

**BELGRADE'S LAGGING REFORM:  
CAUSE FOR INTERNATIONAL CONCERN**

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## **BELGRADE'S LAGGING REFORM: CAUSE FOR INTERNATIONAL CONCERN**

### **EXECUTIVE SUMMARY AND RECOMMENDATIONS**

For more than a decade Serbia was the driving force behind much of the instability in the Balkans. Following the overthrow of Slobodan Milosevic on 5 October 2000, it was hoped that Serbia would promptly reform the external policies of the Federal Republic of Yugoslavia (FRY) that had caused such disruption. To date, these hopes have been substantially disappointed.

Nevertheless, the FRY has set its sights on catching up with its neighbours by integrating into Euro-Atlantic institutions and political processes. In particular, it wants to make significant progress during 2002 towards three major foreign policy goals: accession to the Council of Europe (CoE); membership in NATO's Partnership for Peace (PfP); and negotiating a Stabilisation and Association Agreement (SAA) with the European Union (EU).

These objectives confirm the FRY's welcome orientation to a pro-European, trans-Atlantic outlook. Nevertheless, post-Milosevic Yugoslavia still presents significant obstacles to regional stability, openly opposing important policies and standards represented or implemented on the ground by the international community.

Regional instability is exacerbated by the federal authorities' refusal or inability to cooperate with the International Criminal Tribunal for the former Yugoslavia (ICTY), undermining of international community goals in Bosnia and Kosovo, and reluctance to address Montenegro's concerns about the federation itself. Looming behind these

highly visible policies and practices is a fourth, massive problem: the FRY's unreconstructed armed forces, which – lacking civilian control or budgetary oversight – influence foreign and domestic politics, block reforms, and oppose accountability for war crimes.

This report examines all but one of these problems. (Belgrade's relationship with Montenegro will be considered in a future report.) It assesses their impact on regional stability, and identifies them as the consequences of ideological nationalism, rear-guard resistance by Milosevic-era cadres, and institutional inertia.

These are all factors that Serbian reformers want to overcome but cannot without international support. Premature FRY admission to Euro-Atlantic institutions is more likely to weaken the reform camp than to strengthen it. Such significant endorsement of Belgrade's regional role should be withheld until it has confirmed by deed its commitment to help stabilise the region.

Until then the FRY cannot be viewed as a guarantor of regional peace and stability or a reliable partner in any collective security framework. The international community must hold the FRY to the same high standards for inclusion in intergovernmental structures that have rightly been required of Croatia and Bosnia since 1996. NATO, the CoE, and the EU should raise these problems with their Yugoslav counterparts and require solutions. So, too, the U.S. administration and Congress should face – and act on – the reality that the FRY is not in compliance with the conditions established under

the impending 31 March 2002 deadline and there is, therefore, no justification to certify its eligibility for further U.S. donor aid.

To do otherwise would strengthen obstructionist forces inside Serbia, reduce international community leverage over Belgrade, undermine Yugoslavia's neighbours, and cheapen membership in the international institutions involved.

## RECOMMENDATIONS

### TO THE INTERNATIONAL COMMUNITY:

1. NATO, the European Union (EU), the Council of Europe (CoE) and the United States (U.S.) should harmonise efforts regarding the FRY, resisting any temptation to lower standards to Belgrade's advantage. Before the FRY is admitted to membership of the Partnership for Peace (PfP) and the CoE, commences negotiating a Stabilisation and Association Agreement (SAA), or receives further U.S. assistance, it should be required to demonstrate its willingness to reform by meeting clearly defined conditions in four areas:
  - (a) civilian control over the armed forces and related military sector reforms;
  - (b) support for international community policy in Bosnia;
  - (c) cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY); and
  - (d) support for international community policy in Kosovo.
2. The U.S. administration should examine the four areas listed above when determining, as required by Congress, whether to certify by 31 March 2002 the FRY's continued eligibility for American aid. Without significant progress in all four areas, it should not certify.
3. The United Nations should insist that the FRY abide by UNSCR 1244 concerning Kosovo, including by cooperating with the effort to end parallel Serb structures.

### TO THE FRY:

4. In relation to reform of the armed forces, the authorities in Belgrade should:
  - (a) pass new laws on the federal and republic levels to bring the Yugoslav Army (VJ) and the federal and Serbian Ministries of Interior (MUPs) under civilian control, accountable to parliaments;
  - (b) give the federal, Serbian and Montenegrin parliaments control over the VJ and MUPs budgets, including independent auditing, subpoena power for witnesses and documents, and sufficient staff and resources;
  - (c) render the VJ subservient to the Ministry of Defence.
  - (d) depoliticise the VJ and MUP, beginning with the removal of VJ Generals Nebojsa Pavkovic and Vladimir Lazarevic and MUP General Sreten Lukic;
  - (e) end VJ protection of ICTY indictees such as Ratko Mladic;
  - (f) reduce the number of Special Forces units;
  - (g) demilitarise the Serbian MUP;
  - (h) remove the Unit for Special Operations (JSO) from the MUP and either disband it or place it under VJ control; and+
  - (i) change VJ doctrine to remove any responsibility to intervene in internal political matters.
5. In relation to support for international community policy in Bosnia:
  - (a) the FRY should ratify the Dayton Peace Accords; stop financing the Army of Republika Srpska (VRS); and remove RS officers and non-commissioned officers from the VJ pay roll;
  - (b) the federal president should cease using his office to promote his political party's support for the Serb Democratic Party (SDS) in RS; and

- (c) the governing DOS coalition should inform the Serbian public of European, NATO and U.S. Congressional conditions related to Bosnia, especially the RS.
6. In relation to cooperation with the ICTY, the FRY should:
- (a) transfer all indictees to The Hague, including active duty and retired VJ and MUP personnel, and current and former state officials; and,
  - (b) Provide the ICTY access to all pertinent VJ and MUP archives and documents.
7. In relation to support for international community policy in Kosovo, the FRY should:
- (a) stop financing parallel security forces such as the Mitrovica "bridge-watchers";
  - (b) withdraw VJ, MUP, State Security (DB) and military counterintelligence (KOS) personnel;
  - (c) stop financing parallel civilian administrative structures;
  - (d) support the United Nations Mission in Kosovo's (UNMIK) efforts to create effective administrative structures in the north; and,
  - (e) release the remaining 78 Albanian political prisoners.

**Belgrade/Brussels, 7 March 2002**

## I. INTRODUCTION

For more than a decade Serbia was the driving force behind much of the instability in the Balkans. Following the overthrow of Slobodan Milosevic on 5 October 2000, it appeared that Serbia – and the Federal Republic of Yugoslavia (FRY) – would change those internal and external policies and practices that had so clearly contributed to regional instability. While some commendable steps have been taken – including the delivery of Milosevic himself to The Hague – reform has lagged behind reasonable expectation in several crucial respects.

In its efforts to catch up with its neighbours in the race to join Euro-Atlantic economic and security structures, Belgrade has set ambitious foreign policy goals for 2002, the most prominent being:

- Membership in NATO's Partnership for Peace (PfP)
- Accession to the Council of Europe (CoE)
- Negotiating and signing a Stabilisation and Association Agreement (SAA) with the European Union (EU)

In addition, a fourth, more time sensitive, challenge awaits the FRY: achieving certification from the U.S. administration by 31 March 2002 of its eligibility under criteria laid down by the U.S. Congress to receive further American government assistance.

To achieve these goals, the FRY will have to satisfy the relevant conditions set by the EU, CoE, and NATO, as well as the U.S. legislation. Some of the conditions are highly technical and relate to specific laws, regulations, and political and economic structures. For the CoE these are oriented heavily towards human rights; for the EU they include commitment to a wide range of

economic and institutional reforms. For PfP, the regional security issue is paramount.

This report on FRY performance suggests that, beyond their own specific conditions, the EU, CoE, NATO and U.S. administration and Congress should pay close attention to the overall role the FRY plays in bolstering or weakening regional stability. They should coordinate efforts to this end and actively encourage the FRY to abandon disruptive policies.

So far, there is little sign that Western capitals grasp the importance of doing this. The hope appears to be widespread that Belgrade will bring its practices and policies into line with international intentions for the region if the FRY is granted accelerated entrance to Euro-Atlantic institutions, even without substantial prior reforms.

ICG believes this approach is deeply flawed, and that it is wrongheaded to believe integration itself will remedy fundamental sources of instability in the FRY. Indeed, hasty assimilation would exacerbate the unresolved tensions between Serbia and Kosovo, and Serbia and Montenegro, insofar as it would be perceived by all Albanians and many Montenegrins as confirming international bias against their legitimate ambitions for independence.

The international community's impatience to see a strong FRY buttressing regional stability, regardless of the lack of basic structural or political reform echoes its strategy in the post-Dayton era of looking to Milosevic as a guarantor of peace. That strategy failed because the Milosevic regime was incapable of reform; it survived by increasing domestic repression while fomenting crises in Serbia's 'near abroad' – Montenegro and Kosovo – and periodically stirring the Bosnian pot.

While Yugoslav policies remain a cause of regional instability, the reasons behind those policies have altered. Nowadays, they are not the result of hostility to reform as such, but rather of ideological nationalism, rear-guard resistance by Milosevic-era cadres, and inertia. These are factors that most Serbian pro-reform leaders want to overcome but cannot without international support. Premature acceptance of the FRY into Euro-Atlantic structures is more likely to weaken the pro-reform camp than the opposite.

There appear to be two main reasons why many want to rehabilitate the FRY as quickly as possible. The first is nervousness at the impact on Kosovo, and perhaps Bosnia and Macedonia, if the rickety Yugoslav federation finally dissolves. In their enthusiasm to shore up that federation, Western governments have come to identify Montenegrin President Milo Djukanovic as the prime problem. The real problems, however, are the FRY itself – a federal union that was never intended to function democratically or require democratic legitimation – and those in authority who resist its radical reform. If any one of today's FRY leaders is outstandingly problematic, it is President Kostunica himself, whose practices are strengthened by the international community approach, especially the EU's.

The second reason is that many in Europe, Russia and the U.S. tend to overestimate the undoubtedly very significant weight Serbia inevitably must carry in the Western Balkans. This attitude dates back at least to the First World War, went underground during the 1990s, but has regained force after the "aberration" of the Milosevic era. It encourages indulgence of Serb exceptionalism – the belief, rather widespread among Serbs, that their unique qualities and history entitle them to privileged treatment. International policies that feed this illusion do no favours either to the Serbs themselves or to their neighbours.

In sum, the international community must avoid the temptation to lower the bar for the FRY. Rather, it should hold the FRY and Serbia to the same high standards that have been required of Croatia and Bosnia since 1996.

## A. THE FRY AND REGIONAL STABILITY

Since 5 October 2000, the FRY and Serbia have improved in some areas related to security and stabilisation, most notably in implementing – albeit slowly – a peace plan for southern Serbia (Presevo Valley) that the international community actively supports.<sup>1</sup> Nevertheless, both have been slow to implement reforms and make a clean break with Milosevic-era policies in several key areas, including the armed forces. The FRY maintains policies that directly undermine stability in Bosnia, threaten the normalisation process in Kosovo, and do nothing to calm the tensions in Montenegro (the other republic in the Yugoslav federation).

The policies and practices that threaten regional stability are:

- there is no civilian control over the armed forces;
- organised crime has penetrated the VJ and MUP at all levels;
- there are serious legal contradictions over control of the military;
- Yugoslav Army (VJ) doctrine continues to give the VJ a leading role in internal security;
- the VJ officer corps is controlled by Milosevic loyalists, some either under ICTY investigation or possible indictment for war crimes;
- the VJ has not begun structural reorganisation;
- the armed forces intervene in domestic politics and foreign policy;
- the federal government continues to be uncooperative with the ICTY in The Hague;
- top federal and Serbian officials continue to discuss publicly the annexation of Bosnian territory;
- the FRY continues to work against implementation of the Dayton Peace Accords in Bosnia and Herzegovina by funding the Bosnian Serb Army in a non-transparent manner; and maintaining VJ officers and a large security and intelligence presence (DB, KOS) there;

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<sup>1</sup> See ICG Balkans Report No. 116, *Peace in Presevo: Quick Fix or Long-Term Solution?*, 10 August 2001.

- the FRY continues to work against UN Security Council Resolution 1244 by financing and maintaining illegal parallel police and administrative structures in northern Kosovo; and,
- the FRY still holds at least 78 Kosovo Albanian political prisoners.

As this report shows, the lack of reform in security related matters, combined with the deliberate undermining of international community objectives in these crucial areas, means that the FRY has yet to become a force for stability. This reflects arguments within ruling Belgrade circles over key policy questions affecting relations with neighbours and the international community.

As a result, Belgrade acts directly at cross-purposes with the EU, CoE and NATO on important issues. These organisations should insist on a change before they strengthen ties with the FRY. To do otherwise would further destabilise the region while calling into doubt international commitment to regional stability, to political, economic and social development, and human rights.

## B. CONSTITUTIONAL PROBLEMS

Discussion of the FRY must start from the fact that the country exists in a legal vacuum, operating with a constitution whose legitimacy is disputed by one of the two constituent republics – Montenegro – because of amendments rammed through by Milosevic in July 2000. Moreover, almost all executive power is held by the two republican governments, not at the federal level. The federal government has only limited authority in Serbia<sup>2</sup> and none in Montenegro, other than air traffic control and a VJ presence.<sup>3</sup>

*De facto*, the FRY contains a third legal entity: Kosovo. Since June 1999, when that province was placed by the UN Security Council under

international administration, however, neither the Serbian nor the Federal government has exercised jurisdiction or other overt authority there.

Both the Montenegrin government, with, according to surveys, support of a narrow majority of the population, and, overwhelmingly, Kosovo's Albanian population (more than 90 per cent of the total) wish to secede. EU-mediated talks between Montenegro, Serbia and the federal government, aimed at winning agreement on a new loose "union" of two republics within a single international entity, have borne little fruit. Although Montenegro may be deterred by international pressure from holding an independence referendum in spring 2002, any new arrangement is unlikely to strengthen federal powers significantly and could attenuate them further.

The situation with Kosovo is different. The international community remains reluctant to address its final status,<sup>4</sup> while Belgrade remains officially committed to restoring it to full Yugoslav (or Serbian) sovereignty, regardless of Albanian hostility. The republic government, if not necessarily that of the federation, nevertheless, appears well aware that the FRY will be able to enter the EU more quickly without the burden of Kosovo.<sup>5</sup>

Even if the EU halts Montenegro's push towards independence, the prospect of collapse or complete attenuation still looms over the FRY. Inherent tensions will not be eased by stronger FRY ties with the EU, CoE and NATO, and it would be a mistake for those organisations to permit such closer association before these tensions have been resolved.

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<sup>2</sup> The Serbian constitution states that it takes precedence over the federal constitution when Serbia's vital interests are threatened. This provision was used by the Serbian government to justify its transfer of Milosevic to The Hague in June 2001 against the wishes of the federal government.

<sup>3</sup> ICG interview with a DOS legal expert.

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<sup>4</sup> Despite the sound argument for doing so: see ICG Balkans Reports Nos. 124 and 125, *A Kosovo Roadmap (I): Addressing Final Status*, and *A Kosovo Roadmap (II): Internal Benchmarks*, 1 March 2002.

<sup>5</sup> According to *The Economist*, Djindjic "wants Kosovo's future resolved within two to three years. His government, he says, should start by telling Serbs the hard truth that well over 1.5 million people there are irreconcilably against being ruled from Belgrade. ... [H]e does say, more boldly than most Serbs, that 'all options' should be considered, with due regard for the overriding aim of getting all of the Balkans one day into the EU." *The Economist*, 15 February 2002.



## II. THE ORGANISATIONS

NATO (for PfP), the EU (for the SAA) and the CoE have their own mandates, dynamics, and requirements for accession. Many concern the political, institutional and legal standards of democratic societies, such as respect for human rights, rule of law, democracy and transparency. Each organisation examines an applicant in light of a set of specific criteria. In the case of the FRY, there are many overlapping criteria, particularly in regard to the ICTY.

For the FRY to meet the various conditions, the federal parliament will have to pass significant new legislation. This may prove difficult, as it was deadlocked throughout most of 2001, due in large part to obstruction by a trio of anti-reform parties: the Serbian Socialist Party (SPS), the Serbian Radical Party (SRS), and the Socialist People's Party (SNP) from Montenegro. This obstruction shows no signs of weakening.

### A. PARTNERSHIP FOR PEACE (PfP)

Set up in 1994 to meet the aspirations of post-Communist Central and Eastern European states for a formal association with NATO pending possible full membership, Partnership for Peace (PfP) provided a framework within which those countries could modernise their militaries in line with democratic standards.

Some leading government figures, including Yugoslav Foreign Minister Goran Svilanovic and Serbian Deputy Premier Nebojsa Covic, have indicated that progress towards membership in PfP is one of the FRY's main foreign policy goals for 2002.<sup>6</sup> A newly formed "Atlantic Club" seeks to win popular support for closer association with NATO, starting with PfP membership.<sup>7</sup> This initiative appears to have support among the majority of DOS politicians.

Belgrade is expected to submit its application later this year. From NATO's perspective, much

could be gained by admitting the FRY into PfP. NATO states want to encourage the FRY's transformation into a pillar of regional stability and peace. The FRY is already included on the margins of Alliance activities for the Western Balkans. It has attended meetings of the Euro-Atlantic Partnership Council and can expect to benefit from programs to retrain officers for civilian life, and to assist military conversion and demining. As and when Belgrade applies to PfP, NATO is likely to react promptly.

However, despite the upbeat sounds from Svilanovic and Covic, the Yugoslav leadership seems aware that unresolved constitutional problems present a formidable obstacle to a quick PfP accession. President Kostunica reflected this when he stated that PfP membership is "not a priority" and that the FRY will not decide whether to apply until the constitutional relationship of Montenegro and Serbia is resolved.<sup>8</sup>

While NATO headquarters appears fully alive to the constitutional obstacles, its policy-makers may underestimate the problems stemming from the lack of reform of the Yugoslav armed forces. These are serious enough that FRY membership in PfP would weaken NATO's ability to achieve its regional goals.

What, then, should NATO do? It might begin by recalling what happened when Croatia applied for PfP under the late President Franjo Tudjman. The Alliance set conditions that kept Croatia out until May 2000. The reforms demanded by NATO were as follows.

First, support the implementation of the Dayton Peace Accords by:

- making all financing of Bosnian Croats transparent through the Standing Committee on Military Matters (Annex 4 of Dayton Peace Accords);
- reducing and eventually eliminating funding to the Bosnian Croat Army (HVO); and,
- reducing most assistance to the Bosnian Croats and channelling what remained through the Bosnian Foreign Ministry.

<sup>6</sup> Goran Svilanovic, 21 October 2001, [www.gradjanskisavez.org.yu](http://www.gradjanskisavez.org.yu). See also "Goran Svilanovic: Svi ce u Hag", *Danas*, 25 December 2001.

<sup>7</sup> "Otvoren atlanski klub u Beogradu", *Radio B92*, 18 December 2001.

<sup>8</sup> "VSO osvojio mere za poboljsanje obezbedjenje granice", *RADIO B92*, 11 September 2001.

Secondly, reform the media sector by:

- shutting down the propaganda broadcasts via Mostar radio stations; and,
- removing Croatian Radio-Television (HRT) from state control and changing its leadership.

Thirdly, cooperate on the return of Serb refugees.

Fourthly, cooperate with the ICTY by:

- permitting the ICTY to examine Croatian archives; and,
- arresting and transferring indictees to The Hague.

Fifthly, reform and restructure the defence establishment by:

- reducing and professionalising the armed forces; and,
- removing war crimes' suspects from them.

The Clinton Administration in the U.S. took a close interest in Croatia's PfP "Roadmap", emphasising time and again to the Croatian leaders and public the triple requirements of further progress on Dayton implementation, democratisation (including greater civilian control and democratisation of the Ministry of Defence), and refugee returns and reconciliation. At the same time, but more discreetly, the U.S. led an effort by some NATO countries to train Croatian military officers.<sup>9</sup>

By May 2000, when it was admitted to the PfP, Croatia was far from having fulfilled the above conditions. NATO judged, however, that President Stipe Mesic and a reform government under Ivica Racan had demonstrated the political will and nerve to tackle the remaining problems identified in the "Roadmap".

As and when the FRY applies to join PfP, NATO should set similarly stringent conditions. It would

be appropriate to pay particular attention to Yugoslav policy towards Bosnia. As another PfP aspirant, Bosnia must meet the condition of having only one army – not its current three – and a unified command and control structure. Continued FRY financial support for the Army of Republika Srpska (VRS) via a non-transparent budget and continued *de facto* command over the VRS officer and non-commissioned officer corps, undermine Bosnia's ability to unify its armed forces and join PfP.

In Croatia, Mesic and Racan broke dramatically with their predecessors' policy towards Bosnia. There has been no comparable break in Belgrade. Until this occurs, it should be kept in the waiting-room for PfP.

## B. COUNCIL OF EUROPE (COE)

The FRY applied for CoE membership on 9 November 2000 as one of its first actions in the post-Milosevic era. In January 2001 it was given special guest status at the CoE Parliamentary Assembly. For accession, a country must meet established standards in human rights, democracy, and the rule of law.

The experiences of Croatia and Bosnia provide precedents. Following months of intense controversy, Croatia was admitted to the CoE in November 1996, but only after President Tudjman had committed his government to implement far-reaching reforms in 23 areas, including the return and reintegration of refugees and displaced persons, Dayton implementation, media, elections, minority rights and local government.<sup>10</sup>

Vigorous and highly visible follow-through by the European Union, the U.S., the UNHCR and the OSCE kept Zagreb under pressure. While there were few breakthroughs in the remaining years of Tudjman's rule, the Croatian authorities could not prevent the reform issue from dominating domestic political and public debate. This helped to pave the way for the change of president and government in the 2000 elections.<sup>11</sup>

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<sup>9</sup> For an account of such assistance to Croatia in the period 1996 to 2000, see Kristan J. Wheaton, "Cultivating Croatia's military", *NATO Review*, Summer-Autumn 2002, pp. 10-12. Available at [www.nato.int/publications](http://www.nato.int/publications).

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<sup>10</sup> See Opinion No.195 (1996) of the Parliamentary Assembly of the Council of Europe.

<sup>11</sup> The following September (2000), the CoE Parliamentary Assembly terminated its monitoring

Bosnia was also kept waiting for membership. Obstruction by SDS and HDZ representatives consistently blocked passage of legislation to meet the conditions the CoE laid out in its "Roadmap". Rather than wait indefinitely or depend on the international community's High Representative to impose reforms, the CoE changed tack. Judging – perhaps on the basis of the lesson from Croatia – that progress on democratisation would accelerate if Bosnia were inside the Council, the pre-accession conditions were whittled down until they focused on the adoption of an acceptable election law.

With this achieved, the CoE Parliamentary Assembly voted to accept Bosnia in January 2002, but with an even heavier burden of post-accession conditions (no fewer than 91!) than in Croatia's case. Ironically, if Bosnia conforms to CoE standards, it will have to revise the election law that gained it entry.

The all-important work of fulfilling these conditions has only just begun. As in Croatia, the effectiveness of the follow-up will depend on powerful Western states and intergovernmental organisations other than the CoE itself.

Following Belgrade's application, the CoE acted routinely by assigning former judges of the European Court of Human Rights to visit and assess the conformity of the candidate's legal order with CoE standards. Their report (31 October 2001) examined three main areas of concern: democracy and the constitutional order, rule of law, and human rights. The judges reported that: "The constitutional problems existing at present in Yugoslavia raise doubts as to whether or how far European standards are met". They found the relation between the FRY and two republican constitutions "dubious" and the system "not functioning properly". In addition, the FRY's judiciary lacked "independence and authority".<sup>12</sup>

The report also expressed doubt whether the armed forces were under civilian control and called repeatedly for the FRY's lack of

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procedure in Croatia on the highly questionable ground that Zagreb had mostly honoured its 1996 commitments.

<sup>12</sup> Report on the conformity of the legal order of the Federal Republic of Yugoslavia with the Council of Europe standards, Strasbourg, 31 October 2001.

cooperation with the ICTY to be remedied. A series of further concerns were expressed ranging from freedom of the media to police behaviour and treatment of minorities.

Although the report failed to cite the 78 Kosovo Albanian political prisoners in Yugoslav jails, CoE representatives have made it clear to the Yugoslav authorities that their release is a prerequisite for membership.<sup>13</sup> In spite of this negative evaluation, the FRY has moved ahead in one important area and passed, on 26 February 2002, a law on minorities that meets Council approval.

The picture painted by the Council report indicates that the FRY, should it resolve its constitutional status, must also pass substantial new legislation. If the FRY and its two republics give highest priority to this, the legislative process is likely to take at least two years.

In spite of this, Yugoslav politicians are telling the public that the FRY is on the fast track for CoE membership and will probably be a member by the middle of 2002, but without informing the public of the legislative changes necessary to meet Council standards.<sup>14</sup> To date, only Foreign Minister Svilanovic has risked telling the public that real progress could depend in large part not on foreign organisations but on the FRY itself.<sup>15</sup> The speed of progress towards membership now depends on the CoE's decision on pre-accession conditionality, and then on the willingness of Yugoslav parliamentarians to meet those conditions by adopting the necessary reform legislation.

### C. STABILISATION AND ASSOCIATION AGREEMENT (SAA)

The European Union's "Regional Approach" towards the five countries of the Western Balkans – the FRY, Croatia, Bosnia and Herzegovina, Macedonia and Albania – was conceived in 1996, "establishing a coherent and transparent policy

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<sup>13</sup> "Oslobadjanje Albanaca je uslov za clanstvo u SE", *Radio B92*, 13 February 2002.

<sup>14</sup> Ministry of Foreign Affairs Official News Bulletin, [www.mfa.gov.yu](http://www.mfa.gov.yu).

<sup>15</sup> Ministry of Foreign Affairs Official News Bulletin, [www.mfa.gov.yu](http://www.mfa.gov.yu).

towards the development of relations”,<sup>16</sup> in order to underpin implementation of the Dayton and Erdut Agreements and bring economic growth and stability to the region. In 1997, this approach was bolstered with a “concept of conditionality” involving both general and specific conditions.<sup>17</sup>

In June 1999, the EU upgraded its relationship with the Western Balkans, based on the assessment that the main motivating force for reform would be the offer of a credible prospect of EU membership once a country had fulfilled political and economic conditions. This new framework approach, the Stabilisation and Association Process (SAP), was sealed at the EU-Balkans Summit in Zagreb on 24 November 2000.

The fundamental elements of this process are the Stabilisation and Association Agreements (SAA) which each state negotiates with the EU. Macedonia and Croatia have already each signed an SAA.<sup>18</sup> The SAP's duration is not prescribed. One EU official told ICG that “the Stabilisation and Association Process is as long in length and difficulty as the countries concerned choose to make it”.<sup>19</sup> This effectively means that progress towards European integration depends on the country's ability to undertake political and economic reform.

The FRY faces obstacles on three fronts. First, while the federal and Serbian governments have begun economic reform, progress is slow and EU officials have hinted that their next review of the FRY's performance, due in March 2002, will be “constructively critical”.<sup>20</sup>

Secondly, it will prove effectively impossible to negotiate an SAA until the future of the Yugoslav federation has been settled – even if each republic

fulfils the political and economic conditions to the EU's satisfaction (itself a remote prospect at present). The EU will only negotiate an SAA with a state, not its components, and would probably refuse to do so with a state that has not resolved its own short-term future.

Thirdly, a number of country-specific issues – such as political prisoners, civilian control over the military, rule of law, and cooperation with the ICTY – have not been resolved in line with EU standards. These will likely prove significant obstacles to an SAA until addressed.

In short, while EU officials stress that they do not wish the constitutional flux to delay Serbia's and Montenegro's reform process and ultimate integration into Europe, they may already have gone as far as they can towards an SAA without a federal constitutional settlement. To complete the vicious circle, it is clear that lack of such a settlement is also bogging down the somewhat feeble reform process in both republics.

The EU has often stated a strong preference for maintenance of the FRY. If the federation breaks apart, Serbia's and – more particularly – Montenegro's short-term European aspirations could receive a massive setback. However, if the FRY is to endure, it will have to be rearranged to allow for synchronisation of reforms and emergence of genuine common policies on a wide range of issues such as trade, taxes, customs and a single currency. Given the sweeping autonomy enjoyed by the FRY's two republics, the fact that both pursue foreign policies that differ sometimes dramatically from the Federal government's, and the latter's overall weakness, this may be a nearly insurmountable challenge.

Many of the 30 trade-related and other sectors have yet to be covered by the joint EU-Serbia-Montenegro “Consultative Taskforce”. This must happen before the EU will consider doing a feasibility study for negotiation of an SAA. This alone could take the best part of 2002. Once that study is approved by EU ministers, the negotiating mandate has to be drawn up, discussed and approved before negotiations can begin. This sequence would be intricate enough without the complications of the FRY's internal political reform process and the constitutional tug-of-war.

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<sup>16</sup> See European Commission External Relations Directorate General, Commission Staff Working Paper: “EU Stabilisation and Association process for countries of South-Eastern Europe”, 15 November 2000, SEC (2000)1972.

<sup>17</sup> See EU General Affairs Council, 29-30 April 1997, Conclusions.

<sup>18</sup> On 9 April 2001 and 29 October 2001, respectively. For more details, see the European Commission's External Relations website at: [http://www.europa.eu.int/comm/external\\_relations/index.htm](http://www.europa.eu.int/comm/external_relations/index.htm)

<sup>19</sup> ICG interview with EU officials, January 2002.

<sup>20</sup> Ibid.

Overall, Serbian politicians do not appear to have informed the public adequately of the changes necessary for an SAA. On the contrary, they frequently reiterate how satisfied the World Bank and International Monetary Fund are with the FRY's progress.<sup>21</sup> In this way, they may be setting the stage again for broad public disenchantment with the EU and the process of European integration.

#### D. U.S. CERTIFICATION

The U.S. has legislation requiring the State Department to certify to Congress by 31 March 2002 that the FRY is complying with certain policy conditions in order to remain eligible to receive U.S. financial assistance. These requirements are:

- release Albanian political prisoners and demonstrate progress on rule of law;
- cooperate with the ICTY, including not only the arrest and transfer of indictees, but also access to documents and witnesses; and,
- cease funding the Bosnian Serb Army (VRS) and cooperate with the international community to implement the Dayton Peace Accords.

Notwithstanding a recent announcement of intention to cease funding the VRS, the FRY is not in compliance with any of these conditions. This is due in large part to lack of civilian control over the VJ and the prevalence of conservative nationalist forces within the governing coalition at the Federal level, particularly within President Kostunica's cabinet.

The U.S. administration's certification this year promises to be much tougher than in 2001, when the new FRY authorities enjoyed a "honeymoon" with the international community, due particularly to the spectacular arrest of Milosevic in the early hours of 1 April 2001.<sup>22</sup> The mood in

the State Department and Congress seems far more sceptical. Many are displeased with the slow pace of reform and the lack of cooperation with the ICTY, as well as lack of progress on the Kosovo Albanian political prisoners and reluctance to modify relations with Republika Srpska.<sup>23</sup> Congressional staff have expressed the intention of pressing for visible progress in all three areas, and State Department officials have acknowledged that the handover of one high-profile ICTY indictee would not do much to address the longer-term deficiencies.<sup>24</sup>

A State Department official travelled to Belgrade in February 2002 to underline that Washington expects broader progress on multiple fronts this year. He reportedly obtained positive indications on prospects for release of Kosovo Albanian prisoners and laid down strong markers regarding the ICTY.<sup>25</sup> However, no action has yet been taken.

The scepticism in Washington does not mean the administration has much appetite for putting comprehensive, long-term pressure on Belgrade. The State Department has made clear its preference for moving away from the certification process.<sup>26</sup> However, key Congressmen will probably continue to support the concept.

The situation is complicated by policy differences between the Federal and Serbian governments. Washington officials are reluctant to press the latter hard on issues such as ties to the RS military, on which only Federal officials have real influence. Another complication is that the FRY has no ambassador in Washington to present its case since wrangling within DOS has blocked a replacement for Milan St. Protic, who

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<sup>21</sup> "Djelic na velikom skupu investitora", *Radio B92*, 15 January 2002.

<sup>22</sup> ICG interviews with U.S. officials in the State Department and with Congressional aides. On the circumstances of Milosevic's arrest, see ICG Balkans Briefing, *Milosevic in The Hague: What it Means for Yugoslavia and the Region*, 6 July 2001.

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<sup>23</sup> This stance was reflected when President Kostunica was offered no official meetings with senior Administration figures when he visited Washington in February 2002.

<sup>24</sup> ICG interviews with State Department officials and Congressional aides. In mid February, the British weekly newspaper, *the Sunday Telegraph* (16 February 2002) reported that the arrest of Ratko Mladic had become an express condition of certification. ICG was unable to confirm this claim with U.S. sources.

<sup>25</sup> Interview with Paul Jones, *BETA News*, 7 February 2002.

<sup>26</sup> *Ibid.*

was recalled in August 2001. The absence of such a spokesman will hurt the FRY's ability to lobby. Nonetheless, the U.S. still thinks relatively well of Belgrade. In the proposed 2003 foreign assistance budget, Serbia is one of only two Balkan entities whose assistance levels are not cut.<sup>27</sup>

As with the CoE, PfP and SAA, Yugoslav politicians have neither informed the public of the U.S. conditions, nor have they explained the reasons for them. This risks an anti-U.S. backlash and grist for the domestic propaganda mills of Serbia's anti-western elements, organised crime figures, and hard-core nationalists.

### III. HUMAN RIGHTS AND SERBIA

Since DOS came to power, the FRY's and Serbia's human rights records have improved significantly, and many in the leaderships are committed to high standards. Nonetheless, some human rights violations continue that could increase frustration among ethnic groups that, after the abuses of the past decade, already question the legitimacy of state institutions.

The FRY is far from mono-ethnic. In the last census (1991), non-Serb minorities comprised 38 per cent of Serbia's population and 43 per cent of the northern Serbian province of Vojvodina. During the 1990s, these percentages fell, due to targeted pressure (including ethnic cleansing in Serbian Sandzak), economic emigration, and the influx of Serb refugees from Croatia, Bosnia and Kosovo. Today the overall number of non-Serbs is probably around 20 per cent, or even less.<sup>28</sup>

The position of minorities, although far better than under Milosevic, still presents numerous problems that could potentially affect relations with the FRY's neighbours, or provide an excuse for local minority groups – such as Albanians or Bosniaks – to engage in irredentist activities.

#### A. HATE SPEECH AND ATTACKS

Many Serbs harbour deep prejudices against minority groups, particularly Roma (Gypsies), Hungarians, Croats, Jews, Albanians and Muslim Slavs (Bosniaks), and air them prominently in public. In this they are no different than many in the Western Balkans and Central Europe.

Such prejudices are also expressed in influential media outlets. The leading government newspaper, *Politika*, the official VJ newspaper, *Vojska*, and the popular tabloid newspaper *Glas javnosti* all continue to refer to Albanians by the

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<sup>27</sup> Account Tables, "Assistance for Eastern Europe and the Baltic States", FY 2003 International Affairs (Function 150) Budget Request, U.S. Department of State, 4 February 2002.

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<sup>28</sup> There has not been a census in the FRY since 1991. This figure is a conjecture based on the best available evidence as well as interviews with various FRY non-governmental organisations and an expert on Vojvodina affairs, Dr. Vladimir Ilic.

pejorative term *Shiptar* (the equivalent of 'nigger').<sup>29</sup>

In autumn 2001, a prominent Serbian Orthodox priest declared on a live television show that Jews were prone to incest, a remark that initially went unchallenged by anyone in public life and prompted an official protest from the Israeli Embassy. Recently a prominent populist DOS politician – Velimir Ilic of the Nova Srbija (NS) party – stated that the FRY's diplomatic corps was overrun with Croats, Slovenes and Hungarians.<sup>30</sup>

The Serbian Parliament is frequently the setting for the most blatant and prejudiced hate speech, often spouted by such fire-breathing nationalists as Vojislav Seselj. Even such pragmatists as Serbian Premier Zoran Djindjic and Deputy Premier Nebojsa Covic – in efforts to curry favour with voters – have referred to all Albanians as terrorists, before, and particularly after the 11 September attacks in the United States.<sup>31</sup> The depth of this sentiment was seen in the recent negative comments about human rights and human rights activists made by Serbian Orthodox Patriarch Pavle in his annual Christmas message.

Surprisingly, almost no one from DOS in either the federal or republic governments has criticised these statements or this language, except Vice-President Zarko Korac and Minister for Minority Affairs Rasim Ljajic (a Muslim Slav). This prompted Svilanovic to hold a press conference in January 2002, warning that hate speech towards other religions and ethnic groups was still abundant. Criticising his DOS colleagues for ignoring and, in some cases, fuelling this speech, Svilanovic called on DOS and the media to discontinue such practices.<sup>32</sup> He stated that "the future of the country can be built only with love, because we can't speak about peaceful life in

southern Serbia, Sandzak or Vojvodina as long as we are fostering hatred and scorn towards others."<sup>33</sup> He urged DOS to include a declaration of human rights in a new Serbian constitution.

More recently, at a press conference, President Kostunica spoke out against hate speech, though with particular reference to attacks against his political party (DSS) by other political parties and state institutions (the MUP in particular), rather than against minorities.<sup>34</sup> The Orthodox Church condemned the priest's anti-Semitic remarks only after several months.<sup>35</sup>

Traditionally the outcasts of Balkan and Central European society, the Roma are still marginalised in the FRY and subjected to discrimination. In the past year there have been at least eight registered cases of violent racially motivated attacks against Roma inside Serbia. Racially motivated attacks against other minority members have also occurred. Unknown persons sprayed anti-Semitic graffiti on buildings, and a shadowy nationalist/fascist youth movement, *Obraz*, seems to foster and encourage such activities.

Such cases of persistent intolerance alienate the non-Serb population. Significantly, many minority groups reside in areas that could potentially foment new secessionist challenges to the central government, such as Vojvodina, Sandzak and southern Serbia. Recently even the Timok region of eastern Serbia has seen the rise of the long-neglected Vlah minority, amid muted but ever-increasing calls for secession. If the FRY and Serbia wish to maintain both the loyalty of their citizens and the integrity of their borders, hate speech and discrimination should be reduced substantially.

## B. POLITICAL PRISONERS?

Yugoslav prisons currently hold approximately 162 Kosovo Albanians, of whom 78 are widely considered political prisoners since they were captured before and during the Kosovo conflict,

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<sup>29</sup> For example, see "Kritikuju me zlonamerni ili neupuceni", *Glas javnosti*, 25 December 2001, reporting comments by the VJ chief of staff, Nebojsa Pavkovic.

<sup>30</sup> Helsinki Committee for Human Rights in Serbia, "Izvestaj o ljudskim pravima 2001".

<sup>31</sup> "Nepodnosljiva lakoca prikrivanja zlocina", *Danas*, 30-31 March 2001. See also ICG Balkans Report No. 119, *Bin Laden and The Balkans: The Politics of Anti-Terrorism*, 9 November 2001.

<sup>32</sup> www.gradjanskisavez.org.yu.

<sup>33</sup> www.gradjanskisavez.org.yu

<sup>34</sup> Vojislav Kostunica, Press Conference, 30 January 2002.

<sup>35</sup> Radio FreeEurope/Radio Liberty *Newsline*, 6 February 2002.

then convicted and sentenced on the basis of "dubious trials".<sup>36</sup> They are not prisoners of conscience, and may in fact have committed the criminal acts with which they have been charged. However, the evidence presented in court was either extremely weak, missing altogether, or forcibly extracted.

The FRY might have easily resolved these cases except that Yugoslav law does not recognise the concept of a mistrial. Therefore, a presidential pardon is required. However, President Kostunica – who often asserts his respect for the rule of law – has overlooked many of the legal discrepancies. He has overturned only two cases: those of the human rights activist and poet, Flora Brovina (immediately after 5 October 2000), and – following a direct intervention by French President Jacques Chirac – the student activist Albin Kurti.

The FRY and the former head of UNMIK, Hans Haekkerup, signed a Common Document on 5 November 2001 in which the FRY committed itself to provide UNMIK with the prisoners' dossiers and to transfer the prisoners as soon as possible. However, at the second meeting of the joint working group established under the Common Document, the Ministry of Justice failed to provide the promised dossiers, offering instead a list of known names, with only incomplete descriptions of the charges.

It is unclear whether Deputy Premier Covic, the MUP or the VJ is most to blame for this obstruction, or indeed whether it forms part of an overall strategy towards Kosovo. Recently UNMIK informed the Yugoslav Coordination Centre for Kosovo and Metohija (chaired by Covic) that it would withdraw from the agreement if the FRY does not fulfil its bargain.<sup>37</sup> UNMIK has now announced a transfer is likely before 31 March 2002, in time for the U.S. certification.<sup>38</sup> It is difficult to tell whether this is wishful thinking, as Covic – who is also the lead Serbian and FRY negotiator for Kosovo – has complained that a deadline at such a "sensitive" moment is a bad idea.<sup>39</sup>

The federal authorities are acting as if they wish to hold the Albanians until such time as there is an exchange for all Serbs in Kosovo jails (none of whom are generally considered political prisoners). The international community should condemn any attempt to use the 78 Albanian prisoners as hostages and resist the temptation to equate them with ordinary convicted criminals. For its part, UNMIK disclosed in January 2002 that it had received some dossiers from the FRY, although they were incomplete.<sup>40</sup>

In the mean time, the issue remains another point of contention that aggravates relations not only with Kosovo's Albanian majority, but also with the substantial Albanian minority still residing within Serbia itself, including in southern Serbia.

Although, the CoE omitted the issue in its October 2001 report, it has subsequently announced that release of the Albanians is a condition for FRY accession. The issue will likewise remain high on the list of NATO and EU conditions, as it should, and feature in the U.S. certification decision.

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<sup>36</sup> ICG interview with diplomatic source in Belgrade.

<sup>37</sup> ICG interview with UNMIK representative.

<sup>38</sup> *RadioB92*, 5 February 2002.

<sup>39</sup> *RadioB92*, 6 February 2002.

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<sup>40</sup> ICG interview with UNMIK official.



#### IV. COOPERATION WITH THE HAGUE

The Yugoslav federal government has not cooperated with The Hague Tribunal, due to blocking by the pro-Milosevic SNP party in the governing DOS coalition,<sup>41</sup> plus obstruction by the federal president and his cabinet, and resistance by the VJ.<sup>42</sup> Kostunica continues public denigration of the ICTY, recently stating on television that “cooperation ... is not our priority”, and referring to the Tribunal as the “last hole on the flute”.<sup>43</sup> He has accused it of rewriting history and failing to respect its own statutes.<sup>44</sup> Such comments are widely believed by a population that has been saturated by thirteen years of anti-Western propaganda. This has prompted ICTY Chief Prosecutor Carla Del Ponte to label the president the “chief obstacle” to cooperation. Although Kostunica’s DSS has proposed a draft law on cooperation with the ICTY on the Serbian republic level, Del Ponte has reiterated the Tribunal’s indisputable position that such legislation is unnecessary, and stated moreover that the present draft would “actually impede cooperation”.<sup>45</sup>

In contrast to the federal government, both Montenegro and Serbia have cooperated over the past year, arresting and transferring persons indicted for war crimes, facilitating the surrender of other indictees, and giving ICTY investigators access to some documents and witnesses. These steps have been taken despite internal political pressure against cooperation, such as the uprising by the Unit for Special Operations (JSO) in November 2001.

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<sup>41</sup> See “SNP ne menja stav”, *Politika*, 5 March 2002.

<sup>42</sup> Earlier phases of this obstruction have been described in ICG Balkans Reports No. 112, *A Fair Exchange: Aid to Yugoslavia for Regional Stability*, 15 June 2001, and No. 117, *Serbia’s Transition: Reforms Under Siege*, 21 September 2001.

<sup>43</sup> “Kostunica: Saradnja s Hagom nije prioritet”, Radio B92, 1 February 2002.

<sup>44</sup> “Srbija i Crna Gora pred novim pocetkom”, *Politika*, 19 February 2002. To selected audiences, however, Kostunica has spoken more diplomatically. Replying to a question after a speech at the Woodrow Wilson Center, Washington D.C., on 6 February 2002, he said: “Cooperation with the Hague is a must... It is a to be or not to be of this country.”

<sup>45</sup> BETA DAILY NEWS, February 11, 2002.

Although Serbian Premier Djindjic has announced that further arrests and transfers to the ICTY will occur in time for 31 March U.S. deadline,<sup>46</sup> this would be ad hoc cooperation. Unlike in Bosnia and Croatia, cooperation is not regulated by domestic law or institutionalisation. Most significantly, it occurs only at the Serbian republic level, as the federal government and VJ are opposed to cooperation.

War crimes indictees, such as Ratko Mladic and the “Vukovar Three” (Mile Mrksic, Miroslav Radic, Veselin Sljivancanin) continue to find safe haven in Serbia. Highly placed sources in the Serbian government have told ICG on several occasions that Mladic lives in Belgrade protected by approximately 70 VJ soldiers under the command of Chief of Staff General Nebojsa Pavkovic. Serbian sources fear that any attempt by the MUP to arrest Mladic could result in a bloody showdown with the VJ and lead to serious internal strife and the collapse of the Serbian government.

Many war crimes suspects are protected through an informal network of highly influential and powerful individuals in the VJ and MUP, prominent politicians (including Kostunica) and notorious elements of Milosevic-era criminal networks. Many of the latter are still prominent in business. Many of these elements – including MUP and the VJ – have been implicated in smuggling during the Milosevic era when contraband included cigarettes, weapons and other military supplies, alcohol, petroleum, stolen automobiles and drugs.

This network places tremendous pressure on both the federal and republic authorities. The DOS governments’ inability or unwillingness to root out these elements means that they remain a significant force in political life and one that is growing bolder and more visible.

The EU, CoE and NATO will all continue to insist on cooperation with The Hague while the U.S. has made it a condition for further aid and may extend this to Most Favoured Nation trade

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<sup>46</sup> “Djindjic najavljuje nova izrucenja Hagu”, *Radio B92*, 31 January 2002. *RFE/RL*, 11 February 2002.

status.<sup>47</sup> For now, however, Radovan Karadzic and Ratko Mladic calendars and tee-shirts are selling briskly on Belgrade's main pedestrian street.

## V. YUGOSLAVIA'S ARMED FORCES

The Vojska Jugoslavije (VJ) comprises the traditional military units: air force, land army, navy, special forces, and military intelligence. According to the law and constitution, it is controlled by the Federal government. In addition, Serbia's Interior Ministry (MUP) maintains armed formations that can and have participated in battle and answers to the republic government.

The VJ and MUP share a number of characteristics. They are not under civilian control, except in the sense that sometimes they are directed in a limited manner by leading politicians, which should not be confused with democratic or civilian control of the armed forces even though some politicians wish to present it as such. The DOS parliamentary leader, Cedomir Jovanovic, stated recently that "the national security system rests on several agencies that have so far acted out of public view, without parliamentary and political control which must be established".<sup>48</sup>

Other common characteristics include internal opposition to reforms, the idealisation of war-time illegal behaviour, obstruction of the ICTY, reluctance to take disciplinary action against members for criminal activity, and a large number of special units.

Both the VJ and MUP maintain relatively numerous "special forces" such as the MUP's Unit for Special Operations (JSO), Special Anti-Terrorist Unit (SAJ), and Gendarmerie, and the VJ's 63<sup>rd</sup> Parachute regiment, 72<sup>nd</sup> regiment (Hawks), 82<sup>nd</sup> Naval Diversion Unit, 7<sup>th</sup> Military Police Battalion, and the "Cobras", who provide special security for Kostunica and Pavkovic. These units have ill-defined, overlapping mandates and were active in some of the past decade's more problematic actions against civilians both inside and outside the FRY.<sup>49</sup>

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<sup>47</sup> "Country's international status depends on reforms, cooperation with ICTY Serbian Premier", *Tanjug*, 11 February 2002.

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<sup>48</sup> "Kostunica da ispravi gresku", *Blic*, 5 February 2002.

<sup>49</sup> Helsinki Committee for Human Rights in Serbia, *Annual Report for 2001*, pre-publication draft, section on the VJ.

The Federal Constitution states that all armed formations, including the MUP, come under the VJ during war. When mass graves of murdered Kosovo Albanians began to be uncovered around Belgrade in 2001, the MUP tried to absolve itself by arguing that the VJ had command responsibility for military operations in Kosovo. The VJ retorted that the MUP had operated outside the constitutionally mandated structures and reported to a parallel chain of command.<sup>50</sup>

The armed forces are allegedly linked with criminal elements at all levels.<sup>51</sup> This is a legacy of Milosevic, who criminalised the MUP and compromised the VJ via war crimes, political murders, repression, torture, smuggling, racketeering, and other activities. On occasion, the jails were combed for "volunteers" to serve in the various forces commanded by the VJ and MUP.<sup>52</sup> When the FRY was subjected to international sanctions, highly placed individuals within the VJ and MUP engaged in smuggling.

Criminal activity, often benefiting from VJ and MUP resources, swelled to include weapons, military supplies, tobacco, petroleum, alcohol, drugs and human trafficking. According to ICG interviews with current and former VJ officers, as well as numerous Serbian media accounts, the FRY armed forces even sold weapons to their enemies, including the Bosnian Muslims and Kosovo and Presevo Albanians.

In October 2001, Yugoslav Foreign Minister Svilanovic – who frequently tries to mediate between the Djindjic and Kostunica factions inside DOS – warned the public that informal "power structures" had formed around both leaders. These, he said, included the media, shadowy business interests, and other less easily identifiable elements – in other words, military and criminal elements – that were pushing the

pair increasingly into confrontation.<sup>53</sup> Svilanovic implied that the two leaders may not be able to control the situation.

Nowhere are these shadowy connections and their influence more obvious than in the recent arrest of Bosnian Muslim businessman Alija Delimustafic in Belgrade for using a false identity. He had fled Bosnia in May 2001, following scandals involving, inter alia, embezzlement of international community aid funds from the family bank, BH Banka. Arrested in Sarajevo and held on bond for trial, Delimustafic was released under mysterious circumstances, only to vanish. In 2001 he was reportedly hiding in Republika Srpska.

Following his arrest in January 2002, the Serbian press immediately linked Delimustafic to individuals who either amassed wealth under Milosevic in unclear circumstances, or hold positions of political influence. These included such prominent businessmen as Momir Mandic, Zoran Drakulic, Zoran Janjusevic and Filip Zepter; General Aleksandar Vasiljevic of military counter-intelligence, who is deeply implicated in Serbia's wars in the 1990s; and Kostunica's media adviser (and formerly Milosevic's Minister of Information), Aleksandar Tijanic. All appear to have close ties to either Premier Djindjic, President Kostunica and/or the military. Many have been mentioned in the Belgrade media in the context of illegal weapons sales, cigarette smuggling, and political assassinations.

Of crucial concern is the fact that the two leading parties in DOS, Kostunica's DSS and Djindjic's DS, appear to have links to a number of these individuals, as does the New Democracy (ND) party of Interior Minister Dusan Mihajlovic. While Delimustafic sits in jail awaiting extradition to Bosnia, the ultra-nationalist Party of Serbian Unity (SSJ) and several highly placed Djindjic advisors have asked whether he might be indictable for massacres of Serbian JNA troops in Sarajevo during 1992.

Accusations have also been levelled in the newspapers that the VJ and state-owned munitions factories – such as Prvi Partizan in

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<sup>50</sup> Ibid.

<sup>51</sup> Throughout 2001 the Serbian electronic and media flooded the airwaves and newsstands with stories detailing the links between the VJ, MUP, and organised crime.

<sup>52</sup> ICG interviews with VJ officers, former officers, MUP officials, and leading DOS politicians. See also Budimir Babovic, *U trouglu drzavne sile*, Helsinki Committee for Human Rights in Serbia: Belgrade, 2001.

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<sup>53</sup> "Iza Kostunice i Djindjica formirane structure moci", *Nedeljni telegraf*, 3 October 2001.

Uzice – sold weapons to Delimustafic and the Bosnian Muslims during the Bosnian war. This implies ties to the wartime Bosnian Serb leadership of Radovan Karadzic, as well as the general staff of the VJ.<sup>54</sup>

The legacy of criminal elements in, or close to, the state security structures is pervasive, and their ability to prevent reform and block cooperation with the ICTY presents perhaps the greatest challenge to reforming the armed forces. The problem is so bad that even the Minister of the Interior, Dusan Mihajlovic, commented recently on the difficulties of rooting out the “Milosevic-Karadzic mafia” that, with political protection from some in DOS, has found a safe haven in the new Serbia.<sup>55</sup>

### A. VOJSKA JUGOSLAVIJE (VJ)

The VJ constitutes one of the FRY's greatest problems. Its active duty strength on paper is approximately 100,000, with 300,000 reservists.<sup>56</sup> But its standing strength in late 2001 was actually 79,873,<sup>57</sup> due to a shortage of recruits.<sup>58</sup> The VJ took up 70.04 per cent of the entire Federal budget for 2001 and equalled 6.12 per cent of GDP.<sup>59</sup>

The VJ is neither democratic nor subject to civilian, political control. Currently it appears to be the fiefdom of Chief of the General Staff General Nebojsa Pavkovic, and perhaps to some extent of President Kostunica in his constitutional capacity as President of the Supreme Defence Council (VSO). The federal parliament approves its budget but has no oversight of operations, expenditures or practices. It cannot subpoena either witnesses or records.

Predrag Simic, Kostunica's advisor for foreign affairs, recently confirmed that there is no civilian control over the VJ, and – in an insight

into the mindset of the cabinet – stated that it would probably not be established for at least two more election cycles.<sup>60</sup> As a result, the VJ is in practice answerable only to itself, and, occasionally, to Kostunica.

The Federal Constitution authorises the VSO, which consists of the President of the FRY (Kostunica), the President of Montenegro (Djukanovic) and the President of Serbia (Milutinovic) to control the VJ. It is currently the only federal institution in which Montenegro participates, but this is undercut by the presence of an ICTY indictee – Milutinovic as one of its three members, which in turn is symptomatic of the influence of suspected war criminals up to the highest levels in the VJ.

The VSO functions only sporadically, and Kostunica has refused demands by Djindjic and Djukanovic to remove Pavkovic or begin other reforms in the VJ. On the rare occasions when the VSO has met, it has not dealt with issues relating to the VJ's performance, but rather with political questions.<sup>61</sup>

The Ministry of Defence is constitutionally subservient to the VJ and serves as a logistics arm, for both acquisition and sales of weapons and other military materiel. It acts at the behest of and on instruction from the General Staff. Although changes to the Law on the VJ in November 2001 formally brought the budget under the Ministry of Defence, there has been no change in practice. According to that law, the Chief Inspector of the VJ reports not to the Ministry but to the General Staff.

The inability of the Ministry of Defence to serve as any formal or informal restraint on the VJ was reflected in the resignations in December 2001 of Defence Minister Slobodan Krapovic and the head of the VJ Headquarters Information Section, Ljubodrag Stojadinovic. Krapovic had attempted to exercise at least nominal control and had pushed for membership in PFP and other regional organisations. He had also tried to transfer the

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<sup>54</sup> “Municija placana dzakovima maraka”, *Glas javnosti*, 5 February 2002.

<sup>55</sup> “Mihaljovic: Mafia se baskari u Sribiji”, *Radio B92*, 2 February 2002.

<sup>56</sup> “Reforma VJ: Stvarnost ili velika obmana”, *Blic News*, 9 January 2002.

<sup>57</sup> <http://www.vj.yu>.

<sup>58</sup> “Generala kontrola”, *Nin*, 20 December 2001.

<sup>59</sup> <http://www.vj.yu>.

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<sup>60</sup> Roundtable “Sprečna ili odložena reforma sektora bezbednosti u Srbiji/SRJ”, sponsored by the Centar za civilno-vojne odnose, 11 February 2002.

<sup>61</sup> Helsinki Committee for Human Rights in Serbia, *Annual Report for 2001*, pre-publication draft, section on the VJ.

Intelligence Service and Counter-Intelligence Service (KOS) from the General Staff to the Ministry.<sup>62</sup> In all these endeavours he encountered fierce resistance.<sup>63</sup>

Although Krapovic stated publicly that he resigned for health reasons, he appears robust. He quit immediately after a VSO meeting at which Kostunica refused Pavkovic's resignation. Stojadinovic stated more candidly that the real reasons for their related resignations was the replacement of many Montenegrin generals (SNP loyalists) with Serbs and dubious weapons and other transactions, which Krapovic opposed and Pavkovic supported.<sup>64</sup> The health problem that concerned Krapovic may have been anxiety about possible 'lead poisoning'. Assassins' bullets killed another former Defence Minister, Pavle Bulatovic, after he allegedly refused to engage in arms sales and purchases as ordered by the VJ.<sup>65</sup>

The VJ budget is a closely guarded state secret. Not even Federal Deputy Premier Miroljub Labus knows how it is spent.<sup>66</sup> On issues of expenditures and financial transfers such as to the Army of Republika Srpska (VRS), no civilian knows how much is involved. Although the VJ accounting centre was recently transferred from the General Staff to the Ministry of Defence, in theory giving parliamentarians the opportunity to examine invoices, in practice this does not happen.<sup>67</sup> Nor does anyone know how much leading VJ officers have earned from weapons sales, whether the VJ itself has profited from such sales, or how it has disposed of any profits.

In the face of DOS's as yet unsuccessful attempts to impose civilian control over the VJ, Pavkovic has requested that the government give him *carte blanche* to dispose of 25 per cent of the military budget as he sees fit, causing Foreign Minister

Svilanovic to acknowledge that the government has a problem controlling the VJ's finances.<sup>68</sup>

In short, the elected federal government has no control over the VJ. Moreover, the VJ exercises considerable clout in federal policy formation, both foreign and domestic. Its braking influence is felt acutely over the questions of ICTY cooperation and Montenegro's position in the federation.<sup>69</sup>

The lack of civilian control has raised questions about the role of three individuals in Kostunica's cabinet and their relations with the VJ. The first is Chief of Staff Ljiljana Nedeljkovic, who has served as de facto liaison with not only the VJ, but also the VRS. He appears to operate with the VJ through Aca Tomic, the Chief of Military Intelligence. The second is Gradimir Nalic, Kostunica's adviser on Human Rights. The third is Aleksandar Tijanic, the media adviser. These individuals, who often appear in the media in the context of security issues, all appear to bypass the Ministry of Defence and lines of civilian authority.

The VJ's structures mirror those of its predecessor, the old Titoist JNA (Yugoslav People's Army). Little reform has occurred since Milosevic's fall other than in size and nomenclature, such as a corps rather than "army" structure, and a reduction of mandatory military service. These were not the result of true reorganisation, but rather of downsizing forced by a shrinking budget.<sup>70</sup>

Over the past decade, army doctrine and strategy have remained essentially the same as in Tito's

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<sup>62</sup> Helsinki Committee for Human Rights in Serbia, op. cit.

<sup>63</sup> "Umesto generala otisao ministar", *Helsinki Charter*, January 2002.

<sup>64</sup> "Krapovic podneo ostavku zbog Pavkovicove odluke", *Blic*, 18 February 2002.

<sup>65</sup> A series of articles appeared in *Glas javnosti*, *Blic*, *Srpska rec*, and *Nacional* in January and February 2002.

<sup>66</sup> "Labus: Razmotriti finansiranje vojske RS", *FoNet News Agency*, 26 December 2001.

<sup>67</sup> Helsinki Committee for Human Rights in Serbia, op. cit.

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<sup>68</sup> "Krapovic podneo ostavku zbog Pavkovicove odluke", *Blic*, 18 February 2002.

<sup>69</sup> It is also worth mentioning the Prevlaka peninsula, a small piece of Croatian territory near the border with FRY (Montenegro), that has been under UN control since 1992. Although the FRY has abandoned its Milosevic-era claim to the peninsula, and the dispute no longer represents an active threat to stability, Belgrade still declines to pursue a realistic bilateral solution with Zagreb. The VJ is believed to be the biggest factor in keeping the issue open. Until the dispute has been resolved, it has the potential to be reactivated by trouble-making authorities in Belgrade or Podgorica – or, for that matter, in Zagreb.

<sup>70</sup> Helsinki Committee for Human Rights in Serbia, op. cit.

JNA. The military is still a bastion of conservative old-school Serbian nationalism and retains significant political clout and public trust. Several polls have shown that the VJ is the FRY's second most trusted institution, after the Serbian Orthodox Church.<sup>71</sup>

## 1. The Pavkovic factor

Conscious of the VJ's political role, DOS promised during the campaign for the September 2000 election that it would remove Milosevic-loyalist Pavkovic and reform the VJ. It has done neither. The reason Pavkovic remains in office is simple: following secret meetings the night of 6 October 2000 with the Chief of the General Staff and then with Milosevic, President Kostunica has refused to let DOS remove him. This has caused significant turmoil within the coalition, with all other government parties aligned against Kostunica's DSS. For his part, Pavkovic appears to have widened the powers of the VJ Counter-intelligence Service (KOS) to permit domestic wire-tapping.<sup>72</sup>

Before Milosevic promoted him, Pavkovic commanded the VJ Third Army, which was responsible for Kosovo during the 1999 ethnic cleansing and NATO bombardment. Given his command responsibility, an ICTY indictment seems distinctly possible. At the least, the Prosecutor's Office is likely to seek him as a key witness against Milosevic and others.

He maintains a high – and highly political – public profile. His frequent comments and interviews, as well as his custom of engaging politicians in running debate in the media, indicate a disdain for the democratic code of military ethics.<sup>73</sup>

According to Pavkovic himself, however, and his supporters in Kostunica's cabinet, he is the only person with sufficient experience and clout to reform the VJ and prepare it for membership in PfP and perhaps NATO. Pavkovic has publicly challenged those in DOS who wish to remove

him, stating – falsely – that the pressure for his removal comes only from domestic politics.<sup>74</sup> In fact, several NATO countries, including the U.S., have told Kostunica that the FRY will not be able to join PfP while Pavkovic is on active duty. The Montenegrin and Serbian governments are also strongly critical.

Kostunica, however, has been a diligent defender. In December 2001 he rejected Pavkovic's resignation, stating that the people who were calling for his removal were those "who call for facing the past, those who want to force us to recognise collective guilt, and undergo some kind of psycho-drama". He warned, not for the first time, that Pavkovic's departure would trigger instability in the VJ that could threaten state security.<sup>75</sup> He labelled "scandalous" a petition launched by the Youth Organisation of the Civic Alliance of Serbia (GSS), a DOS party, for Pavkovic's removal.

Kostunica's intransigence has widened the gap with the remainder of DOS. Djindjic remarked that the Pavkovic question is one of the "rare issues under Kostunica's mandate" on which there is a clear DOS stand.<sup>76</sup> Deputy Premier Covic has stated that "Pavkovic must go".<sup>77</sup> Svilanovic has warned openly that this is a condition for PfP membership.<sup>78</sup>

Another highly-placed VJ officer with a problematic background is General Vladimir Lazarevic, Pavkovic's successor as commander of the Third Army. During the 1999 NATO bombardment, he led the Third Army's Pristina Corps, which was responsible for Kosovo itself and controlled areas where significant ethnic cleansing occurred. Given the wartime record of troops he commanded, he is quite possibly a candidate for ICTY indictment, and his removal should be a precondition for PfP.

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<sup>71</sup> "Godinama u vrhu", *VOJSKA*, December 2001.

<sup>72</sup> "I KOS-u omoguceno da prisluskuje", *Nedeljni telegraf*, 22 August 2001.

<sup>73</sup> "Nebojsa Pavkovic kritikovao GSS", *Glas javnosti*, 9 February 2002. "Kritikuju me zlonamerni ili neupuceni", *Glas Javnosti*, 25 December 2001.

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<sup>74</sup> "Ne stitimo Mladica", *NIN*, 6 December 2001.

<sup>75</sup> "Kostunica: Pavkovic ponudio ostavku", *Radio B92*, 27 December 2001.

<sup>76</sup> "Djindjic: Pavkovic nece biti smenjen", *FoNet News Agency*, 26 December 2001.

<sup>77</sup> "Covic: Pavkovic mora da ide", *FoNet News Agency*, 25 December, 2001.

<sup>78</sup> "Goran Svilanovic: Svi ce u Hag", *Danas*, 25 December 2001.

Like Pavkovic, Lazarevic has intruded loudly into civilian politics. Predictably critical of ICTY, he has stated that the concept of command responsibility does not exist in the military and is unknown to him.<sup>79</sup> He has also declared that the U.S. conditions for certifications are an “insult to Serbia”.<sup>80</sup>

Since the latter half of 2001, the official VJ magazine *Vojska* has openly trumpeted impending military reforms. These have amounted, however, only to Pavkovic removing his opponents from key positions, sometimes forcing them into retirement, as well as liquidating some VJ real estate assets and purchasing new weapons.

Kostunica has defended publicly the VJ's record on reform, stating that conditions are not yet appropriate, and that the FRY's borders (Montenegro and Kosovo) must first be regulated and the security threat in southern Serbia removed.<sup>81</sup> At the same time, he has also argued – in the face of evidence – that significant military reforms *have* occurred.<sup>82</sup>

The continued anti-reform stance of Kostunica and Pavkovic is likely to prevent Yugoslav entry into PfP. Beyond this, it also means that many Milosevic loyalists will remain in key positions in the military, obstructing federal-level cooperation over war crimes and exerting influence on crucial matters of domestic and foreign policy.

## B. THE MINISTRY OF INTERIOR (MUP)

The FRY has three Ministries of the Interior (MUP): Federal, Serbian, and Montenegrin. The Serbian is the largest, followed by the Montenegrin and then the Federal.<sup>83</sup> Each acts, formally, at the behest of its own government.

In addition to regular policing duties, the Serbian and Montenegrin MUPs maintain special militarised units that are typically trained, armed and equipped to a higher standard than VJ regular units. Both forces were involved in significant organised criminal activities during the Milosevic era, often at the behest of top government officials, and many officers were involved in war crimes. Today they continue to protect their cronies and permit them to maintain their illegal rackets.

Milosevic militarised and dramatically increased the size of Serbia's MUP to act as a counterweight to the VJ, whose loyalty he doubted. The exact size of Serbia's MUP is a state secret. Extrapolating from 1997 budget figures, it may then have had approximately 150,000 members (including reservists).<sup>84</sup> This would have given Serbia a police to citizen ratio of 1:70. (Pre-1991 Yugoslavia had a ratio of 1:200, and the European average is 1:300.)

Today's MUP is likely much smaller, perhaps approximately 43,000, following an early retirement program and the dissolution of reserve units.<sup>85</sup> Judging by a recent public tender for new uniforms, there may be approximately 23,000 uniformed police.<sup>86</sup> The remainder work in administration, criminal investigation, or State Security (DB).<sup>87</sup>

Serbia's MUP is under neither constitutional nor democratic control. According to the republic constitution, the President of Serbia – Milosevic crony and ICTY indictee Milutinovic – “commands the armed forces in peace and war”.<sup>88</sup> The “armed forces” of Serbia are *de facto* the MUP. Since October 2000, DOS has marginalised Milutinovic, who plays no part in the governing process nor exercises his

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to both individuals and buildings within Federal jurisdiction, such as embassies. The Federal MUP has a very limited mandate and as such does not warrant attention in this report.

<sup>84</sup> Babovic, Budimir, *U trouglu drzavne sile*, Helsinki Committee for Human Rights in Serbia, 2001, pp.46-47.

<sup>85</sup> ICG interviews with high MUP officials and with western diplomats in Belgrade.

<sup>86</sup> See [www.mup.sr.gov.yu](http://www.mup.sr.gov.yu).

<sup>87</sup> The MUP recently announced a public tender for 23,000 new police uniforms, which will allegedly be sufficient for all uniformed police.

<sup>88</sup> Serbian Constitution, Article 5.

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<sup>79</sup> *Politika*, 6 December 2001.

<sup>80</sup> “Zahtev americkog Senata je uvreda za drzavu i vojsku”, *Radio B92*, 26 December 2001.

<sup>81</sup> “Izraz savremnih potreba”, *VOJSKA*, 18 October 2001. Vojislav Kostunica, 9 October 2001, at a conference, “Civilian Control of the Military”, held in Belgrade.

<sup>82</sup> “Kostunica: Pavkovic ponudio ostavku”, *Radio B92*, 27 December 2001.

<sup>83</sup> The Federal MUP is quite small, with under 1,000 members, and is involved primarily in providing security

constitutional authority. Although this should be judged positively, it also means that the constitution has been bypassed and there is no *de jure* legal control over the Serbian MUP. This in itself provides a pressing reason to remove Milutinovic from the scene by transferring him to The Hague.

The Serbian parliament approves the MUP budget but has little practical supervision over its operations, expenditures or practices. The MUP budget is presented as a lump sum, without line item breakdowns. Although the Serbian parliament has a Standing Committee on Security, chaired by DSS member Dragan Jovic, that can in theory subpoena witnesses and investigate, the parliamentarians and staff lack experience, obliging them to rely instead on the MUP's own highly unrealistic annual report.

Hence, the MUP has mostly been answerable only to itself, and occasionally to the Serbian government through the Minister of the Interior. To an extent this is also a structural problem, caused by lack of clear budgetary or accounting mechanisms. Serbian Finance Minister Djelic has – with the assistance of the U.S. Treasury – begun to establish a budget office that would help give the parliament control over the MUP. Until then, the lack of civilian democratic control and sound legislation should pose problems for Serbia with the CoE, the EU, and PfP.

## 1. The Unit for Special Operations (JSO)

As part of the militarisation of the police, Milosevic created a rank system that mimics the VJ's (General, Colonel etc.). In addition, a substantial proportion of the police have military weaponry (assault rifles, anti-tank rockets), helmets and camouflage uniforms. The Police Academy includes VJ officer instructors.

In the Serbian MUP, the most significant militarised forces are concentrated around the Unit for Special Operations (JSO), also known as the "Red Berets" or "Frenki's Boys".<sup>89</sup> Slobodan Milosevic created the JSO as a counterbalance to the VJ, and used it to organise ethnic cleansing in

Croatia, Bosnia and later Kosovo. Its reputed responsibility for atrocities has drawn the interest of ICTY investigators.

The size of the JSO appears to be another state secret. Although the Serbian government claims the JSO has been reduced to a few hundred troops, this is unverifiable. Independent estimates put its strength at reinforced battalion level. It could have as many as 1,200 men.

The JSO received better equipment and training than the VJ, including armoured personnel carriers and cars, anti-aircraft and light artillery, sophisticated anti-tank rockets, Hummer vehicles (imported from the U.S. despite the embargo), Kevlar helmets, heavy machine guns (Browning M2.50 calibre), automatic grenade launchers (30mm) and helicopters.

Although the JSO was regarded as Milosevic's Praetorian Guard, it played an important role in his overthrow on 5 October 2000, when – in agreement with DOS – its refusal to fire on demonstrators in Belgrade removed the regime's last support. Thereafter the JSO has shifted allegiance to the government of Serbian Premier Djindjic. This has, however, been called into question several times, primarily over Djindjic's recent dealings with the ICTY.

In early November 2001 the JSO arrested the Banovic brothers, whom Serbia subsequently transferred to The Hague to face a war crimes indictments. They were former members of a JSO unit that operated inside Bosnia during the 1992-1995 war. When the JSO grasped the implications for the Unit of arresting its own ex-members in association with war crimes, it blocked the main motorway through central Belgrade with armoured vehicles. Although the revolt was settled after ten days, the JSO is still a force to be reckoned with.

## 2. Ambiguous reforms

The revolt spurred Djindjic's government to place the JSO directly under the Minister of the Interior and the government, which in turn report directly to the Council for State Security, newly created partly to rein in the JSO, partly to overcome DOS's numerous problems in attempting to reform and control the DB.

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<sup>89</sup> This name comes from their commander, Franko Simatovic, who led the JSO in Croatia, Bosnia and Kosovo.



Djindjic presides over the Council, and its members include the Minister of the Interior, Dusan Mihajlovic, and Deputy Minister Nenad Milic; the Head of State Security, Andrija Savic, and the Head of Public Security, Sreten Lukic; Djindjic's controversial adviser Zoran Janjusevic; Deputy Premiers Zarko Korac, Nebojsa Covic and Momcilo Perisic; Minister of Agriculture Dragan Veselinov and Minister of Justice Vladan Batic. (The DB supplies the Council's twelfth member.) The MUP reports to the Council via Mihajlovic, and the Council in turn reports to Djindjic.

In the event of a tie vote, Djindjic is authorised to decide. Although it is a constitutional body, the Council appears to bypass Serbia's constitutional provision that gives command of the "armed forces" (meaning, in practice, the MUP) to Serbian President Milutinovic.

As this development shows, the MUP did – in contrast to the VJ – begin a reform process during 2001. However, these were not all positive. One of the more problematic was introduction of the *Zandarmerija* (Gendarmerie), which appears to be formed around the core of the Special Anti-terrorist Unit (SAJ), another special force similar to the JSO within the Serbian MUP's Department of Public Security (RJB).

The size, duties, responsibilities and line of control for the *Zandarmerija* have not been specified. Reportedly tasked in part to relieve the VJ of border guard duties, it may take over security responsibilities in southern Serbia. The vagueness of its mission has fostered speculation that it might become the core of a new republic-level armed force to counterbalance the suspect JSO.

Another problematic change occurred on 30 January 2001, when the Serbian government appointed Sreten Lukic as Assistant Interior Minister to head the Department of Public Security (RJB), which includes all uniformed police and criminal investigators. His previous experience included an assignment as head of the uniformed police in Kosovo, 1998-1999. Troops under his command allegedly committed numerous crimes and abuses, including torture, indiscriminate attacks, forced expulsions, and extra-judicial executions. The Racak massacre in

January 1999 may have been carried out by MUP forces under his command.

Given ICTY criteria for command responsibility, Lukic could well find himself indicted for war crimes. He is a cousin of the already indicted Milan and Sredoje Lukic, brothers notorious for murderous activities in the Visegrad area of Bosnia.<sup>90</sup> In 1993 when Serbian authorities arrested Milan Lukic for the kidnapping and disappearance of nineteen persons from a train in Strpci (Sandzak),<sup>91</sup> General Lukic illegally freed him. During summer 2000, Lukic – then in a top MUP post – acquired a reputation for brutality as he cracked down on activists from the student organisation *Otpor* and harassed non-governmental organisations.

Given his background, Lukic's long-term presence in MUP is worrisome. Nonetheless, the Serbian government supports him. Djindjic stated that he was "shocked" to learn Lukic was under ICTY investigation,<sup>92</sup> and he could not support The Hague in this matter, while Interior Minister Mihajlovic claimed Lukic was an "excellent professional with a brilliant police career".<sup>93</sup> In addition to Lukic, other senior officials in the police and security apparatus have similar backgrounds, including service in Kosovo, Bosnia and Croatia.<sup>94</sup>

The criminalisation of the MUP under Milosevic is seen in the fact that the MUP failed to solve any of a series of high profile political murders, including those of Defence Minister Pavle Bulatovic, Deputy Minister of the Interior Radovan Stojicic 'Badza', Chairman of JAT (national airline) Zika Petrovic, and independent journalist/publisher Slavko Curuvija, as well as the disappearance of Milosevic's patron-turned-rival, Ivan Stambolic, and the assassination attempt on erstwhile opposition leader Vuk Draskovic.

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<sup>90</sup> See ICG Balkans Report No. 103, *War Criminals in Bosnia's Republika Srpska: Who are the People in your Neighbourhood*, November 2000.

<sup>91</sup> "Information about some war crimes committed in Sandzak during previous period", Helsinki Committee for Human Rights in Sandzak, 2002.

<sup>92</sup> Zoran Djindjic for Figaro, January 2002.

<sup>93</sup> "Mihajlovic: Lukic visoki profesionalac", *Radio B92*, 2 December 2001.

<sup>94</sup> Western diplomatic source in Belgrade.

The lack of progress may be related to the widespread (but unproven) suspicions that the MUP in general, and DB in particular, were behind these incidents. Although ample circumstantial evidence existed to link the MUP to organised criminal activities, it was only with the arrest of former State Security Chief Rade Markovic and his ongoing trial on charges of assassinating four leaders of Draskovic's Serbian Movement of Renewal (SPO), as well as the discovery of large quantities of illegal drugs in a DB bank vault, that concrete proof began to emerge.

In late 2001 the OSCE, the UK's Scotland Yard, and the Council of Europe completed an assessment in which they recommended that State Security (DB) be separated from MUP, and assisted the Serbian government in preparation of a draft law. The latter deals with many of the issues raised above, including civilian and budgetary control, and envisages introduction of an ombudsman, internal controls over the police, a law on the DB, and improved police training.<sup>95</sup>

The bill should come before the Serbian parliament in May or June 2002.<sup>96</sup> If adopted and implemented, the MUP will find itself far ahead of the VJ in terms of reform, as well as in its ability to assist Serbia's transition to a democratic society. Until then, the seeming independence of the JSO, the lack of transparency, the absence of democratic civilian control over the Ministry and its budget, and the close ties with organised crime, mean that the MUP's ability to support democratic transition in Serbia is limited.

The EU, NATO and CoE must be concerned not only with the absence of civilian control over the MUP, but also by the presence of highly trained, heavily armed special military formations within it that would be better placed under VJ command or disbanded altogether.

## VI. NEIGHBOURLY RELATIONS

FRY's ties with its neighbours illustrate graphically the difficulties of fostering regional stability. Belgrade's diplomatic relations with its three former Yugoslav partners – Croatia, Bosnia and Macedonia – appear to be gradually improving. Yet, Serbia's neighbours appear unconvinced that the fantasy of "Greater Serbia" has really been abandoned. Premier Djindjic may have said he harbours no desire for it, but the DOS coalition has not pronounced itself on the nature of Milosevic's wars. President Kostunica's statements are often ambiguous.<sup>97</sup> Even Belgrade's more liberal politicians are ready for off-the-record discussions of "trading" Kosovo for Republika Srpska.<sup>98</sup>

In a range of ways, including the financing of foreign military bodies and maintaining illegal parallel security structures, the FRY continues to discomfort its neighbours and perpetuate insecurity and instability. The EU, CoE and NATO should take this into account.

### A. BOSNIA AND HERZEGOVINA

FRY behaviour towards Bosnia and Herzegovina and the Dayton Peace Accords has been obstructionist in various ways, from military assistance to refugee return. The FRY has never ratified the Accords. Although the government has announced this is imminent, the federal parliament is deadlocked.

On the question of Republika Srpska (RS) eventually seceding from Bosnia, the FRY's role has been injurious. The FRY has financed the RS Army (VRS) since its creation in 1992. The entire 1,700 man VRS officer corps is on the VJ payroll, and all hold dual rank in the VJ, train in the FRY, and receive pay cheques from Belgrade. The non-commissioned officer (NCO) corps (approximately 2,300) also appears to be paid from Belgrade.

<sup>95</sup> "Evropa zeli novi MUP", *Blic*, 24 December 2001

<sup>96</sup> ICG interview with MUP source.

<sup>97</sup> A good overview of Kostunica's philosophy may be found in Norman Cigar, *Vojislav Kostunica and Serbia's Future* (Saqi Books/Bosnian Institute, London: 2001).

<sup>98</sup> ICG interviews with leading Federal and Serbian politicians and officials.

During 2001, Belgrade alternately confirmed and denied that this practice continues, although the RS authorities in Banja Luka confirmed to Bosnia's Standing Committee on Military Matters (SCMM) and OSCE that it was.<sup>99</sup> Recent ICG discussions with OSCE officials in Bosnia indicate that even they are confused and have no way of verifying whether the financial aid is still flowing. The Serbian Helsinki Committee claims that in 2001 the VRS received approximately U.S.\$13.6 million from the VJ.<sup>100</sup>

This is more than a matter of financing. VRS command and control structures tie directly into VJ structures, and authority goes back to Belgrade. As such, the VRS should be considered both *de facto* and *de jure* a part of the VJ, and those VRS officers and NCOs who hold VJ rank and receive VJ pay can be considered members of a foreign army. As such, their presence in Bosnia violates Annex 1-A of the Dayton Peace Accords.<sup>101</sup>

The money that Belgrade sends to Banja Luka does not appear in the budget of either the VJ or the VRS, and there is no oversight of this budgetary process by the elected democratic representatives in either city. The international community has encouraged the RS government and the FRY to make the assistance transparent – as Zagreb did with the Bosnia Croats – and to channel it through the SCMM. This has yet to happen. As a PfP precondition, NATO should require the FRY to make this assistance transparent, as a first step to discontinuing it altogether.

RS Premier Mladen Ivanic stated recently that the financing would stop in 2002. The federal government subsequently announced its decision to cut off all financial aid to the VRS by 1 March 2002.<sup>102</sup> Given that the VRS is apparently financed from the VJ budget, over which the federal government has no oversight or control, it remains to be seen how this will be implemented. Any claims must be treated as unverifiable unless Yugoslav politicians and the international community can review the VJ budget, which will not happen until the Ministry of Defence wrests control of that document from the VJ.

The FRY also continues to exert damaging political influence in the RS through party channels. Kostunica's DSS openly supports the Serb Democratic Party (SDS).<sup>103</sup> This party – forever associated with its first leader, Radovan Karadzic – has consistently obstructed Dayton implementation on war criminals, refugee return and property rights (Annex 7), disposition of Brcko (Annex 2), the Constitutional Court (Annex 4), human rights (Annex 6), preservation of national monuments (Annex 8), and public corporations (Annex 9). It has openly blocked international community policy on economic and political reforms.

Given the FRY's largely negative role in Bosnia, as well as the potentially positive role it could play on issues ranging from economic and military reforms to human rights, the EU, NATO and CoE should press Belgrade to harmonise its policies with the international community in Bosnia prior to granting closer association.

## B. KOSOVO

Relations between Kosovo's Albanian and Serb populations remain extremely difficult. While this has various causes, it is certainly aggravated by Belgrade's current policies in the province in defiance of international community policy as stated in UN Security Council Resolution (UNSCR) 1244. Their modification would move the international community closer to its goal of achieving a stable Kosovo within a stable region.

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<sup>99</sup> See ICG Balkans Report No. 118, *The Wages of Sin: Confronting Bosnia's Republika Srpska*, 8 October 2001. The SCMM was established under the Dayton constitution, Art. V,5.(b): "The members of the Presidency shall select a Standing Committee on Military Matters to coordinate the activities of armed forces in Bosnia and Herzegovina. The Members of the Presidency shall be members of the Standing Committee".

<sup>100</sup> Helsinki Committee for Human Rights in Serbia, *op. cit.*

<sup>101</sup> It is a double violation, in fact, given that these forces – which should not be present anyway – do *not* then "act consistently with the territorial integrity, sovereignty, and political independence of Bosnia and Herzegovina" (Art. III.1.).

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<sup>102</sup> "Prestaje finansiranje odbrane Republika srpske", *FoNet*, 7 February 2002.

<sup>103</sup> "Kostunica i Kalinic potpisali sporazum o saradnji", *Blic*, 7 July 2001.

These policies are apparently designed to separate northern Kosovo from the rest of the province and join it to Serbia. This creates tensions with Albanians on the higher political level, but also on the day-to-day level, where Serbs living in enclaves have to interact with their neighbours. Macro-level tensions rapidly filter down to increase ethnic tensions and occasionally lead to violence.

Recent discussions between the FRY Coordination Centre for Kosovo and UNMIK officials demonstrated Belgrade's willingness to engage with the latter on issues such as policing cooperation and property rights. Despite these overtures, however, relations between UNMIK and leaders in Serb enclaves remain strained.

In northern Mitrovica, the hiring of local Serbs for the Kosovo Police Service has been impeded by threats against potential recruits. UNMIK has also had difficulty recruiting Serb judges and prosecutors for Kosovo's courts, as they risk losing their Yugoslav pensions if they work for UNMIK.<sup>104</sup> In some communities, Serbs are actively discouraged from sharing public facilities, such as health clinics and cultural centres, with Albanians. In a municipality south of Pristina, a completely renovated cultural centre lies vacant because Serbs would not agree to Albanians using it.<sup>105</sup>

UNSCR 1244 demanded the complete withdrawal of all security forces – including police – from Kosovo. It also provided for the subsequent return of “a small agreed number (hundreds, not thousands)” of “Yugoslav and Serb military and police personnel”. This provision has not been fulfilled, due to the UN's indisputable assessment that the reintroduction of FRY security personnel would be an incendiary and irresponsible act, likely to destabilise Kosovo.

Leading FRY politicians make much of the international failure to fulfil this element of

UNSCR 1244 but do not conceal that the FRY illegally maintains, finances and controls security forces – including MUP elements – inside northern Kosovo. These, most visible in the so-called “Bridgewatchers” of northern Mitrovica, operate under Belgrade's control and, according to Deputy Premier Covic (who holds responsibility for Belgrade's policy on Kosovo), with Belgrade's direct financial support.<sup>106</sup> The “Bridgewatchers” and associated elements often stir up trouble, and have shown themselves able to mobilise crowds for standoffs with KFOR and international officials.

No matter who controls or funds these forces, their presence undermines international efforts to establish rule of law. It is a provocation to Kosovo's Albanians, and it cannot be excluded that it may in future trigger extensive violence between extremists from both communities.

The other activity that most undermines Kosovo's stability is Belgrade's support for “parallel structures”, mainly in the northern, Serb-majority areas. This ranges from maintenance of entire parallel administrations in some municipalities to supply of education and health facilities, and payment of salaries. The exact number on Belgrade's payroll inside Kosovo is unclear. According to Covic himself, as many as 29,800 people were “on the payroll of the Republic of Serbia” in 2001.<sup>107</sup> Djindjic has candidly stated that his government's strategy is to strengthen its presence of the state “through the judiciary, schooling, health care and security, if not on the whole territory of Kosovo, then on at least a portion of the territory”.<sup>108</sup> Ironically, the Serbian government draws on international aid to fund these parallel structures.

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<sup>104</sup> UNSC, *Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*, 15 January 2002, p. 7 and ICG meeting with UNMIK officials.

<sup>105</sup> ICG discussion with UNMIK municipal official.

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<sup>106</sup> “Covic: Ne zelim vise da budem ‘lopta’ izmedju Kostunice i Djindjica”, *Nedeljni telegraf*, 21 November 2001.

<sup>107</sup> “Covic: Ne zelim vise da budem ‘lopta’ izmedju Kostunice i Djindjica”, *Nedeljni telegraf*, 21 November 2001.

<sup>108</sup> “Djindjic: Nema licnih sporova sa Kostunicom”, *FoNet*, 13 February 2002. (The “state” in question is presumably the Republic of Serbia.) Belgrade's reach was seen in the recent replacement of the director of Mitrovica Health Centre, managed and financed entirely from Belgrade.

The continued maintenance of illegal parallel structures, civilian and security, prevents UNMIK from establishing its authority in parts of northern Kosovo. It also is a direct affront to UNSCR 1244. Of greater danger is the tension it creates with Kosovo's Albanian population, who themselves maintain illegal parallel structures and see these Serb structures as evidence of Belgrade's ambition to regain control of Kosovo or at least a stepping-stone to eventual partition and possible annexation of the northern areas.

As these policies directly oppose those of NATO, the EU, and U.S., it follows that the FRY should not be accepted into PfP or negotiate an SAA, or receive further U.S. aid, until they change.

### C. MACEDONIA

Unlike with Bosnia and Kosovo, the FRY's relationship with Macedonia is not conditioned by specific international commitments. Accordingly, it might be difficult for the international community to subject it to political conditionality. Nevertheless, given the two states' shared concern with their respective "Albanian problems", and the indications (described below) that bilateral security ties exist, Belgrade's unclear relationship with Skopje merits scrutiny.

Some suggest that weak Macedonia has an interest in an alliance with Belgrade as a bulwark against an expansionist Kosovo, and "Albanian nation." What is less clear is the nature of Belgrade's interest in Macedonia but evidence so far suggests that it exists.

The January 2001 border agreement between Belgrade and Skopje enraged Kosovo Albanians who saw it as reaffirming Serbian sovereignty over the province's border. With hindsight, it has been argued that the deal contributed to the incipient conflict in Macedonia.

Beyond the border arrangements, Macedonia and Serbia have forged a close military supply relationship. According to Macedonian sources, the FRY is the country's second source of munitions (after Ukraine). In the last quarter of 2001, Belgrade agreed to sell weapons to Skopje. It also agreed to "transfer" other materiel to Skopje free of charge, as part of a division of the assets of the former Yugoslavia. The materiel in

question is primarily heavy weapons: tanks, artillery and helicopters.

Beginning in early 2001, ICG received reliable reports of "Serbian speaking" military formations crossing into northern Macedonia. These reports were followed by media suggestions that VJ and MUP forces were active in the area, providing security for ethnic Serb villages, training Macedonian Army and paramilitary formations, and possibly interdicting Albanian guerrilla supply lines between Kosovo or southern Serbia (the Presevo Valley) and northern Macedonia.

In mid 2001, the Belgrade press reported JSO forces in an ethnic Serb village in Macedonia and then mysteriously fell silent. Western diplomatic sources in Skopje subsequently confirmed the presence of Yugoslav security forces inside Macedonia to ICG. In late 2001, ICG received confirmation from two high-ranking government officials in Belgrade that FRY armed forces were indeed active inside Macedonia. More recently, sources inside Macedonia have told ICG that Serbian security forces are training Macedonian troops.

At the same time, it is widely believed that Belgrade has also been a source of weapons for the ethnic Albanian NLA rebels in Macedonia. If this is true, it might suggest that Belgrade's pecuniary interest from weapons sales outweighs its political interests. Some, however, suggest that Belgrade would benefit from more conflict in Macedonia that would confirm Albanians as the source of instability in the region and thus enhance the Serbian role in both Presevo and Kosovo.

On 23 January 2002, Serbian Deputy Premier Covic visited Skopje to meet with Macedonian leaders, as he often does. On this occasion, however, he gave a press conference that was praised by the international community for urging implementation of the Ohrid framework agreement for resolving Macedonia's internal conflict. Covic also supported "cutting the roots of terrorism" and dealing with "criminal activities", both generally euphemisms for dealing with Albanians.<sup>109</sup>

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<sup>109</sup> In an interview with ICG on 28 January, Macedonian Prime Minister Ljupco Georgievski denied that Covic

## VII. CONCLUSION

The EU, US, NATO and OSCE are actively supporting the Ohrid agreement. During 2001, NATO collected weapons from the NLA, and it remains in Macedonia to protect OSCE monitors and police advisors and continue liaison operations with members of the former NLA and the Macedonian army and police. Despite the success of its Operation Essential Harvest in creating space for a cessation of hostilities, most Macedonians – and outside experts – do not believe that the NLA was disarmed. At the same time, the government in Skopje continues to procure weapons.

Although there is no international arms embargo in Macedonia, NATO and the EU have discouraged several countries – including Ukraine and Bulgaria – from selling weapons to Skopje, hoping that this will reduce the temptation to resolve differences violently. They have also pressed the Macedonian government to reign in irregular police units.

Weapons sales to Macedonians and Albanians are liable to undermine international efforts and Macedonia's chance of avoiding further conflict. As the EU and NATO look at the possibility that the FRY will seek closer association, they should ask it to harmonise policies in Macedonia.

Given the international interest in stabilizing Macedonia and Kosovo, the international community should discourage any "anti-Albanian" alliance between Skopje and Belgrade. The FRY should divulge its involvement in Macedonia, including the role and command structure of any armed forces. It should explain whether they are there as a result of an official state request, of ad hoc arrangements with certain officials, or wholly at Belgrade's own direction.

Further, in tandem with the attempt to control the weapons supply from the FRY (and elsewhere) NATO and UNMIK must dramatically step up efforts to control the border and crack down on extremists and weapons suppliers based in Kosovo.

The FRY's transition is not over. In most respects reform has at best barely begun. Powerful forces obstruct progress, many linked to old structures and committed – perhaps partly by inertia – to implementing Milosevic policies that created regional instability. In particular, the insidious relationship between organised crime, the military, war criminals, business and the police may have been weakened, but remains substantially intact. The scale and depth of the difficulties facing the FRY mean that politicians find it easier to avoid significant reforms and muddle through. Without outside pressure, little will change.

As the international community assists the FRY in its quest for normalisation and respectability, it must realise that the FRY still significantly causes regional instability. It must avoid temptation to bend the rules for Belgrade. Nor should it revert to the mistaken approach of the early 1990s, still residually strong in Western capitals, to regard the FRY (and Serbia) as the pivotal power of the Western Balkans. Rather, the FRY should be held to the same high standards required of Croatia and Bosnia since the late 1990s and expect of it the same degree of constructive behaviour that Zagreb has shown in the post-Tudjman era.

This report has detailed crucial areas, ranging from civilian control over the military, to respect for human rights and support for international policies in the region. The international community should define what the FRY can and should contribute constructively to the peaceful resolution of outstanding regional issues. It should then require that, in return for membership in international organisations and financial assistance, the FRY adopt newly constructive policies.

**Belgrade/Brussels, 7 March 2002**

APPENDIX A

MAP OF THE FORMER YUGOSLAVIA



## **APPENDIX B**

### **ABOUT THE INTERNATIONAL CRISIS GROUP**

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The International Crisis Group (ICG) is a private, multinational organisation committed to strengthening the capacity of the international community to anticipate, understand and act to prevent and contain conflict.

ICG's approach is grounded in field research. Teams of political analysts, based on the ground in countries at risk of conflict, gather information from a wide range of sources, assess local conditions and produce regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports are distributed widely to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, [www.crisisweb.org](http://www.crisisweb.org). ICG works closely with governments and those who influence them, including the media, to highlight its crisis analysis and to generate support for its policy prescriptions. The ICG Board - which includes prominent figures from the fields of politics, diplomacy, business and the media - is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; former Australian Foreign Minister Gareth Evans has been President and Chief Executive since January 2000.

ICG's international headquarters are at Brussels, with advocacy offices in Washington DC, New York and Paris. The organisation currently operates field projects in more than a score of crisis-affected countries and regions across four continents, including Algeria, Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone, Sudan and Zimbabwe in Africa; Myanmar, Indonesia, Kyrgyzstan, Tajikistan, and Uzbekistan in Asia; Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia in Europe; and Colombia in Latin America.

ICG also undertakes and publishes original research on general issues related to conflict

prevention and management. After the attacks against the United States on 11 September 2001, ICG launched a major new project on global terrorism, designed both to bring together ICG's work in existing program areas and establish a new geographical focus on the Middle East (with a regional field office in Amman) and Pakistan/Afghanistan (with a field office in Islamabad). The new offices became operational in December 2001.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governments currently provide funding: Australia, Canada, Denmark, Finland, France, Germany, Ireland, Japan, Luxembourg, the Netherlands, Norway, the Republic of China (Taiwan), Sweden, Switzerland and the United Kingdom. Foundation and private sector donors include the Ansary Foundation, the Carnegie Corporation of New York, the Ford Foundation, the William and Flora Hewlett Foundation, the Charles Stewart Mott Foundation, the Open Society Institute, the Ploughshares Fund and the Sasakawa Peace Foundation.

March 2002



## APPENDIX C

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## APPENDIX D

### ICG BOARD MEMBERS

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*Novelist and journalist*

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