partnership", Russia hastened to join the battle for the "Western Balkans", before Serbia and regional countries finally acceded the EU and Western Euro-Atlantic integrations. Orchastrated media stories about the passage "through Serbia", which shall become "an inevitable element" in further supplies to Europe, "providing for us both the energy and enormous transit revenues" are used as an eye-opener, indicating to the Serbs that their future does not lie in tying their fate with the European Union.

Borislav Milošević, brother of Slobodan Milošević and former ambassador of the SRY, who remained in Moscow, stated the following: "As concerns the future of Serbia, I think that the accession to the EU and NATO

are not the only option for Serbia....we should co-operate with Europe and the US, have a strategic partnership with Russia, and have close ties with China, India and other countries.”<sup>696</sup> Those words uttered in an interview given by Milošević in Moscow sound just like a paragraph from the political stances of Democratic Party of Serbia espoused in Belgrade. But Moscow has noticed that Serbia is getting closer to making its final choice , with long-term consequences, and now has more confidence that those toeing the anti-Western line-taken by Milošević in 1989-are gathering momentum. Thus Russia counts on using the cards of “Kosovo” and gasline to add the political weight of its “chosen Serb partners.” On the other hand the Russian Ambassador to Belgrade, Aleksandar Aleksejev, stated that Serbia’s membership of EU would not have a negative impact on totality of the Russian-Serb relations. But he noted that “Serbia’s membership of NATO would affect our bilateral relations.”<sup>697</sup>

## Oddities of the energy agreement

While aboard a Moscow-bound plane, on the eve of snap presidential elections, Prime Minister Vojislav Koštunica and Capital Investments Minister, Velimir Ilić, were dreaming of a warm welcome by Putin. Their beaming faces alongside the “Great Putin”, would have sent the message to Serbia that Russia, which has successfully staged its comeback as the world power, had received with a special attention Serbia, which surrounded “by hostile EU and NATO” has found in Russia a decisive Balkans ally and a great Orthodox friend.

That trip was motivated by an imminent signing in Moscow of the “energy agreement” in competence of the government ministers from the ranks of Democratic Party of Serbia and New Serbia. The expected pomp was primarily intended for electorate at home. It was reckoned that the Moscow meeting could boost the chances of Velimir Ilić, DPS-NS presidential

696 “Serbians Will Never Accept Kosovo Independence, *Moscow News* – March 6, 2008.

697 *Danas*, 15-16 March 2008.

contender. (20 January 2008.). Ilić, who stood little chance of winning the elections and was aware of that, in fact hoped that his candidacy would demotivate the DPS and New Serbia loyalists to vote for Boris Tadić.

Then presidential hopeful, Boris Tadić, also engineered his visit to Moscow, to pre-empt the Koštunica-Ilić ploy. Thus Tadić shared with the other two the spotlight reserved for the signing of the energy co-operation agreement. But the Cremlin episode indicated something else: at stake were in fact the presidential elections, and not the gas deal.

President Tadić (Democratic Party), proclaimed by the EU, as a “pro-West politician”, however quickly tried to counterbalance that reputation on home turf. Thus he went to Moscow too. With that visit he showed that he, as a presidential contender, also favoured co-operation with Russia, regardless of Serbia’s chosen pathway to the EU, and in parallel engineered a threesome, instead of the Serb twosome meeting with the head of Cremlin.

However, Putin was too smart to allow his guests, from the fractured political elite of Serbia, to orchestrate that important event. He knew that it would have been short-sighted to receive in Cremlin only the representatives of the incumbent Serb authorities, thus cold-shoulder the Serb opposition, embodied in the Serb Radical Party. Moscow has never lost from its sight the long-standing idea of the Serb Radical Party that Serbia should be a vassal of Russia, either in the shape of the once-proposed alliance of Russia, Belarus and Serbia, or in the shape of a recent Radicals proposition that Serbia be morphed into a Russian province.

Tomislav Nikolić, presidential hopeful of Šešelj’s Radicals, bypassed in “talks about gas”, was, however, invited, on the eve of the decisive run-off, to visit Moscow. He was then honoured by politically even more valid talks with the Russian no. 1 presidential hopeful, or rather hand-picked Putin’s successor, Dimitri Medvedev. His escort, translator and the only witness to those talks, was-Borislav Milošević.<sup>698</sup> In gauging the results of those unusual visit, it must be said that Nikolić, though the last one to arrive, got the most. Though it was clear that his Moscow visit was unrelated to the gas agreement, he was received by Putin’s successor, or in fact, the future prime mover of Russia’s policy.

<sup>698</sup> *Moscow News* – March 6, 2008.

## Conclusion

Competing of the most influential Serb politicians in proving their good standing in Moscow, indicates that in the year 2008, Russia, and not Europe is an influential factor in the forthcoming general elections in Serbia. That poses the following two questions: firstly, what made Russia “the greatest Serb friend,” in view of opposite mood and political leanings in the October 2000 changeover and secondly, is Russia able to meet the Serb expectations, and does it have the strength to stage a comeback in terms of continuing its vying-for-power game with the West?

The reply to that last question, could be: for the time being, no. And probably not even in the foreseeable future. Russia’s interests lie in its co-operation with the West. On the other hand, Western countries take a unified stand on Russia. But the goal of Putin’s policy (by dint of energy resources and in other ways) is to compel its “most important EU partners” to give priority to their individual interests, at the expense of collective ones, in their co-operation with Moscow. Gasline to Germany (Nothern flow) was placed on the bottom of the Baltic, with a view to by-passing the Baltic countries and Poland. The “Soviet” gasline for Germany passes through Poland. The political idea behind such a strategic construction of the pipeline is a continued supply of gas to the Western countries, and not Poland, if the need arises for Moscow to pile pressure, for some reason, on Poland. Direct gas supplies to Germany (and consequently to Holland and Britain) have a marked political context. At play is in fact Moscow’s attempt to hand-pick more “important” actors. In principle, it favours the countries of the “old West” over those from the “new West”. Moscow also favours those countries with which it can, allegedly, talk in a judicious way. Thus it also shows its aversion towards “anti-Russian xenophobes” (as Jas-trezhemboski once branded the Poles). In fact, in this way, Russia is offering to Europe the apple of contention. Moscow reckons that by that ploy it will annul or at least soft-cushion the effects of East European turn-coats flight under the West’s umbrella, after the Soviet Union collapse.

As regards Russia’s capacity to meet the “Serb expectations”, according to some polls nearly four-fifths of Serbs feel that they have been already

told and promised-everything. What is however difficult to gauge are the feelings of apathy and hopelessness in Serbia. Retired Russian general, Leonid Ivashov, expects that Serbs will stage an armed insurgency against NATO and, above all the Americans. In that effort, according to the retired general, "they shall be helped by volunteers from Russia and countries from its Community." He also underscored: "Men, who are ready to fight for justice, even with arms, shall come from many countries, even from Russia." He also predicts: "An armed, illegal struggle of local Serbs, assisted by the Serbs from Serbia, Montenegro and Republika Srpska...and that struggle shall resonate even in Macedonia, Greece, Serbia and Bosnia and Herzegovina. In fact it shall spread all over the Balkans peninsula. And then, that instability shall spill over into the whole Europe."

Whether accidentally or not, the fact remains that the "prediction" of the former head of International Department of the Russian Ministry of Defence, was disclosed at his special press conference, held a week before the clashes between the rebelled Serbs and UNMIK police and KFOR. The question remains which part of that Russian general's prediction is and which part is not contained in the "action plan" hatched by Koštunica, the Serb Radical Party and the Russians?

Is it the coverage of the DPS-controlled media related to "the recent realization that the Milošević era army should not have been reformed" and "the time is up for Serbia to change its military ally"? Ambassador of Russia to the NATO headquarters, Dmitrij Rogozin does not understand those 19% of citizens of Serbia who favour the NATO accession: "Why do they favour such an accession? Have not they felt the consequence of NATO air reads?"<sup>699</sup>

Because the US remains mired in Afghanistan and Iraqi wars, the EU continues to shilly-shally over its further expansion, and the prices of oil and gas, and maybe soon of water continue to rise, Moscow seems to think that the new, global cards-re-shuffling is imminent, as well as, domination by other means. At the time when Georgia and Ukraine want to join the NATO, Moscow, in a bid to irritate its rivals, can always use its Balkans card. It is however up to Serbia to decide whether it really wants to become that Moscow's card.

699 Tanjug, specially for *Politika* 5 March 2008.



XIV

## Kosovo's Independence



# Echo of Kosovo's Independence

The status of Kosovo became a first rate international issue, especially after Russia took a strong stance that “there is no solution without the consent of both sides”. At the same time, in the Security Council Russia blocked the passing of a new resolution that would replace Resolution 1244 and introduce a European mission to Kosovo. Thus the status of Kosovo<sup>700</sup> once again became a sensitive and potentially destabilizing issue in the Balkans.

The fact that Resolution 1244 is not explicit about the status, compelled the Security Council to search for a new interpretation that would enable the replacement of the UN mission on Kosovo by a EU mission. Given that Resolution 1244 pertained to FRY (Serbia with Montenegro) and that a dissolution of this state union took place, the status of Kosovo became a legitimate question from the moment Montenegro proclaimed its independence. The international community delayed the solution of the status by imposing on Kosovo authorities demands that were almost unfeasible, namely “standards before status”, which, among other things, pertain to minority rights. The frustration of the Albanians culminated in the events of March 17, 2004. Namely, on that day, an assault on Serbian enclaves happened, followed by an exodus of Serbs. During these events 19 civilians were killed (11 of them Albanian), 900 persons were injured, and more than 4000 people forced out of their homes.

These events made the Contact Group speed up the adoption of criteria for the solution of the status (that division is excluded as well as the return of Belgrade's authority, while unification with a neighboring country, that is Albania, is prohibited). They also gave an impulse to considerations of the future status. Marti Ahtisaari was named UN Special Envoy for Kosovo, while the US administration named Frank Vizner its representative in the negotiations.

<sup>700</sup> The present status of Kosovo is defined by Resolution 1244, of June 1999. The resolution authorizes international military and civilian presence in Kosovo without a time limit. KFOR (the NATO peace mission) was entrusted with maintaining security, while the administrative mandate was assigned to the UN Mission in Kosovo (UNMIK).

## Unsuccessful negotiations on the status of Kosovo

Negotiations, upon which the Serbian side insisted, showed that the positions of the Serbs and the Albanians are irreconcilable, and that a compromise is impossible. Albanians strongly held the position that independence has no alternative, whereas Serbs claimed that Kosovo represents an inalienable part of the Serbian state. Serbian representatives referred to the Constitution of Serbia passed at the end of 2006. Leading political parties in Serbia, SRS, DSS and DS, namely, Nikolić – Koštunica – Tadić, reached a consensus on Kosovo right before the new constitution was adopted. Their slogan was “more than autonomy, less than independence”. This position of the Serbian negotiating delegation was not convincing, given the fact that Slobodan Milošević initiated the demolition of Yugoslavia precisely by abolishing the autonomies of Kosovo and Vojvodina. The mediator in the Vienna negotiations was Marti Ahtisaari, who, at the end of unsuccessful negotiations, came out with his own proposal, which UN Secretary General Ban Ki-moon submitted to the Security Council on March 26, 2007. Ahtisaari's proposal moved towards meeting all Serbian requests, including some sort of “soft” division, through decentralization. The Serbian side imposed decentralization after the events of March 17, 2004. Ahtisaari's proposal envisages monitored independence for Kosovo, supervised by the international community. It specifies that Kosovo has the right to conclude international agreements with international organizations, as well as to establish its security forces and its own security service.

A special section of the agreement pertains to the position of Serbian minority in Kosovo. Six municipalities, with predominant Serbian population, would enjoy a high level of autonomy, including substantial financial support from Belgrade, albeit transparent. Local police would at the same time be a part of the centralized police structure. Government and judicial bodies would also reflect the ethnic structure of Kosovo. Kosovo would obtain a new constitution which would guarantee minority rights. UNMIK would be replaced by an international civilian representative (ICR)

similar to the High Representative in Bosnia. ICR would be elected by an International Steering Group composed of the leading countries. ICR would be from the EU, and his/her deputy would be American.

Serbian strategy pertaining to the status of Kosovo was formulated by the establishment of the Ministry for Kosovo and Metohija on May 15, 2007.<sup>701</sup> Regardless of the fact that various alternatives regarding the solution of the status have been circulated,<sup>702</sup> essentially only one of them was officially dominant – the preservation of the territorial integrity of the Republic of Serbia and the obstruction of national self-determination of the Kosovo Albanians. This was officially confirmed in a statement by V. Koštunica that the Government “is creating the Ministry for Kosovo and Metohija in order to confirm in deeds that, for the Government of Serbia, Kosovo will always remain a province within Serbia, and thus this Ministry must, in every possible way, offer even more assistance to each our citizen in the Province”.<sup>703</sup> Slobodan Samardžić, Serbian Prime Minister’s aid, who was at that time a member of the Belgrade negotiating team, was named Minister of the newly formed Ministry for K&M in 2007.<sup>704</sup> The strategy itself represented a continuity with the policy of the previous government (led by Koštunica), and relied on the argumentation used also by Slobodan Milošević.

701 The Ministry for K&M assumed the functions formerly performed, first by the Federal Committee for Cooperation with the UN Mission in Kosovo and Metohija led by Stanimir Vukićević (now Ambassador to Moscow), and then briefly, when DOS came into power, by Momčilo Trajković. Subsequently, a Coordination Center for Kosovo and Metohija was formed, led by Nebojša Čović (2001-2005) and Sandra Rašković-Ivić (2005-2007).

702 They were declaratively of a conciliatory character, as for example the Hong Kong model for Kosovo, or the model of Öland islands. In essence, they were only aimed at buying time for a mobilization of nationalist forces, which would play its role in the electoral support to DSS (in the first place), and in diverting the attention of the citizens from a bad socio-economic situation.

703 From the website <http://www.pressonline.co.yu/vest.jsp?id=11199>

704 Besides Samardžić, members of the team were Serbia’s presidential aid Leon Kojen and representatives of Serbs from Kosovo Marko Jakšić, Milorad Todorović and Goran Bogdanović.

Accordingly, all Serbian participants refused Ahtisaari's proposal, and on the insistence of the Serbian side, the negotiations continued in the second half of 2007. The mediator was the *Troika* headed by German Ambassador Wolfgang Ischinger. Negotiations ended on December 10, 2008, without any of the sides making a step forward. Ambassador Ischinger was more focused on attaining unity within the EU, especially regarding a new EU mission which would replace UNMIK.

During the entire year 2007, Russia played a key role in the behavior of the Serbian negotiating delegation, which received assurances that Russia was going to block a new declaration on Kosovo in the Security Council. Thus the role of Russia became crucial in solving the Kosovo status, as Russia blocked the passing of a new resolution which would lay the foundations for accepting Kosovo's independence. Russia supported its claim that the status of Kosovo can be solved only through negotiations between Belgrade and Priština by arguing that otherwise a precedent would be created for new secessions in the former Soviet Union. Russian diplomatic representative in the Troika, Harchenko, stated that "EU may do as it pleases, but that is absolutely illegal, since when Kosovo is concerned, the UN Security Council Resolution 1244 is in force. Such issues may be resolved only by the UN Security Council, not by Priština or the EU".<sup>705</sup> Namely, Russia would most surely apply such a precedent to Georgia, Moldavia and Azerbaijan, where this country supported secessionist movements. The Serbian political class was strongly encouraged by such a standpoint of Russia, which also had a substantial impact on its anti-European attitude in the last year.<sup>706</sup>

The consequence of the Russian decision to prevent the Security Council from passing a new resolution was a short term postponement of independence. The decision on the postponement, in which France played a decisive role, took into account the forthcoming presidential elections in Serbia. Namely, the decision was aimed at supporting President Boris Tadić, preventing independence from becoming the dominant issue of the presidential campaign. Kosovo leaders were also under pressure to postpone

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<sup>705</sup> *Kosovapress*, January 17, 2008.

<sup>706</sup> *www.b92.net* January 17, 2008.

the proclamation of independence. The whole scenario of proclamation unfolded under the watchful eye of the international community in order to avoid any kind of violence or provocation from the Serbian side.

The US and Great Britain played a key role in placing Kosovo independence on the agenda. During 2007 the US Senate passed several resolutions supporting Kosovo independence. On October 7, 2007, the US Senate passed Resolution 237 which supports the efforts towards finding an "agreement on the future of Kosovo", because, as it was pointed out, the unresolved status of Kosovo is "not sustainable". Before that, on January 7, 2007, Senator Lantos introduced Resolution 36, which calls upon the US to declare its support to Kosovo independence. And, on March 29, 2007, Senator Lieberman introduced Resolution 135 which also calls upon the US to support Kosovo independence. This resolution insists "that, in case the UN Security Council fails to pass a resolution supporting Ahtisaari's plan, the US and other countries should recognize the independence of Kosovo". In May 2007, Senator Bean introduced Resolution 445 which calls upon the US not to recognize Kosovo unilaterally. Given the fact that Russia blocked the Security Council, international lawyers looked for an interpretation of Resolution 1244 in another context. Thus a report of legal experts, commissioned by the Ministry of Foreign Affairs of Germany, stated that "Resolution 1244 does not forbid unilateral proclamation of independence of Kosovo, nor the recognition of Kosovo statehood by other countries". Experts gave their opinion that the provisions of the Resolution preamble asking for the preservation of sovereignty and territorial integrity of the Federal Republic of Yugoslavia (now Serbia) pertain only to the transitional phase created by Resolution 1244.<sup>707</sup>

Serbian political leaders were aware where the status of Kosovo was heading to, and yet they opted for a confrontation with the majority of the international community. Prime Minister Vojislav Koštunica declared that the unilateral proclamation of the "bogus state of Kosovo" represents a final act of the policy initiated by NATO aggression on Serbia in 1999. During the negotiations in Baden (on December 26, 2007), Prime Minister Vojislav Koštunica stated that Serbia will not give up Kosovo. Regardless

of that, his message essentially singles out all parts of Kosovo where Serbs represent a majority. Even the solution that includes a high level of autonomy does not envisage self-government of Albanians in the entire territory of Kosovo. On that occasion he said: "Try to understand that eight centuries ago, Serbian people built the monasteries of Gračanica and Visoki Dečani, the Patriarchate of Peć, and Bogorodica Ljeviška (Holy Virgin of Lyevis), and that all of this belongs to us, the Serbian people, the Serbian Orthodox Church, and the Serbian state. We ask you to leave them untouched, and we accept that you, according to the agreed solution on substantial autonomy, regulate your own life, raise and cherish your sacred places and build on your future. There is enough space in Kosovo for Serbia to preserve its statehood, its people and its sacred places, and for you to have your system of separate autonomous power. Serbia cannot impose its institutions on you, but you cannot impose the independence of Kosovo and Metohija on Serbia either, since something else is written down in the UN Charter and the Constitution of Serbia."

The opinion of official Russia remains within the same framework. At the same time, President Boris Tadić declared that Serbia will do everything to "annul the willful and illegal proclamation of Kosovo independence". He called upon all citizens of Serbia to demonstrate to the entire world how they oppose the creation of a quasi-state on their territory. The Serbian Ministry of Interior filed criminal charges against three top Kosovo officials, Prime Minister Hashim Thaçi, President of Kosovo Fatmir Sejdiu and President of the Assembly of Kosovo Jakup Krasniqi, for, as it has been stated, "the proclamation of a bogus state on the territory of Serbia". The argumentation is that compliant to Article 8 of the Constitution of the Republic of Serbia, the territory of Serbia is unique and indivisible, and the borders of the Republic of Serbia cannot be changed, except by a procedure provided for the amendment of the Constitution.

The 2006 Constitution of the Republic of Serbia treats Kosovo as an integral part of Serbia, thus directly opposing the international community, namely the EU and the US, and their "extortion" of Kosovo. This Constitution obliges the state to secure the subsistence of Kosovo in Serbia even by force, if necessary. And even before Kosovo gained independence,



Tomislav Nikolić, Vice-President of SRS, while he presided over the Assembly for a short period in May 2007, warned of the possibility of introducing a state of emergency. The state of emergency hung in the air after February 17, 2008, as well. Dissatisfied with the outcome of elections, Prime Minister Vojislav Koštunica and the leader of the Serbian Radical Party Tomislav Nikolić decided to provoke new elections (with the slogan "Kosovo is Serbia") in the hope that the anti-European option would win. Planning of new parliamentary elections in the moment Kosovo declared its independence had a substantial impact on the character of the election campaign. The political elite formed a united front (with minor exceptions, such as LDP) for the defense of Kosovo.

## Reactions to the proclamation of independence

Reactions of the Serbian elite to the proclamation of Kosovo independence were as expected. Regardless of the fact that "everyone knew" that Kosovo is going to become independent, the media revitalized the stereotypes about Albanians<sup>708</sup> but also about others (all those who recognized Kosovo), stereotypes which dominated the media at the beginning of the 1990s. This comes as a proof that during the eight years that passed after the removal of Milošević, media coverage essentially adheres to the same value matrix, which is in the foundations of the greater-state policy. What is most striking in these reactions is the persistence of greater-state policy and a lack of will

708 Momo Kapor, a writer, commented on the independence of Kosovo in the following way: "In this last case of proclamation of independence and secession, we are in fact dealing with half-savage tribes, which hold no proof of ever having civilization or culture, a single cultural monument, a single shrine, a single old manuscript, a single fresco. Their mosques are built of stones they dragged from ruins of palaces belonging to our admirable emperors. They only carved holes for ropes for their donkeys in the stones. These are the only sculptures in their history. They do not have a single writer or painter whose significance spreads over their new borders..." *NIN*, March 6, 2008.

to accept the fact that Yugoslavia no longer exists. All neighbors, Croatia in particular, were warned of the consequences they should expect if they recognize Kosovo. A message was even delivered to Croatia that its AVNOJ borders (present borders of Croatia) will not be recognized.

The Government of Serbia passed a decision on the annulment of the "illegally proclaimed bogus state on the territory of Serbia."<sup>709</sup> Many Serbian politicians declared that "Kosovo will never become a member of the UN"<sup>710</sup>, and that "the proclaimed independency is an illegal act"<sup>711</sup>. Vuk Jeremić, head of Serbian diplomacy, went even further by announcing that "countries which recognize Kosovo cannot count on having the same, good relations with Serbia in the future"<sup>712</sup>. Three leading Serbian politicians Vojislav Koštunica, Prime Minister of the Government of Serbia, Boris Tadić, President of the Republic and Tomislav Nikolić, Vice-President of SRS, called for "full national and state unity" regarding Kosovo, which was an attempt to eliminate all alternative views, especially those which respect the reality in Kosovo.<sup>713</sup>

The Serbian Orthodox Church also reacted. The Synod of the SOC assessed the proclamation of Kosovo independence as an "invalid act which violates law and justice". The exclusion of Kosovo from Serbia is "violence characteristic only for periods of occupation and tyranny". The proclamation of Kosovo independence is like a "new legalization of the century long Ottoman violence and its consequences in this area, as well as a new application of the Fascist solution of the Kosovo question from World War Two"<sup>714</sup>.

The Islamic community, headed by Mufti Jusufspahić, was instrumentalized for the rejection of Kosovo recognition. Namely, the Islamic community of Serbia, with Mufti Jusufspahić as its head, launched an appeal to all Muslim countries to take into account the interests of Muslims in Serbia when considering how to decide on possible recognition of Kosovo.

709 *Press*, February 17, 2008.

710 *Ibid.*

711 *Ibid.*

712 *Ibid.*

713 *Ibid.*

714 *Ibid.*

Muhamed Jusufspahić said that the community of Muslims whose homeland is Serbia condemns the proclamation of Kosovo independence, as an act of political violence which can further deepen the discord among nations of the world.

The greatest anger of the elite turned towards the West. Vojislav Koštunica proclaimed to the world that Serbia “refused to be humiliated, adhering strictly to law and refusing to subjugate itself to force. Unilateral proclamation of the bogus state under the auspices of the US and the EU presents a final act of the policy of force which began with the aggression and insane bombing of Serbia and which continued with the arrival of NATO troops to Kosovo and Metohija.” Dragan Djilas (DS), however, tried to shift the responsibility to the US. He said that “Europe articulated its policy towards Kosovo under great pressure from America. Simply, Europe does not want Kosovo to jeopardize its relations with America.”<sup>715</sup>

The international community made it very clear to Serbia that by recognizing Kosovo it speeds up its entry into the EU. However, politicians in Serbia categorically rejected every possibility of “trading Kosmet”. Dragan Djilas (DS) insisted that “Serbia will never and under no condition agree to the independence of its province”, whereas Velimir Ilić, Minister of Infrastructure and leader of the NS, made a point that Serbia is not “a banana state to trade with its territory”. Bratislav Grubačić, a diplomatic analyst, declared that it is realistic to expect “such an indecent offer” from the Americans for Kosovo. But he nevertheless believes that “they (the US) shall by all means try to soften us, but I believe that it is going to be very, very hard”.<sup>716</sup> Serbia, indeed, attempted to send a message through Prime Minister of Republic of Srpska Milorad Dodik, namely that of division of Bosnia. Namely, he said “how are these Western countries going to explain to us and others that they do not recognize the right that they have granted to Albanians in Serbia, despite the fact that they are a national minority”.<sup>717</sup> Mladen Ivanić, leader of the Party of Democratic Progress in RS, announced: “As for the Republic of Srpska, if pressures on it persist

<sup>715</sup> *Ibid.*

<sup>716</sup> *Press*, February 18, 2008.

<sup>717</sup> *Politika*, February 17, 2008.

and it continues to be questioned in BiH, we shall be forced to find our own new way".<sup>718</sup>

Tomislav Nikolić, Vice-President of SRS, tried to console the citizens of Serbia by the fact that "three powerful states will never recognize the independence of Kosovo, namely Russia, China and India". He declared that Kosovo would become Serbian again. "With the consent of the US and many countries from the EU, Kosovo Albanians started down the perilous road of independency of a bogus state, and Serbia must be ready for these provocations".<sup>719</sup> Several voices of reason were heard in the public pointing out the newly developed reality. Dušan Lazić, a former diplomat, stated: "We have to understand that the Declaration on Kosovo independence refers to Ahtisaari's plan according to which administrative borders turn into state borders. Despite the fact that this was not approved by the Security Council, it is already being implemented to a great extent. Thus it is absolutely impossible that all decisions that were made will be changed only because they failed to fulfill the expectations of our officials that they will to preserve the entire Kosovo".<sup>720</sup>

The entire national frustration resulting from the defeat of the greater-state policy turned towards the key players of international politics, who deal with Serbia in a sincere attempt to help it outgrow its own past. The editor-in-chief of the most influential daily newspaper in Serbia, *Politika*, in a commentary on the subject of Kosovo independence said the following: "Serbs are a small nation with the inconvenient habit of opposing those who are stronger. Defeats we have lived through in the past decades left traumas in our national consciousness. The duty of the authorities is to react to the autonomy of Kosovo as any sovereign country would react to the infringement of its sovereignty and to extortion of its territory, at the same time taking into account the fact that half of the population is afraid of Tomislav Nikolić as much as it is afraid of the revanchism of our western friends".<sup>721</sup>

718 *Ibid.*

719 *Politika*, February 18, 2008.

720 *Danas*, March 9, 2008.

721 *Politika*, January 18, 2008.

## Division even after independence

Many analysts, regardless of the obvious fact that there is no going back when independence is concerned, still insist on the continuation of negotiations. Rectification is being promoted as a solution. It would, as they say, divide Kosovo into two zones following the 12:12 principle. With this solution Serbia would lose 12 percent of its overall territory, but so would Kosovo.<sup>722</sup> A series of articles, studies and books have been published on the topic of division, just after Kosovo had been recognized. One of the latest books is the one entitled "Kosovo and Metohija", by Dr Milovan Radovanović, which has the goal, as it has been stated, to help in finding the way within the chaos, and shed the light on a new road and solution. And this new road, even after all that has happened, is the division of Kosovo. The author points out, with regret, that "Kosovo is lost because, in 1912, Serbs allowed the Albanians to remain in Kosovo, instead of removing them, thus solving the Albanian question once and for all."

According to the statements of members of the former negotiating team, the issue of the division of Kosovo is still much alive.<sup>723</sup> Marko Jakšić advocates the so-called functional division of Kosovo, criticizing President Tadić for discarding this plan. He gave a statement in that direction for Beta news agency saying that "on a meeting with the Minister for Kosovo and Metohija, Slobodan Samardžić, we have both expressed our regret that the standpoint of President Tadić (regarding the plan) perfectly coincides with the standpoint of (Kosovo Prime Minister) Hashim Thaçi".<sup>724</sup> Minister Samardžić rejected the accusations that he advocates the division of Kosovo. However, all arguments are supporting these accusations, because Samardžić, following the dictate of Belgrade authorities, continually produced collisions between Serbs and Albanians. First, there were appeals to boycott local elections, and then a call to the Serbs to abandon Kosovo institutions after the proclamation of independence, followed by a promise

722 Slobodan Marković, *Izlazna strategija Srbije na Kosovu i Metohiji* (Exit strategy of Serbia for Kosovo and Metohija), *Hereticus*, Vol.V (2007), No. 3-4; cf. in the same number Jovica Trkulja, Jova Bakić, Slaviša Orlović, Nevena Cvetičanin.

723 The proposition of Minister Samardžić on functional separation of Serbs and Albanians is still being considered by the United Nations.

724 From the website [www.b92.net](http://www.b92.net). March 31, 2008.

that the state will provide them with 16,000 dinars a month (when the money was not paid by the Ministry of K&M, a boycott by the employees of the Lipljan penitentiary in Gračanica followed).<sup>725</sup> Calling upon Serbs not to participate in the work process, Samardžić declared in Orahovac, on February 4, 2008: "We are here to tell them that the state will invest in Orahovac and create new job opportunities, thus enabling people to live from their work, not from social or humanitarian aid"<sup>726</sup>.

The postponement of the solution of the Kosovo status after the NATO intervention, but the permanent courting of Serbia as well, nourished the expectations of Serbia that it would realize its goals, not only in Kosovo, but in Bosnia as well. No one expected such a reaction from Russia, especially since the Russian representative in the Troika had been very cooperative. In his excellent essay "Russia, Kosovo and Europe", Wolfgang Petrisch, former ambassador to Serbia and High Representative for Bosnia, says that "In a way Kosovo had fallen victim to bad timing and the West's procrastination and the piecemeal approach it had taken in the Yugoslav conflict from its beginning". He also claims that the still delayed end of the Yugoslav conflict – the Kosovo chapter could have been closed years ago – can be viewed as collateral damage, triggered by Russia's recent resurgence on the world scene as well as its reaction to the West's rather insensitive handling of this wounded giant in the immediate post-Cold War period.<sup>727</sup>

725 This decision jeopardized the existence of 2,300 workers of Serbian nationality, who worked until the proclamation of Kosovo independence on February 17. The extent to which lives of people living in Kosovo are subject to manipulation is best illustrated by this fact. Namely, workers from Lipljan, a town south of the river Ibar are left without work and with false promises, while on the other hand negotiations are held on their territorial secession (if the north is annexed to Serbia, then 80,000 Serbs south of Ibar are "written off"). The topic of the future of Serbs in the enclaves is being hypocritically evaded and left to irresponsible statements, e.g. the one by Oliver Ivanović, who stated for Kurir that "**I do not believe that there are going to be any incidents or any danger for them** because the Americans, the EU and NATO have warned the Albanians that they must do nothing that might harm their plans for independence". Hence he sends a message of peace by starting from the assumption that the safety of Serbs in the enclaves is guaranteed, on the Albanian side, by the calculations of the regime. That could mean that it is only a matter of time before the alleged Albanian terror starts again.

726 [www.b92.net](http://www.b92.net)

727 Wolfgang Petrisch, Russia, Kosovo and Europe, *Sudosteuropa Mitteilungen*, January 2008.

XV

## Serbia and Neighbors





# Croatia: Normalization of Relations Slow but Steady

Speaking of Belgrade-Zagreb relationship, Croatia seems to be more tolerant and patient than Serbia. Croatia's regional policy was most constructive, particularly once the Kosovo issue was placed on the international agenda. Normalization of relations between Serbia and Croatia is most significant for the entire region, the more so since it affects developments in Bosnia-Herzegovina. Though in 2007 there were no major tensions in mutual cooperation, it was still overshadowed by a number of open problems.<sup>728</sup> Serbia pursued its Croatia policy on two tracks: the presidential by Boris Tadić who was more flexible, and governmental by Vojislav Koštunica who was often acted in a hard-core manner. Because of such dualism Croatia had to use all its skill to balance its policy vis-à-vis Serbia in 2007.

However, as historian Latinka Perovic puts it, there is a 'deeper level' that not only influences relations between individual Serbs and Croats but also and in the long run the regional relations. She calls it a *mindset* connecting the two peoples. The entire domain primarily relates to the developments in intellectual elites of both people, which greatly influence the attitudes of respective political elites. In the societies such as Serbian and Croatian, intellectual elites reproduce political ones, so that political elites are those that also mirror 'below the surface' relations between the two peoples.<sup>729</sup>

In 2007, the Serbian society was totally preoccupied with the resolution of the Kosovo status. For Vojislav Koštunica and his Democratic Party of Serbia /DSS/ the Kosovo issue is the matter of political survival.

<sup>728</sup> The status of ex-Yugoslav property was among numerous issues raised in 2007. The Croatian Defense Ministry requires 10-billion USD compensation from Belgrade since, according to its experts, the military property of ex-Yugoslavia was worth 70 billion. Belgrade replied Serbia would not deal any longer with 'partition of imaginary property.' *Blic*, July 5, 2007.

<sup>729</sup> [www.helsinki.org.yu](http://www.helsinki.org.yu)

Frustrated by yet another defeat, Serbia is now in the state when it cannot decide on its future for 'reasons of insanity.' All the countries in the regions showed understanding for the new realities. Ivo Sander's cabinet was especially cautious in the matter of Kosovo. However, President Stjepan Mesić warned Belgrade on several occasions that it was responsible for the situation in Kosovo.<sup>730</sup>

## Croatia: At the End to Its Road to Europe

Having attained successful results at domestic and international level in 2007, Croatia is today considered an almost consolidated European democracy. International observers saw the parliamentary elections in Croatia as fair and free.<sup>731</sup> The outcome of the elections was the 'new-old' cabinet of Ivo Sanader, who managed to secure the support of other parties including the Serbian Democratic Independent Party<sup>732</sup> (allocated the office of deputy prime minister<sup>733</sup>) Though Zoran Milanović's Social Democratic Party /SDP/ was seen as a favorite over the election campaign, the HDZ won 66 parliamentary seats, i.e. outstripped SDP by ten seats.

The same as the previous elections, those testified that the Serbian community in Croatia has become a constructive factor of the society. It

730 Stjepan Mesić said Serbia is the source of instability in Bosnia-Herzegovina and in Kosovo. According to Mesić 'a democratic Kosovo' does not suit Serbs. In an interview with Deutche Welle, Mesić said Belgrade had never messaged the Serbs in Bosnia that they were Bosnian citizens and should create their policy within Bosnia. „We never heard Belgrade saying that Kosovo Serbs are Kosovo citizens and should partake in law-making in Kosovo, be it an autonomous province or an independent state,“ said Mesić. *Politika*, November 26, 2007.

731 A record small number of international observers came to monitor the elections in Croatia, since Croatia was seen as a country capable of carrying out free and fair elections by itself.

732 SDSS was supporting the ruling party in the previous period as well, but did not partake in the government. Its support was formalized by an agreement with HDZ.

733 Slobodan Uzelac was appointed deputy prime minister in charge of regional development, renewal and return /of refugees/.

is no longer a hostage to the 1990s legacy but an independent political player.

Croatia's movement towards Europe depends no more on the strongest party in the government (while in Serbia where all elections are decisive for the country's pro-European course). Croatia has reached a political consensus on European integration and that was fully evident over the last election campaign. Actually, the two biggest parliamentary parties were 'competing' over the most efficient way for the country to join EU. Besides, popular support to Euro-Atlantic integration, NATO membership in particular, is on the upgrade.<sup>734</sup>

In 2007, Croatia was also successful at the international arena. It was elected a nonpermanent member of the UN Security Council, and invited to become a full-fledged member of NATO in 2008.

Croatia's nonpermanent membership of the UN Security Council testified of the international community's recognition of its course and policy, but also of the fact that, at the close of 2007, it was ready to round off its Euro-Atlantic integration. It should be noted that Belgrade has unequivocally supported Croatia's candidacy for a nonpermanent membership. That support clearly signaled the official Belgrade's plans vis-à-vis Zagreb. However, from today's angle, it is not that clear whether such positive signals were to be ascribed to a coherent governmental policy or to individual initiative. One would rather say that the present Serbian government and relevant ministries hardly plan neighborly policies. At the time he was in the office of Foreign Minister, Goran Svilanović paid a visit to Zagreb to demonstrate support to Croatia's movement towards EU, immediately after Croatia started negotiating SAA with EU.

However, in the case of Croatia, EU continues to pose preconditions for accession that are harder than in the cases of newly admitted EU member-states such as Bulgaria and Rumania. For, the latter two countries were admitted to the membership under the conditions they still have to fulfill. The EU Commission's report issued in July 2007 (only seven months after

734 According to the survey conducted by GFK Agency, this is for the first time in the past 10 years that over 50 percent of citizens of Croatia are in favor of membership of NATO. Twenty-five percent of interviewees directly oppose it.

Bulgaria's and Rumania's accession) criticizes the two countries for the situation in their judiciaries, corruption and 'contracted murders.' That's probably why it would be even harder for Croatia to persuade Brussels that it would not have to cope with such problems once it becomes a full-fledged member. In this context, EU has been warning Croatia of its shortcomings in the domain of judiciary in the first place.<sup>735</sup> Besides, EU expects Croatia to improve its minority policy, particularly when it comes to the position of the Serb community and return of Serb refugees.

In the past period Croatia has solved two major problems in the context of Euro-Atlantic integrations. Firstly, it finalized its cooperation with the ITCY. Secondly, it settled with Slovenia and Italy the issue of the so-called protected ecological fishery zone.<sup>736</sup>

According to EU analyses, Croatia has made the biggest progress in the accession process when compared with other ex-Yugoslav republics, except Slovenia.<sup>737</sup> Inadequately efficient judiciary and corruption<sup>738</sup> remain

735 EU officials called Croatia to speed up reforms, underlying that the date of accession would be set in the final stage of negotiations, expected by the late 2009. Corruption is still seen as a major stumbling block in the way of Croatia's membership of the EU. *Danas*, April 26, 2007.

736 The conflict between Italy and Slovenia on the one hand, and Croatia on the other, broke when the Croatian parliament proclaimed 23,870 square kilometers of maritime area *Protected Ecological Fishery Zone* (ZERP). ZERP is presently frozen for EU member-states on the grounds of the request submitted by Italy, Slovenia and EU Commission, and thus taken off the agenda of the negotiations with EU. In the Adriatic Sea it applies only to Montenegro and Albania. However, Croatia still has to solve the problem of the Piran Bay in Istria with Slovenia. While Slovenia considers the bay a part of its territory, Croatia has 'unilaterally' renamed it Savudrija Vala. The dispute presently awaits ruling of the International Court of Justice.

737 "Croatia dreams of escape from the usual western Balkan troubles", *The Economist*, November 15, 2007.

738 In 2007, Transparency International graded corruption in Croatia by the scale 1-5, i.e. absence of corruption – total corruption. According to interviewees, judiciary tops the list of corrupted institutions (4.3). Healthcare comes next (4.2), and is followed by economy and political parties (4), legislation (3.9), the media (3.5), education (3.3), utilities (3.1), army (2.8), and non-

major stumbling blocks in the way of Croatia's accession to EU and, at the same time, the topics the European Commission would be insisting on the most in the two years to come.<sup>739</sup>

In 2007, Croatia lost one of its most prominent politicians, Ivica Račan, leader of the Social Democratic Party and ex-premier. When he passed away the great majority of the media carried stories about his contribution to Croatia's movement towards EU, and reminded that it was with him in the office of premier that the country signed SAA and improved its relations with the international community.

## Relations between Serbia and Croatia in 2007

What burdens the most relations between the two countries is interpretation of the 1990s wars in the territory of ex-Yugoslavia. In 2007, Serbia again reminded of operations *Flash* and *Storm*, but of the WWII Jasenovac concentration camp as well<sup>740</sup>, and insisted on the refugees' right to return to Croatia.<sup>741</sup> As for Croatia, the general public called to memory the crimes committed in Croatia in the course of the 1990s war. Speaking of refugees, Serbia has obstructed their return from the very beginning and tried to profit from the issue to blackmail Croatia. On the other hand, better treatment of refugees in Croatia would surely encourage more of them

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governmental organizations and the Church (2.6). *Danas*, December 8-9, 2007.

739 *INDEX.hr*: <http://www.index.hr/vijesti/clanak/svijet/23/quotnato.php>

740 Croatia commemorated the anniversary of prisoners' escape from the Jasenovac concentration camp. Speaking at the memorial, President Mesić emphasized that the memory of the victims „should not die with them.” He explicitly called Jasenovac the place of crime and the then regime criminal. *Danas*, April 3, 2007.

741 While presenting his interim report, the head of OSCE Mission to Croatia, Horhe Fuentes, said the resolution of the burning problem of 'tenant' rights of war prisoners had just begun. Their apartments had been 'appropriated under pretext of being unjustifiably unoccupied for more than six months.' According to Fuentes, should solve the problem through compensation by the end of 2007. *Politika*, July 23, 2007.

to return to their concepts. Policies of both countries practically testify that the concept of nation-state is still alive in the region. The problem of the Croatian minority in Serbia has been marginalized and repression against it in 1990s swept under the carpet. The ongoing trial of the Radicals' leader, Vojislav Šešelj, in ICTY could be the right opportunity for giving voice to the topic.

Some progress has been made in the interpretation of the warring past thanks to the trials before the ICTY – but to also those instituted before national courts. However, it should be noted that the ICTY sentences related to the war in Croatia have not adequately reflected the nature of the conflict. This was notably evident in the Dubrovnik case and in the sentences passed to the so-called Vukovar troika. Those sentences practically amnestied the former Yugoslav People's Army, a key player in the Croatian war. As for the trials before national courts, regardless of the progress made in this domain, they are still overshadowed by relativized accountability of 'one's own nation.' This primarily refers to the trials in Serbia and the obstructions trial chambers have to cope with. Overcoming the past through trials certainly opens the door to settlement of other key and complex issues.

## Economic Relations

The dynamic growth of economic and regional cooperation between Croatia and Serbia in 2007 signals the improvement of overall relations.<sup>742</sup> Total bilateral trade in 2007 amounted to about one billion US dollars, i.e. 40 percent more than in 2006. In the regional context, Croatia is among economic leaders. For several years now, it has a steady economic growth

742 Zagreb hosted the Energy Summit of Southeast European Countries, assembling heads of the state from the region and Russia. Serbian President Tadić attended the Summit. In his address, Croatian President Mesić expressed his belief that „the Balkan powder keg was finally empty.“ *Danas*, June 25, 2007.

despite the fact that domestic economists were not exactly enthusiastic about the results in 2007.<sup>743</sup> Besides, Croatia has been investing for some years now in neighboring countries, in Serbia in the first place. Serbia comes third in Croatia's overall export. In 2007, Croatia invested 400 million US dollars in Serbia. Trade deficit was some 300 US dollars to Croatia's advantage.<sup>744</sup> As for Serbia, its investment in Croatia is still insignificant. Therefore, the question of whether or not Serbian capital is welcome in Croatia at all is often raised in Serbia.<sup>745</sup> As it seems, Serbian businessmen (tycoons, precisely) will be the first to invest big capital in Croatia in foreseeable future.<sup>746</sup>

Economic relations between Serbia and Croatia have to be viewed from the angle of several macroeconomic factors that crucially determine their quality and scope.

Firstly, transitional trends in Croatia and Serbia are asymmetrical. The EBRD in its 2006/07 analysis assigned Croatia the highest grade (3.6) of all

743 For instance, Dun & Bradstreet Corporation raised Croatia's credit profile from DB3d to DB3c, which is a progress but still rate Croatia among mild investment risk countries. Besides, Croatia's national debt nears a critical point since the entire national gross product will soon be spent on the 35-billion-Euro debt servicing. Emportal:<http://www.emportal.co.yu/vesti/region/43400.html>

744 Croatia's export to Serbia amounted 650 million US dollars, while import from Serbia totaled 350 million US dollars. Ibid.

745 In the summer of 2007, while the election campaign was in full swing, SDP candidate Ljubo Jurčić said, "It is common knowledge who committed crimes. Wounds are still not healed." Asked whether he would sell the Vupik Company /Slavonia/ to Serbian tycoon Milorad Mišković, Jurčić replied, "I might sell him some company, but not one in Slavonia. Memories of war suffering are still fresh in citizens' minds." *Večernji List*, August 19, 2007.

746 In an interview with the *Jutarnji List* daily from Zagreb, Vice-President of the Delta Company Milka Forcan announced that her company would soon enter the Croatian market. Asked why was it that Delta, as the biggest Serbian company, has not invested in Croatia yet, Forcan replied, "Apart from being a leader in Serbia, we are also present at another four markets. For this year we plan to enter three new markets. However, Croatia is not among them...We assess that the climate in Croatia is not positive yet, or even neutral to capital coming from Serbia."

Southeast European countries. Serbia was near the bottom of the ladder having scored 2.7 points.

Secondly, the discrepancy in developmental trends between the two countries has become bigger after dissolution of ex-Yugoslavia. Croatia with the population of 4.4 million had the GDP of over 34 billion Euros in late 2007 (about 7,700 *per capita*), while Serbia, with the population of 7.7 million had GDP of some 31 billion (a bit more than 4,000 *per capita*). In other words, today's Croatia is twice as developed as Serbia. In 1990 it was more developed by some 25 percent.

The difference in standard of living and purchasing power between Croatia and Serbia is considerable indeed. In Croatia, net salaries in 2007 averaged 630 Euros, while in Serbia only some 330 Euros. The difference in the amounts of purchasing loans is also big.

Further, Croatia's economy is more present at international market than Serbia's. Croatia exports 49.7 percent of GDP, while Serbia hardly exceeds 20 percent of GDP. These are key indicators of the two countries credit potential at the international market of capital.

Bilateral trade has been growing dynamically since 2000. In the past seven years the trade between Serbia and Croatia doubled when compared with the previous period, totaling some 850 million US dollars. Precisely, total trade till late November 2007 amounted to 776.8 million US dollars whereas in 2000 it was only 37.6 million. Compared with 2006, the bilateral trade in 2007 grew by over 38 percent.

The trade with Croatia amounts to some 3.2 percent of Serbia's foreign trade (totaling 24,428 million US dollars till the end of November 2007). And yet, Croatia was at the seventh place in Serbia's overall foreign trade in 2007, and 10<sup>th</sup> on the list of import countries.

Commercial transaction makes up a lion's share in bilateral trade, i.e. over 90 percent. Compensation deals are few, which indicates that higher forms of industrial cooperation between the two countries are underdeveloped.

According to the Croatian National Bank, since 1993 Croatia has invested 382 million Euros in Serbia – in other words, every fifth Euro of foreign investment came to Serbia. In the same period, Croatia invested



381 million Euros in Bosnia-Herzegovina and only 73 million in Slovenia. Since the total foreign investment in Serbia in this period amounted to 5,810 million Euros, Croatian capital participated with some 6.6 percent.

Actually, the scope of mutual investment between Croatia and Serbia seems hard to define with certainty. According to Rade Pribičević of the Danube Food Group, some 600 million Euros of Croatian capital are in Serbia. To all appearances, this capital has been imported through mediation of third countries or investment funds. The exact amount of Serbian investment in Croatia is unknown, unless there are also some hidden, indirect investments.

Indicatively, only seven Serbian companies have their branch offices in Croatia. On the other hand, Croatian companies have 160 branches in Serbia. That means that goods from Serbia are sold in Croatia mostly by Croatian companies. According to Croatian official sources, averagely only one Serbian company per year manifests interest in opening its branch in Croatia. Whereas the Serbian Chamber of Commerce does not have its mission to Croatia, its Croatian counterpart does have its mission in Belgrade. (At the same time, Slovenian companies have some 400 branches in Serbia.)

Ivan Ergović, owner of the Nekse Group, is the biggest individual investor in Serbia. In privatization process, he has taken over three construction companies and invested some 50 million Euros so far.

The much-rumored cooperation between Miroslav Mišković's Delta Group and Ivica Todoric's Agrokor from Zagreb remained at the level of a mega media story. However, Todoric has become a significant investor in Serbia: he owns the "Frikom" ice-cream and frozen food plant, the "Dijamant" cooking oil plant and the "Idea" chain of retail shops.

Few companies from Croatia have partaken in privatization of Serbian enterprises, while no company from Serbia was involved in privatization in Croatia. The trend seems to have become negative in the past couple of years. The Croatian Nekse Group has been bypassed in the privatization of the "Toza Marković" plant from Kikinda, and the "Pevac" trading company has been denied a license to buy a construction site in Serbia. The Danube Foods Group has been practically expelled from the privatization of the Karlovac Dairy.

There is much speculation about real owners of closed investment funds operating in both Serbia and Croatia. However, proofs those funds have enabled infiltration of capital in both countries are unsubstantial. Open investment funds are still in embryo. The Croatian “Fima Proaktiv” Company’s daughter firm in Serbia, established in 2007, immediately assembled 2,000 members and a capital of 13.5 million Euros. So far, about 7 Euros per capita have been invested in open investment funds in Serbia, while in Croatia 500 Euros (700 Euros per capita in Slovenia).

Further, Zagreb stock market and Belgrade stock market are hardly comparable. While last year’s turnover of the former amount to 8.7 billion Euros, the latter had a turnover of only 2 billion despite the 60 percent annual growth in transaction.

Restitution of property of the companies almost all of which have been privatized in the meantime also weights bilateral relations. In most cases, the property can only be compensated. Most problematic of all are former “Beopetrol” company and the Yugoslav Pipeline – the cases are practically frozen since legal grounds for restitution is still unclear.

Serbia’s export of fresh fruits and vegetables to Croatia is surprisingly small, particularly during the tourist season in Croatia, itself a big importer of fresh fruits and vegetables.

The tourist exchange between Serbia and Croatia is far beyond its true potential. It was only in 2007 that the two countries launched regular tours. The joint venture of the Belgrade-seated Jolly Travels Agency and the Croatian Adriatic Company increased the number of tourists in 2007 to some 30,000 people.

Though still unstable, overall relations between the two countries were on the upward curve in 2007.<sup>747</sup> However, in early 2008 after proclamation of Kosovo independence, mob demolished the Croatian Embas-

747 „Boris Tadić is the first high official from Serbia, who apologized to citizens of Croatia for the crimes committed in the past war. Koštunica had avoided to do that in late 2000, by saying ‘unilateral apologies are meaningless’ Tadić also said that Ratko Mladić was one of the darkest chapters of Serbia’s history and that Mladić’s crimes were not a part of Serbia’s national culture,” aired the Croatian national broadcaster. Danas, June 25, 2007.

sy in Belgrade, along with the American and embassies of some other Western countries. This indicates that Serbia in general still blames Croatia and Slovenia for ex-Yugoslavia's disintegration. Though Croatia was most tactful about the timing of Kosovo's recognition, Serbian Foreign Minister Vuk Jeremic said this act /recognition/ would 'negatively affect mutual relationship.'

More examples on both sides indicate that the adverse legacy of the past is still alive. For instance, Croatian public broadcaster aired live the concert of Marko Perkovic-Thompson, known for his chauvinistic songs glorifying the Ustashi movement. Some 40,000 fans attended the concert of June 17, 2007. The Simon Wiesenthal Center accused the Croatian government of approving the hate speech.<sup>748</sup> The media in Serbia use such and similar events to prove Croatia's Ustashi character that cannot be tolerated by Serbs. A part of the Serbian intellectual elite that defined the Greater Serbia program in the first place and partook in warring propaganda (notably academicians and church dignitaries who still present Croatia as a genocidal creation) foster the same attitude towards Croatia.

At the same time, Serbia has done nothing to learn what happened to some 500 missing persons from Vukovar.<sup>749</sup> A line for possible witnesses who might anonymously impart information about missing persons and mass graves was opened in 2007 but of no avail. Actually, Vukovar can serve as a *case study* for Serbian-Croatian relations.

Excerpts from Radio Free Europe's show "*Vukovar Heals its Wounds*" *testify* that citizens on both sides are generally willing to see normalized relations between the two countries. Asked „*Is coexistence between Serbs and Croats in Vukovar possible at all?*” Boro Rakman of the Independent Democratic Serbian Party replied, „*I think that the era of parallel lives is behind us. Now we are living side by side, working together, going to school together and together we go to sports competitions...Relations are better and better as days go by. I am an optimist.*”

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748 *Danas*, July 3, 2007.

749 After sixteen years, a ferry crossing between the towns of Vajska and Vukovar was established thanks to the Netherlands government that invested 1.5 million Euros in free passage for 50,000 citizens from both sides. *Danas*, July 3, 2007.

## Conclusions and recommendations

Should Serbia in the elections of May 2008 opt for isolation and against European course, its relations with the entire region would stagnate if not regress. This refers to the relations of Serbia and Croatia as well.

All Serbia's neighbors, Croatia in particular, manifested good will to improve mutual relationship in the past period. This indicates their awareness about the significance of the entire region's integration into Europe and perception of Serbia as a major factor of the process.

Regardless of the outcome of Serbia's parliamentary elections, intensive communication with Croatia should be kept at the level of civil society and primarily in the domains of culture and education. This would foster mutual understanding and contribute to proper interpretation of the 1990s wars.

Exchange programs for scholars, intellectuals and young people would only warrant the stability of future relations.

Programs for cultural cooperation should be intensified, particularly in the area of publishing.

# Bosnia-Herzegovina: Hostage to the Official Belgrade

In 2007 it became evident that Bosnia-Herzegovina was an absolute hostage to Serbia's policy, but that of Republika Srpska as well. Today's Bosnia-Herzegovina is a politically blocked society and, from the point of view of the official Belgrade, an object of regional bargaining for Kosovo. Bosnia-Herzegovina failed to solve two major problems standing in the way of its European course, i.e. reform of the police and cooperation with the ICTY.<sup>750</sup> Settlement of both problems is in the hands of Republika Srpska officials, i.e. the official Belgrade. This continues to hold the rest of Bosnia-Herzegovina hostage to the policy of Serbia's government.

In late 2007, when it became obvious that Kosovo status would be settled in the months to come, Belgrade and Banjaluka synchronized a campaign for Republika Srpska's self-determination under new circumstances.<sup>751</sup> In other words, the idea of bargaining Kosovo for Republi-

<sup>750</sup> In 2007, the reform of the police was a major preoccupation of the representatives of the international community in Bosnia-Herzegovina and local political leaders, but also of the media and general public. An effective reform necessitates a compromise of all sides. The political will for reaching the compromise is evidently non-existent, particularly on the part of Republika Srpska politicians. On the other hand, the very outcome of the reform would be problematic given that all sides agree that the proposed model is hardly applicable to the complex system such as Bosnian. According to the plan publicized in mid-February 2007 by the deputy high international representative in Bosnia-Herzegovina, Rafi Gregorijan, Republika Srpska and B&H Federation would keep their police forces, while Republika Srpska would be divided into five functional regions in which its security centers are anyway located. Neither this proposal did meet general approval. Sulejman Tihic, leader of the Democratic Action Party, accused the international community of having yielded to Dodik's pressure. All Bosniak leaders turned down Gregorijan's plan.

<sup>751</sup> The EU Special Representative in Bosnia-Herzegovina reacted promptly by emphasizing that Kosovo and Bosnia were not connected in any possible way, and that no entity has the right to secession. "Bosnia-Herzegovina has the priorities of its own and jobs to do. And they have nothing to do with

ka Srpska materialized in 2007 and thus blocked the reform process in Bosnia.

Whether Belgrade will continue to insist on pan-Serbian unification, i.e. on the union with Republika Srpska, is an open question for the time being. What can be taken for certain is that the international community will endeavor to stabilize and consolidate Bosnia-Herzegovina as a unified state. And yet, the success of those efforts will greatly depend on the strength of Belgrade's support to Banjaluka leadership. Bosnia's prospects for European integration will remain uncertain as long as Republika Srpska politicians perceive Bosnia-Herzegovina as a transitional solution and consider Serbia a reserve state.

Ever since the Dayton Accords were signed in 1995, 'extra' constitutional rights for Republika Srpska and its elite have been a major hindrance to Bosnia's progress. The Republika Srpska elite cooperates closely with Belgrade and persistently opposes redefinition of relations within Bosnia-Herzegovina. The insistence on the rights of entities and a weak confederation predominates Premier Dodik's political course.

Nevertheless, in late 2007 the EU decided to paraphrase the Stabilization and Association Agreement with Bosnia-Herzegovina. Negotiations on SAA began in November 2005 and ended in December 2006.

A key document preceding EU's decision on SAA with Bosnia-Herzegovina was the Mostar Declaration of Consent about Police Reform.<sup>752</sup> The Declaration, however, marked just the beginning of an uncertain process. For, the police reform remains a precondition for signing the SAA.

The career Slovak diplomat with experience in the region, Miroslav Lajcak, was named the EU Special Representative in Bosnia-Herzegovina on July 1, 2007.<sup>753</sup>

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Kosovo. I understand the psychological impact of Kosovo situation on the entire region, but take that it would be in no one's interest to destabilize the situation in Bosnia-Herzegovina," said Miroslav Lajcak. Beta, March 5, 2008.

752 B&H paraphrased SAA with EU, Radio Free Europe, December 4, 2007.

753 Lajcak was, inter alia, special assistant to Slovak Foreign Minister Eduard Kukan at the time Kukan was the UN Secretary General Special Representative for the Balkans. In 2001, he was appointed Slovak Ambassador to the FR of Yugoslavia,

At the very beginning of his term Lajcak had a conflict with Dodik. Namely, when Lajcak, by the power of his authority, issued orders aimed at improving efficiency of the Bosnian parliament and government, politicians in Republika Srpska invoked “a democratic rebellion” and called his measures harmful.<sup>754</sup> Political parties from the Federation backed the High Representative’s measures meant to unblock functioning of major institutions.<sup>755</sup> Actually Laychak had imposed amendments to the Law on the Council of Ministers of Bosnia-Herzegovina so as to secure quorum. He ordered the Bosnian parliament to amend its statutes by December 1 so as to make sessions valid with a majority of parliamentarians regardless of the entities they represented. Until then, sessions of the Council of Ministers and the parliament necessitated presence of a majority from each entity – which in itself much too often blocked the work of those institutions. He messaged that was just the beginning of the consequent implementation of the Dayton Accords meant to upgrade the state’s functionality.

## ICJ Ruling in Bosnia-Herzegovina vs. Serbia-Montenegro Case

On February 26, 2007, the International Court of Justice ruled in the Bosnia-Herzegovina vs. Serbia-Montenegro case. Bosnia-Herzegovina had pressed charges against Serbia and Montenegro for breaching the Convention on the Prevention and Punishment of the Crime of Genocide. The .....

Albania and Macedonia. As a special envoy of the EU High Representative for Foreign Policy Javier Solana, Lajcak played a key role in the monitoring of Montenegrin referendum on independence in May 2006. “I intend to continue building on the foundations set in the past 12 years of the implementation of peace, and plan to work together with leaders of Bosnia-Herzegovina on taking this country towards the EU,” said Lajcak when appointed EU Special Representative. He is fluent in English, German, Russian, Bulgarian, Bosnian, Croatian and Serbian.

<sup>754</sup> Danas, October 22, 2007.

<sup>755</sup> RS Premier Milorad Dodik accused Miroslav Laychak of “using ruthless force in politics” and taking the state into “a disgusting situation.” Danas, October 22, 2007.

years-long trial and the verdict itself had a significant echo in all the three countries involved.

The ICJ's ruling confirmed that the crime of genocide against Bosnian Muslims was committed in Srebrenica in July 1995. In this aspect, the ruling coincides with the ICTY sentences. However, the ICT did not find Serbia guilty of execution, incitement or complicity in genocide. It found it guilty only for non-prevention of the crime of genocide. Serbia was also found guilty for the failure to extradite Ratko Mladić, indicted of genocide and complicity in genocide, to the ICTY.

So far, Serbia has failed to meet the obligations deriving from the ICJ's ruling. It has not extradited the accused of war crimes suspected to abode in its territory.

In Serbia, just a handful of non-governmental organizations and outstanding figures openly expressed their dissatisfaction with the ICJ's ruling. They underlined that Serbia's responsibility for the Srebrenica genocide had not been considered in the evidence the ITC deliberated.

The International Court of Justice did not decide that Serbia should apologize to Bosnia-Herzegovina. For its part, Serbia even failed to pass a moral test. Instead of apologizing to the victims and their families for the crimes committed 'in the name of the nation,' the Serbian parliament adopted a resolution whereby it condemned all war crime that have ever been committed in Europe.

Serbian President Boris Tadić did call the parliament to explicitly condemn the Srebrenica genocide. However, the Democratic Party of Serbia and the Serbian Radical Party insisted that all crimes should be condemned. And they were in the majority.

The ICJ's ruling took a load of the official Belgrade's mind. Despite the fact that the ruling confirmed that the crime of genocide had been committed in Srebrenica and that Serbia was responsible of non-prevention, Serbia's political class denies even such verdict obviously resulting from a compromise between international factors. The ambivalent ruling not only embittered the Bosniak population in Bosnia-Herzegovina but also indicated that the character of the 1990s wars and Serbia's role in them would remain a matter of dispute in the region.



The ICJ's ruling aggravated relations within Bosnia-Herzegovina, as it only naturally questioned the legitimacy of the very existence of Republika Srpska<sup>756</sup>.

In 2007, the Srebrenica municipal assembly adopted a resolution on the municipality's exemption from Republika Srpska jurisdiction. Serbian councilmen walked out of the meeting before the resolution was put to the vote under the pretext that they were not authorized to breach Republika Srpska's constitutional order and the Dayton Accords. Discrepant perceptions of the past, different interpretations of the ICJ ruling and strong disagreement on the town's future turned the meeting into an endless nightmare. The then special representative in Bosnia-Herzegovina, Christian Schwartz Schilling decided the resolution on Srebrenica's exemption from Republika Srpska was contrary to the Dayton Accords.

## Economic Relations

Economic relations have always been the potential seedbed of neighborly relations in the region. The CEFTA agreement of 2006 opens up avenues for the entire region's development by opening the markets in the Western Balkans and encouraging competitiveness.

In the past couple of years, the trade between Serbia and Bosnia-Herzegovina has been steadily growing by 20-30 percent each year. Among other things, such growth is to be ascribed to the Agreement on Free Trade that the FR Yugoslavia and Bosnia-Herzegovina signed on February 1, 2002. Given the complementarity of the two economies their mutual cooperation and trade can be significantly improved in the period to come.

756 Haris Silajdžić, Bosniak member of Presidency and leader of the Party for B&H, said his ultimate political goal was to have Republika Srpska abolished, and added, "Division of Bosnia in two entities is the result of genocide, war crimes and crimes against humanity." President of Republika Srpska Milan Jelić accused Silajdžić of "malicious interpretation of the ruling," while Milorad Dodik said he and his party "accept Bosnia-Herzegovina as it is as long as the existence of Republika Srpska is not open to question." *Politika*, edition for Bosnia-Herzegovina, March 17, 2007.

The overall trade between Serbia-Montenegro and Bosnia-Herzegovina amounted to 1,040.7 million US dollars – Serbia-Montenegro exported products worth 748.4 million, and imported 292.3 million. In the period January – July 2006, Serbia's export to Bosnia totaled 379 million, and import 163 million.

## Conclusions

Redefinition of relations within Bosnia-Herzegovina remains the key precondition for the country's progress. The quality of relations between Serbia and Bosnia-Herzegovina can improve only if the official Belgrade gives up the policy of destabilizing Bosnia-Herzegovina and offer at least formal apology to the victims of war and their families. In other words, Serbia's political leadership demonstrates genuine regret for the crimes committed in the 1990s wars. The Serbian parliament has never – even formally – condemned the policy of aggression and ethnic cleansing that has brought about 100,000 deaths, tens of thousands of rapes and displacement of over 2 million people in Bosnia, let alone given thought to any form of compensation.

Normalization of relations within Bosnia-Herzegovina will be viable in the long run only if Belgrade gives up its territorial aspirations in the region. It will not be possible to bargain Kosovo for Republika Srpska. Therefore, the official Belgrade should finally message citizens of Republika Srpska that Bosnia-Herzegovina, rather than Serbia, is their country.

# Slovenia: An Unattainable Goal

As an EU member-state in 2007 and the EU presiding state as of January 2008, Slovenia played an important part in the region, particularly in the settlement of the Kosovo issue. Aggravated relations between the two states, one vandalized embassy and the immense problems facing Slovenian investors in Serbia, the Mercator Company in the first place, were the direct outcomes of Slovenia's role in 2007 and in early 2008.<sup>757</sup>

Slovenia's part in the proclamation of Kosovo's independence was neither bigger nor smaller than that of any other EU member-state recognizing or announcing its recognition of Kosovo. And yet, the fury of the mob savaging the streets of Belgrade on February 17, 2007, was especially channeled towards Slovenian diplomatic and commercial offices in the city.

The 'espionage-thriller' story penned by the Ljubljana correspondent for the *Politika* daily, Svetlana Vasovic-Mekina, and publicized by the 'oldest newspaper in the Balkans' just added fuel to the fire. The story was about the alleged 'Washington memos' revealing the American administration's agreement with the Slovenian diplomacy on EU foreign policy in Kosovo. This fresh diplomatic scandal was used to justify 'conspiracy theories' against Serbia.

In 2007, Slovenia rounded off its European reality. By joining the Euro and Schengen zones, and chairing the EU in the six-month term, Slovenia testified that 17 years after ex-Yugoslav disintegration it turned into the only *success story*, even more successful than other newly admitted EU member-states.<sup>758</sup>

757 The Slovenian Foreign Ministry released that "Minister Rupel demanded the Serbian authorities to guarantee the safety of Slovenian diplomats and other Slovenian citizens" and that "the Serbian Foreign Minister promised to take adequate measures." "We are concerned about the violence that follows proclamation of /Kosovo/ independence," quotes the release among other things. Danas, February 18, 2008.

758 Higher prices in Slovenia are explained by the fact that the country has introduced Euro as its currency. On the other hand, with Euro as the official currency, the Slovenian economy will be operating in by far more stable macro-economic environment, and the country itself will become

Frustration of a part of the Serbian public that still blames Slovenia for dissolution of the former Yugoslavia additionally weights the relations between the two countries. A part of the Serbian media persistently picture Slovenia as the country sabotaging Serbia, despite the reality that testified that things were quite the opposite. Namely, Slovenia was among eleven states<sup>759</sup> that have requested urgent signing of SAA with Serbia. In his letter to the President of the European Commission, the Slovenian Prime Minister insisted on Serbia's soon candidacy for the EU membership. "We must prove to Serbia that our support to its European prospects is realistic," wrote Janez Jansa<sup>760</sup>.

## Economic Cooperation

Economic cooperation between Serbia and Slovenia is on a steady upward curve. In the period 2000-2006 their trade grew by fifteen times. Slovenia is the number one investor in Serbia by the number of investments<sup>761</sup> and at the very top by their value – closely following the investors in tobacco, brewery and cement industries. The total Slovenian investment in Serbia amounted to 500 million Euros by the end of 2006. Taking into consideration the contracts signed between individual companies, the value of investments exceeds 700 million Euros.

Today, more than 300 Slovenian companies and representative offices operate in Serbia. Slovenian businessmen are mostly interested in trade, food and metal products industries, they build plants and supermarkets, and partake in greenfield investments. On the other hand, only two Serbia

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more attractive to foreign investment. Danas, January 15, 2007.

759 Blic, October 3, 2007.

760 B92, Beta, September 30, 2007.

761 In 2002, Slovenian "Impol" Company bought the copper processing plant in Sevojno for 7 million Euros. In the same year, "Kolinska" bought a mineral water plant for 2.5 million, while "Mercator" invested 40 million in the construction of a mall in New Belgrade. In 2005, "Kolinska" and "Droga" – merged at the time – brought 75 percent of the stocks in "Grand Proma" for 52.5 million Euros. In 2006, "Mercator" also became the majority owner of the "Rodic" Holding Company for 150 million Euros.

companies have opened their representation offices in Slovenia up to now – JAT Airlines and “Dalas.”

Several Serbian companies have failed to enter Slovenian market over the past years. The Delta Company did not manage to take over “Mercator,” while English “Salford” failed in the case of the Ljubljana Dairies. According to the Slovenian media, Serbian tycoons were hiding behind the latter.

The Serbian media often explain on why just a few Serbian companies operate in Slovenia by political motives – namely, by a kind of silent political boycott of Serbian capital. On the other hand, people with more knowledge of local circumstances speak about uncompetitive goods and products from Serbia. Be it as it may, Serbia’s export to Slovenia grew by 64 percent just in the course of 2006.

Slovenia’s highest officials keep encouraging Serbian companies and investors to invest in the Slovenian economy. In his open invitation to Serbian companies, the Slovenian Foreign Minister said, “We would like Slovenia to be a business opportunity for Serbian businessmen as well. Slovenia is open to them, the same as Serbia is open to our companies.” According to the Minister, Serbian companies should seize the chance of the second round of privatization in Slovenia.

## Slovenian Presidential Elections in 2007

Danilo Tirk won the election for Slovenian presidency in late 2007. Though second in the first round, Tirk won in the runoff. More citizens cast ballot in the second than in the first round – 44.4 percent of the electorate, a relatively low turnout when compared with previous elections. Mr. Tirk, law professor and former diplomat, won 69.9 percent of the vote, while his rival, Lojze Peterle, European parliamentarian and the candidate of Slovenian populists, 30.1 percent. Danilo Tirk enjoyed the support of leading leftist, opposition parties, whereas Lojze Peterle was backed by Premier Janez Jansa’s moderately rightist coalition.

The newly elected President, Danilo Tirk, took the oath on December 22, 2007, as the third Slovenian president since independence. According to BBC<sup>762</sup>, Tirk's victory testifies of rising social discontent with Premier Jansa's cabinet and encourages the Social Democrats for the parliamentary elections scheduled for the autumn of 2008. The same source indicates that Slovenians are mostly dissatisfied because of a relatively high inflation rate since early 2007 when Euro was introduced as domestic currency.

## Slovenia and Croatia: Bilateral Relations

A variety of problems in Slovenian-Croatian relationship result from the fact that the two countries coexisted in ex-Yugoslavia. This primarily refers to the borderline problem, especially in the Piran Bay<sup>763</sup> and to Slovenia's possible access to open sea.

In addition, there are the problems of the nuclear power plant in Krsko, and Croatian citizens' savings in the Ljubljana Bank. Disputes over borderline are used for short-term political goals on both sides.

## Slovenia's "Erased" Citizens

Back in February 26, 1992, 18,305 citizens, out of which 80 percent Serbs, were 'erased' from the registry of Slovenian citizens.<sup>764</sup>

Ever since, 2007 included, Slovenia has not managed to solve the problem of its 'erased' citizens, although the Constitutional Court decided in 2005 that the right to 'permanent abode' that had been illegally annulled should be restituted to all affected citizens with no exception. The Slovenian government is now trying to 'settle' the matter through a constitutional

762 BBC.Serbian.com

763 For more details, see the chapter dealing with Croatia.

764 „Jansa's Blindness," Politika, December 1, 2006.

law providing just case by case solution of the citizenship problem. Affected citizens perceive such case-by-case approach as an attempt to politicize the problem, since the constitutional law lays down that citizenship shall not be restituted to anyone who has committed a crime. It is believed that some 18,000 names are not the list of the 'erased.' The Slovenian government's failure to generally solve the minority issues – i.e. to annul the division into autochthonous and 'new' minority communities – will be most probably overcome in near future under the pressure from the European Union and a considerable part of the country's non-governmental sector.

The 'erased' citizens are not entitled to healthcare and do not possess personal IDs. Therefore, they have to cope with insurmountable problems such as travel abroad, registration of automobiles, real estate, etc.

Citizenship and other status rights have been restituted to the great majority of once 'erased' citizens. However, now they demand to be compensated for the periods over which they were jobless and did not enjoy pension and health security. This is what the Slovenian Constitutional Court also demands the government to do, once it ruled in favor of the 'erased.'

Some citizens in the 'erased' category have tried to regulate their status before November 2003 when the new law on citizenship was enforced. The law provided that 'the persons who were illegally erased from the governmental registry in 1992 and thus deprived of all rights shall be given back the status of the persons with permanent abode.' The then Slovenian government had to obey the decision of the Constitutional Court. According to the Slovenian Ministry of the Interior, more than 30,000 citizens of the former Yugoslavia had been erased from the register when Slovenia declared independence in 1991. Some 11,000 people left Slovenia, while over 18,000 remained – only 2,500 out of the latter number were green card owners, while 4,200 enjoyed no status whatsoever until the new law was passed.

There is, at the very least, a dual attitude towards the Roma community in Slovenia. On the one hand, Slovenia was the first EU member-state to pass a law on the protection of the Roma. On the other, Roma families are often forcefully moved under the pressure of local population. However,

the indictment for hate speech that has been issued against the Slovenian state broadcaster can serve as a model of adequate reaction by the authorities.<sup>765</sup> Be it as it may, the improvement of the position of the Roma community and its popular image necessitate much work on the society as a whole.

In late 2006, the European Roma Rights Center (ERRC) and Slovenian Amnesty International protested with Premier Janez Jansa against forceful move of Romanies from their Ambrus settlement. Namely, after an incident in which a non-Romany citizen was hurt, the entire Roma community in Ambrus became a target of violent threats. The government did nothing to protect them either from threats or forceful move. In its letter to Slovenian authorities, the UN Committee for Economic, Social and Cultural Rights insisted that any form of discrimination, including racial discrimination in the event of the forceful move, was intolerable. Authorities can incite discrimination on racial grounds by being lenient to intolerance, said the Committee<sup>766</sup>.

Slovenian Ombudsman for Human Rights Matjaz Hanzek said the developments in and about the Ambrus settlement had seriously threatened the rule of law.

Slovenian President Janez Drnovsek also reacted by making a personal gesture. The President sent two trailers to accommodate the Strojan family whose makeshift houses had been toppled and who had been forcefully moved from Ambrus. However, local population prevented the trailers to reach their destination and the Strojan family had to be moved to a military facility<sup>767</sup>.

The unsolved problem of pensions of Slovenians who have spent their careers in Serbia is yet another outcome of ex-Yugoslavia's disintegration. Relevant negotiations of March 2007 failed. The two countries have negotiated in vain an agreement on social insurance, which was expected in early 2007. According to Slovenian official sources, the negotiations were

<sup>765</sup> *Ibid.*

<sup>766</sup> ERRC, European Roma Rights Centre, website.

<sup>767</sup> "Regime Places Roma in Ghetto," *Politika*, January 26, 2006.



blocked because Serbia failed to submit information about Slovenian social insurance beneficiaries<sup>768</sup>.

## Conclusions and Recommendations

If in 2008 Serbia gives up the self-isolation it opted for because of declaration of Kosovo independence and finally meets a key precondition for EU candidacy – i.e. arrests and extradites Ratko Mladić to the ICTY – it can for sure count on Slovenia's helping hand in its movement towards the EU. Mutual exchange of young people can greatly contribute to bilateral relations. However, all those trends depend on the official Belgrade's policy – even if the so-called pro-European bloc wins the parliamentary election in Serbia in May 2008, it will have to seriously work on the betterment of relations with Slovenia.

<sup>768</sup> *Politika*, March 8, 2007.



## Macedonia: Frozen Relations

The former primer minister of Macedonia, Vlado Buckovski<sup>769</sup> probably best defined the relations between Serbia and Macedonia by saying, "It's hard to believe that in the past years our cooperation with all neighbors has been more intensive that with Belgrade, despite the fact that our ties with Belgrade are the strongest and our relations traditionally good."<sup>770</sup> It goes without saying that economic cooperation has major significance for the relations between the two countries. Serbia has been among Macedonia's biggest economic partners for year. In 2007, economic exchange between the two countries amounted to some billion US dollars. Kosovo is a major export destination of Macedonia's economy. To all appearances, Macedonian export to Kosovo is twice as big as officially presented, i.e. twice as much as 214 million US dollars.

In the past years, particularly over intensive negotiations on Kosovo's future status, Serbia has argued that an independent Kosovo would *destabilize the region*. We have not witnessed destabilization yet, despite the fact that Kosovo proclaimed independence. And Macedonia was supposed to be an example *par excellence* of such dramatic developments in the region.

Serbian-Macedonian relations have stalled since 2005, when the conflict between the Serbian Orthodox Church /SPC/ and the Macedonian Orthodox Church /MPC/ confronted the two states and practically froze neighborly relations. Besides, unresolved Kosovo status has been standing in the way of settlement of the issue of borders between Serbian and Macedonia and, now, between Kosovo and Macedonia. And yet, despite the

<sup>769</sup> The former prime minister's political fate is characteristic of transitional countries in the region. Namely, he is presently under investigation on several counts. Buckovski is accused of having signed an agreement disadvantageous for Macedonia and procured spare parts for Bulgarian tanks T-55 at the price four times higher than a realistic one. He is also suspected of having deprived the state budget of three million Euros, in tandem with the director of Skopje-based company "Metalski zavod – Tito," Mitre Petkovski, who is already in detention.

<sup>770</sup> „No Change of Borders," Politika, February 28, 2006.

fact that clericalism strongly influences policies of the two governments and mars mutual relations, both Serbian and Macedonian sides claim that bilateral relations, economic in particular, have been steadily spiraling for long. According to Macedonian President Branko Crvenkovski, traditional cooperation between the two countries “is not only to be ascribed to short-term assessments or to incumbent officials, but also to realistic, rational and long-term interests of both sides.”<sup>771</sup>

Actually, at the time when the crisis in mutual relations culminated two presidents, Crvenkovski and Tadić, were the voices of reason. Tadić paid a visit to Macedonia, and Crvenkovski visited Serbia: both visits emanated conciliatory messages. Crvenkovski called the Serbian Orthodox Church’s denial of the Macedonian Orthodox Church unacceptable and contrary to the interests of both peoples. For his part, Tadić stated that the SPC decision should not disturb the relations between the two countries.

MCP and SPC have been in conflict since 1967 when the former proclaimed itself autocephalous. The decade-long clash culminated in 2005. This was when SPC, denying the very existence of an autocephalous Macedonian church, attempted to establish a church organization of its own, “Ohrid Archbishopric,” in Macedonia. It appointed Zoran Vraniskovski (Bishop Jovan) Archbishop of Ohrid and Metropolitan of Skopje. By this act SPC and Serbia’s always wakeful nationalists once again testified of their ignorance about Macedonia’s political and religious realities, as well as of unabated territorial aspirations.<sup>772</sup> Moreover, SPC opened a Pandora’s Box in Serbian-Macedonian relationship by giving raise to additional and quite unnecessary tension. The conflict further escalated when Bishop Jovan was arrested for having swindled 57,000 Euros. Premier Koštunica’s cabinet, particularly the then minister of religions, Milan Radulovic, only added fuel to the fire by reacting totally inappropriate to the situation.

771 „Let Churches Settle the Dispute,” *NiN*, September 8, 2005.

772 Aleksandar Vučić, „It is in our interest to foster good relations with Macedonia. One fine day we may even form a federation or a confederation with it. Therefore, we should not send bad signals to the Macedonian people, but only resolutely react to the Macedonian leadership’s acts and tell Crvenkovski that his behavior is impermissible.” *Novosti*, August 6, 2005.

The official Belgrade continued to raise the tension. On August 2, 2005, it prohibited a Macedonian official delegation and the delegation of MCP to attend a liturgical service in the Prohor Pcinjski Monastery, marking the Macedonian national holiday. Further, the minister of capital investment, Velimir Ilić, ordered two *Yugoslav Airlines* planes back to Belgrade from Skopje, despite a valid lease contract. This governmental-religious “drama” had its epilogue in April 2007 when the court in Veles acquitted Bishop Jovan.<sup>773</sup>

Several new incidents in 2007 in the relations between the two churches just testified of the tension in the Synod of the SPC. In a relatively short period, several members of the SCP Synod sent on contradictory messages to MPC and thus nothing but confused the general public. To start with, Zagreb-Ljubljana Metropolitan Jovan said, “The Eastern Orthodox Ohrid Eparchy belongs to Macedonian church. The Serbian Orthodox Church needs to set up an eparchy in Macedonia for Serbian believers.” True, this was what Metropolitan Jovan, Synod member, said over his meeting with the Macedonian parliamentary speaker, Ljupco Georgijevski, in Zagreb. SPC retorted promptly, “The SPC Synod distances itself from Metropolitan Jovan’s statement according to which a SPC eparchy should be formed in Macedonia...For SPC, the Eastern Orthodox Ohrid Archbishopric is the only canonic and legitimate church in Macedonia in the service to Serbian ethnic believers in Macedonia...Any statement claiming the opposite... can only be interpreted as a personal stand.”<sup>774</sup> This once again testified that – with old and sick Patriarch Pavle, incapable of holding the reins for some time now – Synod members hardly see eye to eye about a number of issues and actually contest over a patriarchal see.

773 The municipal court in Veles acquitted Bishop Jovan, indicted of fraud while ruling three eparchies of canonically illegal Macedonian church. The trial chamber proclaimed him not guilty of “the offense not treated as a crime under the Macedonian law on criminal procedure.” In his final address to the court, Bishop Jovan said prosecution and courts of law should not be concerned with spending of church funds, since the church and the state are separated.

774 Danas, April 23, 2007.

In 2007, at Patriarch Pavle's initiative, Archbishop Stefan, head of MPC, was messaged about a startup of talks on autocephalousness of the Macedonian church. The SPC Synod reacted strongly to the message and conditioned any talks with the presence of Bishop Jovan – which would be hardly acceptable to the Macedonian side. Moreover, the SPC Synod called the Patriarch Pavle's letter to Archbishop Stefan "a matter of personal correspondence."<sup>775</sup>

There was yet another initiative, this one coming from the Macedonian side. The Macedonian government opened the possibility of construction of a SPC temple in Macedonia, under the condition it got an edifice in Serbia for a MPC temple.<sup>776</sup>

The MPC-SPC conflict will remain open until SPC settles its inner tension caused by the longstanding absence of sick and old Patriarch Pavle. The outcome of the present struggle over the primary of SPC is still uncertain. On the other hand, it is common knowledge that almost all the power is presently in the hand of one of 15 children of Milena and Ciro Radović, Risto, known as Bishop Amfilohije<sup>777</sup>. According to unofficial

775 Secretary of the SPC Synod Sava Jović told the Skopje-based TV *Kanal 5* that no talks on autocephalousness of the Macedonian Church would be held unless Bishop Jovan attended them. Jović would not comment Patriarch Pavle's letter to Archbishop Stefan. "That's personal. Ask Stefan what the letter is about," he retorted. The *Beta* News Agency quoted an unnamed source in MPC, according to whom Archbishop Stefan had not informed his clergy about the letter and was about to do that the next day. *Beta*, April 25, 2007.

776 "Macedonian authorities are ready to issue a license for the construction of a facility of the Serbian Orthodox Church in Macedonia to be headed by Bishop Jovan Vranisevski, under the condition the Macedonian Orthodox Church gets a facility in Serbia," the president of the Association of Macedonians in Vojvodina, Dragan Velkovski told the *Gradjanski List* daily. However, Velkovski could not tell whether the proposal had been officially communicated to the Serbian Foreign Ministry. [www.b92.net](http://www.b92.net), July 25, 2007.

777 Apart from his decades-long overtly political role in Montenegro, Bishop Amfilohije will be remembered by two speeches delivered at two funerals. His speech over the coffin of the assassinated Premier Zoran Đinđić /2003/ will go down in history as shameless and brimming with hate speech. Later on, he spoke over the coffin of Jovanka, mother of Radovan Karadžić, one of the two most infamous fugitives from The Hague justice. „She /mother Jovanka/ taught her

sources, at this point Radović stands the best chance of winning the SPC patriarchal see.

## Republic of Macedonia, Former Yugoslav Republic of Macedonia, Republic of Macedonia – Скопје, Република Македонија<sup>778</sup>

Proclamation of Kosovo's independence also gave rise to tension in Macedonia's political life. The Democratic Party of Albanians walked out of the ruling coalition because the biggest Macedonian party, VMRO-DPMNE, refused to promptly recognize the newly independent Kosovo. Other problems as well have weighted relations within the coalition for some time now. This primarily relates to recognition of additional rights for the Albanian community such as proclamation of the Albanian language as the second official language in Macedonia.

However, in 2007 and, for that matter in early 2008, Macedonia had to cope mostly with two challenges – European integration and a compromise over its name with its neighbor, Greece.<sup>779</sup> Since no agreement .....

offspring that nothing could be holier than faith and service to God and nation. Lucky is the nation that has such mothers," said Amfilohije at the funeral.

778 The two countries agreed in 1995 to settle the dispute over Macedonia's right to the name of Macedonia through negotiations. Ever since 1991, when Macedonia proclaimed independence, Greece has been denying it the right to the name of Macedonia, considering the latter a part of its territory. In April 2005, Greece put forward the name "Republic of Macedonia – Skopje" in Cyrillic alphabet. Macedonia turned it down. Greece then came up with another name in Cyrillic alphabet – Republic of Macedonia. Macedonia disagreed again and insisted on the right to have its name written in both alphabets. Otherwise, take Macedonian authorities, Macedonia would be the only state in the world with its name spelled in Cyrillic alphabet solely, which would turn the very name senseless.

779 Macedonia's top officials deliberated the latest proposal by UN Special Envoy Mathew Nimic at the Macedonian-Greek meeting in the UN, New York. According to the Macedonian cabinet's release, the decision will be publicized once the

has been reached, Greece <sup>780</sup> voted against the invitation to Macedonia to NATO membership at the Bucharest Summit in April 2008.

Back in 2005, Macedonia was given the status of the candidate for the EU membership. The general public in Macedonia is most affirmative about Euro-Atlantic integrations. According to the findings of a public opinion poll conducted in 2007, over 90 percent of interviewees said yes to the country's membership of NATO.

In October 2007, Macedonia signed a framework agreement with EU on implementation of pre-accession IPA funds. In the next four years, EU will allocate 300 millions Euros to Macedonia. Macedonia is the first country in the region that signed such an agreement with EU. Reform of the policy will be the first project realized with IPA funds.<sup>781</sup>

main negotiator, Nikola Dimitrov, returned from the USA. In the absence of information from official sources, Macedonian media speculate that Nimic's proposal implies a name that would be acceptable for international use only, while the country's constitutional name would be used at home.

<sup>780</sup> Despite bad bilateral relations, Macedonia and Greece seem to be strategic economic partners. Economic relations are generally under the control of Greek capital. Greek investment in Macedonia is constantly on the upward curve. In 2001 Greek invested 174 million Euros, in 2002 – 213 million, in 2003 – 223 million, in 2004 – 264 million, in 2005 – 279 million and in 2006 – 320 million Euros. <http://www.emportal.co.yu>, March 24, 2008.

<sup>781</sup> <http://www.emportal.co.yu>, March 10, 2008.



## Economy

Macedonia's foreign trade deficit in January 2000 was 182.9 million US dollars, i.e. 45 percent more than in the same period in 2007. In January 2008, Macedonia's total foreign trade grew by 32.3. percent, according to the State Statistics Bureau. In January 2008, Macedonia exported 268 million US in goods, and imported 451 million US dollars. The ratio between export and import prices is 59.4 percent. The rise in the import of crude oil, electrical power and motor vehicles explains the deficit. Macedonia mostly exports iron and steel products, footwear, tobacco, wine and fresh grapes. Employment rate is just about 30 percent. (In Slovenia, the employment rate is 65.2 percent, which is higher than the average rate in EU-15 countries, while in Croatia still 10 percent lower than in EU-15 countries.) Unemployment is one of key problems in the region, the more so since the great majority of the unemployed are under 30 years of age.<sup>782</sup>

## Conclusion

Despite the fact that in the past 20 years it has been coping with serious problems such as poverty, interethnic tension and conflicts, Greece's obstruction in the movement towards the EU, etc., Macedonia has made some progress. The international community – notwithstanding some adverse moves – assists Macedonia's transition and tries to help its accession to the EU in the next 10 years. The relations between Serbia and Macedonia will depend on the settlement of a few open issues the political elites on both sides will have to overcome without interference from either the Serbian Orthodox Church or the Macedonian Orthodox Church.

782 Southeast European Times, July 17, 2007.



# Montenegro: Denial of the Reality

Though it recognized Montenegro's independence (with some delay) Serbia is emotionally incapable of taking that for a fact. Montenegro proclaimed independence on May 21, 2006 and was soon recognized by all countries in the world. Shortly after proclamation of independence Montenegro was admitted to the UN and other international organizations. President Boris Tadić was the first to recognize Montenegro (under the pressure from the EU), while Premier Vojislav Koštunica did it only after Russian President Putin pressed him. It took Serbia a whole year after the proclamation of independence to appoint its ambassador to Montenegro. For its part, Montenegro appointed its ambassador in Belgrade shortly after it became independent.

The Serbian political elite still tries to influence political developments in Montenegro through the Serbian Orthodox Church and local pro-Serb parties. It seized the occasion of the enactment of the Citizenship Law to promote in the media the leaders of pro-Serb parties in Montenegro, who have applied for Serbian citizenship.

Unlike Serbia, Montenegro has charted its European course in the Constitution passed after the referendum on independence. The Constitution lays down Montenegro as a civil and secular state founded on the respect for human rights and freedoms and parliamentary democracy.

Montenegro signed the *Stabilization and Association Agreement* with the EU. That was yet another proof of its pro-European orientation in which it made considerable progress since independence. As for Serbia, it has been moving away from the European Union and the SAA ever since a part of its political elite restored and entrenched Milošević's policy. Montenegro expressed its readiness to join NATO. Serbia turned down such possibility and staged fierce anti-American and anti-NATO campaign instead. Relations between the two countries stagnate because Serbia puts off signing of bilateral agreements and cooperation protocols.

## Serbian Orthodox Church

The Serbian Orthodox Church, the pillar of Serb nationalistic forces in Montenegro, manifests hostility for Montenegrin independence. It would not recognize the existence of a Montenegrin nation – for it, all Montenegrins are Serbs. Neither would it acknowledge the Montenegrin language – its promotion to the official language, claims the Church, is an act against the Serbian people in Montenegro and the Church itself. Actually, the Church went hand in hand with Serbian officials on the eve of the referendum – none of them made bones about being against independence and for the safeguard of the union with Serbia.

In Montenegro, the Serbian Orthodox Church seized many monasteries and proclaimed them its property. Its attitude towards the Montenegrin Orthodox Church is hostile. It would not allow it to hold religious ceremonies in the Eastern Orthodox temples that used to be in its ownership till the Podgorica Assembly, i.e. the unification of Serbia and Montenegro in 1918. Moreover, the Montenegrin Orthodox Church is prohibited from getting registered in Serbia and erecting its church in Lovcenac under the pretext that it has not been acknowledged by canon law. The said explanation, voiced by the relevant ministry, indicates close ties between the Church and the state in Serbia.

The Serbian Orthodox Church in Montenegro meticulously appropriates the Montenegrin authentic cultural heritage – sacral heritage in particular – and proclaims it Serbian. This particularly refers to sacral facilities at the Montenegrin “Mt. Athos,” at the Skadar Lake, the Ostrog Monastery, the one in Cetinje, etc. At the same time, Serbian sacral facilities, as a rule built in the Byzantine stile, mushroom in Montenegro.

Serbian nationalists and the Serbian Orthodox Church in Montenegro have their exponent in the figure of Metropolitan Amfilohije Radović. In his public speeches, he negates Montenegrins the right to nationhood and, in this context, assaults the new Montenegrin Constitution. By overtly confronting the Montenegrin authorities over a number of issues, he directly interferes into political processes. He threatened the Montenegrin authorities with “God’s fury” should they continue to “spur” the process

of Kosovo's independence. The Metropolitan keeps stressing lasting bonds between Serbia and Montenegro and claiming that Montenegrins are actually Serbs – a single nation in an indivisible state.

In mid-August, the authorities banned Bishop Filaret from Montenegro because his name was on the list of the persons suspected of helping the ICTY indictees. Serbian Minister of Religions Radomir Naumov said Belgrade would do all in its might to enable Bishop Filaret entry to Montenegro, "through appeals and pleas rather than by force."

## Montenegrin Opposition

The Montenegrin opposition suffered defeat twice – at the referendum on independence and in the ensuing parliamentary elections. That only proved that it was not up to the historical moment facing Montenegro and no alternative whatsoever to the ruling coalition (Democratic Party of Socialists and Social Democratic Party) the legitimacy of which had been reaffirmed both by the outcome of the referendum and its triumph in the parliamentary elections.

Pro-Serb parties under direct influence of the Serbian Orthodox Church make the majority of the Montenegrin opposition. In order to hinder Montenegro's movement towards independence, particularly calling of the referendum, and influence post-referendum developments, the Serbian Orthodox Church set up the *Council of People's Assemblies*. Pro-Serb parties are also under the strong and undisguised influence of the official Belgrade. That was more than evident not only in the referendum campaign but also once Montenegro became independent. Those parties had their finger in the provision of the Serbian Law on Citizenship enabling dual citizenship for citizens of Montenegro. Their leaders, especially President of the Serbian List Andrija Mandić, trumpeted with their Serbian citizenship in the media.

Pro-Serb parties in Montenegro refused to recognize the outcome of the referendum, i.e. Montenegro's independence. They would not

recognize Montenegrin national emblems, nation and language either. They actually act hand in hand with the Serbian Orthodox Church. They would not even acknowledge the new Montenegrin Constitution. After the Constitution was declared in the Montenegrin parliament, Andrija Mandić ordered all Serbs in Montenegro to boycott it. The other part of the Montenegrin opposition is of civil profile but smaller – it includes Albanian and Croatian parties, as well as Nebojsa Medojević's *Movement for Changes*. The latter tipped the scale in the parliamentary vote for the new Constitution but had been neutral and ambivalent about the referendum – it never directly spoke in favor of it.

## Conclusions

As a young state, Montenegro has been expanding economic and diplomatic activities in the region, within the EU and worldwide. Montenegro has its diplomatic missions in major world centers. It aims at having the best possible relations with neighborly Serbia. However, the future course of mutual relations depends on Serbia;

Montenegro is faced with many challenges – corruption and crime in the first place. However, the resoluteness behind its option for the European course and integration would certainly help it solve those problems;

The Serbian elite's ambition to keep Montenegro in its orbit is unrealistic considering the pace and quality of Montenegro's political processes that head for a modern, multiethnic society;

Montenegro has become a major factor of regional stability thanks to its modern, pro-European and democratic elites.







