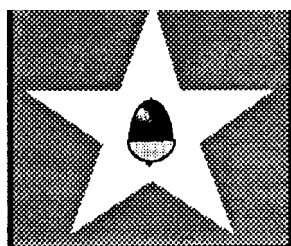


**Conflict Studies Research Centre**

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Autumn 2002**

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## The Electoral Impasse in Serbia - Autumn 2002

**John Phillips**

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The presidential election in Serbia held on December 8 2002 was annulled after the larger Yugoslav republic failed for a third time to elect a head of state because of a low turnout by voters evidently disillusioned with mainstream pro-Western politicians. Vojislav Kostunica, the Yugoslav President, was again placed first in the latest contest with 58 percent of the ballots cast, ahead of Vojislav Seselj, the ultra-nationalist, Radical Party leader who won 36 percent of the vote. The election was cancelled in the same way as the previous attempt in the autumn had been, on the same ground that less than 50 percent of the electorate of some 6 million Serbs had participated.

This worsening impasse has plunged Serbia into a major political and constitutional crisis. The situation is unprecedented and not specifically foreseen under the republic's constitution, which was drawn up under the regime of Slobodan Milosevic, the former president toppled in a popular uprising in October 2000. The Serbian authorities are uncertain how to extricate themselves from the morass.

The election results underline a paradox in Serbia's efforts to come to terms with its recent past on the battlefronts of the Balkans and to create a democratic future for the war-weary nation. Mr Kostunica is admired by most ordinary Serbs because of his honesty and sincere patriotism but irritates the West because of his contacts with followers of Radovan Karadzic, the mentally unbalanced former Bosnian Serb leader. Dr Djindjic, the Serbian Prime Minister, is distrusted by many ordinary Serbs because of the alleged links between his entourage and organised crime, and the lifestyle he enjoys at his fashionable new villa in the smart Belgrade suburb of Dedinje. Yet he enjoys Western support, for he alone had the courage to engineer the arrest and extradition of Mr Milosevic, and he continues to press Serbs to turn the page on a decade of ethnic cleansing, by cooperating with the UN war crimes court and by encouraging the Serbian people to undergo a painful catharsis.

The Speaker of the Serbian Parliament, the striking Natasa Micic, became acting Serbian President on January 5 upon the expiry of the term of office of the current president, Milan Milutinovic, who is wanted for trial for war crimes at the International Criminal Court for the Former Yugoslavia (ICTY) at The Hague where Mr Milosevic, his former master, is standing trial for alleged genocide in the Bosnian, Croatian and Kosovo wars. Mrs Micic is expected to call a fourth presidential election by February 2003, probably

1

after the election rules are redrawn either to remove the 50 percent hurdle or in order to introduce election of the head of the republic by the parliament rather than by popular vote.

## **Political Background**

Many Serbs see this long-running presidential election saga as an undignified farce that should have been avoided by the country's new pro-Western democratic political elite. But the composition of the vote in the three rounds of the annulled elections (the others were held on September 29 and on October 13) nevertheless emphasised the enduring popularity of President Kostunica, a self-styled "moderate nationalist", as well as highlighting the depth of the current disenchantment in Serbia with what many ordinary Serbs see as the disappointing performance of Dr Djindjic and many of the young politicians who have run the republic with him since Mr Milosevic was overthrown.

The disturbingly strong showing by Mr Seselj, the jovial ultra-nationalist Radical Party leader who is now supported by Mr Milosevic from his jail cell and received more than a million votes in the last round of the election, was an indication also of how little has changed in the mentality of a considerable number of ordinary Serbs in spite of the collapse of Mr Milosevic and his brutal nationalist regime. Mr Seselj is himself under investigation by the ICTY for organising the recruitment of hundreds of paramilitary Cetnik volunteers who rampaged drunkenly through Vukovar and were allegedly involved in the deaths of Croat civilians and wounded soldiers at the hands of Serb forces in that Croatian city. He has tried to improve his behaviour and image recently, nowadays stopping short of beating journalists or waving pistols in public, but makes no secret of his proto-Fascist and intermittently anti-semitic views. These are evidently shared by many Serbs who are concerned by falling living standards, and with their national pride still smarting from defeat in Mr Milosevic's disastrous wars of Croatia, Bosnia and Kosovo.

Now Serbia is faced with a political power vacuum that is likely to further delay its integration into the European Union (already well behind most other countries of Eastern and Central Europe) as well as slowing down further the processing of Yugoslavia's putative membership of NATO's Partnership for Peace programme. Although Dr Djindjic has enthusiastically endorsed the Yugoslav application for Partnership for Peace, Belgrade's rapprochement with NATO has been tortuous because of the reluctance of the authorities to cooperate fully with the ICTY and because of the failure of Yugoslavia to drop the case it has lodged against NATO at the European Court of Human Rights for alleged war crimes committed by the Alliance during the NATO bombing of Yugoslavia in 1999. At the same time it is acknowledged in most Belgrade defence circles that Yugoslavia cannot undertake serious reforms of its armed forces until it joins Partnership for Peace, membership of which has been extremely useful for such reforms in the former communist states of Europe. The arms to Iraq scandal that

erupted in Belgrade last autumn with disclosures that the state-run export industries of Yugoslavia and Republica Srpska had been illegally providing weapons to Baghdad sent relations between Mr Kostunica and Washington plummeting and further threw into question the country's readiness for Partnership for Peace amid allegations - strongly denied by the President - that he had been aware of the illicit trafficking to Saddam Hussein's regime.

Yugoslav officials had said they hoped to join Partnership for Peace by June 2003 but Western diplomats see little sign of willingness in Belgrade to arrest and hand over some 17 alleged war criminals believed to be at large in Serbia, including General Ratko Mladic, the former Bosnian Serb commander wanted for the alleged massacre of up to 8,000 Bosnian Muslim men and boys at Srebrenica in 1995, Europe's worst atrocity since the Second World War. President Kostunica insists that he intends to cooperate fully with the Hague and points out that the refusal of the ICTY to respect guarantees given to four indictees who surrendered voluntarily has thrown into jeopardy efforts to persuade others to give themselves up. Western diplomats concur that the ICTY prosecutors have hindered Belgrade's efforts by declining to respect the guarantees of eventual provisional release made to the men. Critics of the operations of the Hague Tribunal see this coercive behaviour by the authorities as a sign of a deeper malaise within ICTY. Some Belgrade watchers believe the appointment as acting Serbian President of Mrs Micic, a strong supporter of Dr Djindjic, could speed up cooperation with the UN court since she will take the place of Mr Kostunica on Yugoslavia's Supreme Defence Council, the three-person body that has responsibility for persuading the Yugoslav Army (VJ) to accept reforms and the surrender or capture of war crimes suspects including Mr Mladic, who is believed to be protected by the VJ. It is, of course, an open question whether the VJ will be swayed by the arguments.

At the time of writing the Serbian political maelstrom is in flux, with Mr Seselj evidently hoping that Mr Kostunica, fighting to save his political career, may join forces with him in parliament to bring down Dr Djindjic's government, and the G-17 group of liberal economists attempting to form a new centrist party that optimists believe could obtain a balance of power between the rival camps that have emerged from the ashes of the Democratic Opposition of Serbia (DOS) that defied Milosevic. Members of Mr Milosevic's Socialist Party of Serbia for the first time since his defeat in the elections of September 2000 can nourish some hope of returning to power eventually together with Mr Seselj, while OTPOR, the students' movement active in the opposition to the Milosevic regime, is weighing into the fray as a putative new political party that its young militants hope will rekindle some of the idealism that characterised the brave opposition movement. Political experts agree that a general parliamentary election will have to be called in 2003.

## **The Serbian Presidential Contest**

The Serb President has theoretically strong powers under the old Serbian constitution forged by Mr Milosevic, although President Kostunica has said he will reform this prior to holding Serbian legislative elections, to try to sweep Dr Djindjic's supporters out of Serbia's Parliament. Early Serbian presidential elections were called at the urging of Dr Djindjic, who supported the candidature of Miroljub Labus, a respected member of the G-17 group who as the Yugoslav Deputy Prime Minister presided effectively over the negotiations for the re-entry of Yugoslavia into the International Monetary Fund (IMF) and the World Bank after the "revolution" of October 5, 2000. President Kostunica, who was elected after defeating Mr Milosevic in September 2000, decided to enter the presidential contest at the last minute to prevent a victory by Mr Labus. The elections were the climax of a bitter and protracted power struggle between the Yugoslav head of state and Mr Djindjic that has become a personal battle between the two men, who evidently loathe each other. Mr Kostunica is a passionate Serb patriot and constitutional lawyer who opposed the arrest and extradition of Mr Milosevic to The Hague on the ground that the ICTY is anti-Serb. Dr Djindjic is a pro-Western pragmatist who engineered the capture of Mr Milosevic and his dispatch to The Hague court in return for substantial Western financial aid desperately needed to breathe life into Serbia's flagging, war-ravaged economy, still racked by unemployment, poverty and powerful organised crime gangs run by former paramilitary thugs who were left jobless when parts of Mr Milosevic's state apparatus imploded.

### **Election Results - A Summary**

The first round held on September 29 was contested by 11 candidates. Mr Kostunica, the favourite, and Mr Labus, supported by Dr Djindjic, qualified for the second round after winning 31.2 percent and 27.7 percent of the vote respectively. Mr Seselj was placed a strong third with 22.5 percent.

The first round of the election was held three days after Mr Milosevic's trial for crimes against humanity at The Hague entered a second phase with the hearing of charges of genocide in Bosnia and Croatia. Mr Milosevic's pugnacious defence of himself in the trial has sent his popularity soaring again in Serbia where the ICTY chief prosecutor, Carla del Ponte, is widely loathed. The former dictator took time off from his judicial woes to recommend that his supporters vote for Mr Seselj. This effectively scuttled efforts by the less militant wing of the former president's political grouping, the Socialist Party of Serbia (SPS), to garner votes for another candidate, Velimir "Bata" Zivojinovic, who fared poorly.

During his campaign Mr Labus claimed repeatedly that only he could guarantee Serbia's membership of the European Union. Mr Kostunica for his part campaigned against the speed at which the Djindjic government wants to proceed with economic reforms, which have had a short term effect

of cutting living standards and bolstering unemployment. The head of state, widely respected in Yugoslavia for his honesty and simple lifestyle since election, argued that only he could curb the organised crime gangs with whom he accused Dr Djindjic of conniving. Mr Kostunica also raised a storm by appealing to patriotic and nationalist sentiment by saying that the Bosnian Serb Republica Srpska was only temporarily separated from the Serbian homeland. Mr Kostunica in the end had felt obliged to enter the Serbian electoral fray because his current job as Yugoslav head of state will probably become largely ceremonial when plans to replace the Yugoslav federation with a looser Union of Serbia and Montenegro are finalised later this year.

The two main pro-democracy candidates together garnered nearly 60 percent of the first round vote. Voter turnout in the first round was a low 55.5 percent, already raising fears that the 50 percent hurdle would not be surmounted in the second round and that the rules would have to be changed, as indeed was the case. Among other candidates who contested the first round were the former opposition leader and monarchist playwright Vuk Draskovic, who is president of the Serbian Renewal Movement, and Borislav Pelevic of the Party of Serb Unity founded by the late paramilitary Tigers leader known as Arkan. Both had under five percent of the vote.

### **Second Round Fails**

In the second round only 45.08 percent of the population turned out, less than the required 50 percent hurdle then in force. The electoral rules were then changed so that in the second round of the re-run there would be no minimum turnout requirement and whoever was in first place would be elected. The 50 percent requirement was retained for the first round, however. In the latest round the turnout, affected by freezing temperatures, again was only 45 percent.

### **Defence & Security Considerations**

Behind the scenes wrangling between the armed forces, the political establishment and the International Community provided an important backdrop to the electoral embarrassments. For example, one reason for the Serbs' reluctance to drop the case Belgrade filed against NATO for the alleged war crimes committed during the bombing of Yugoslavia over Kosovo relates to concern in Yugoslavia at the prospect of dealing with war reparations claims being made by Croatia and Bosnia. The spirit of this lawsuit against NATO is in direct opposition to the application for Partnership for Peace membership, but some Yugoslav officials have hinted they would like to see a byzantine deal struck in which Zagreb would drop its claim for reparations from the Serbs in return for Belgrade dropping its allegations against the Atlantic Alliance. It remains to be seen what substance these allegations have.

These Machiavellian diplomatic considerations may be one of the factors holding up overdue reforms of the armed forces. The burden of military expenditure in the Preshevo area is putting severe strain on the general army capital budget. Morale in the VJ is at an all time low. Thousands of soldiers and officers who lost army homes while on service in Kosovo or Krajina, the former Serb-dominated region of Croatia, became refugees during Mr Milosevic's wars and are living precariously in squatted flats in Belgrade or extremely cramped quarters in barracks in the capital. Pay and salaries remain extremely poor and it is not uncommon to come across VJ colonels or majors moonlighting as painters and decorators to supplement their incomes.

Most conscripts did not vote as the procedure was rather complicated; among the professional soldiers the elite "intellectuals", ie Air Force pilots and other personnel, artillery officers and engineering officers, voted for Labus; infantrymen and some officers tended to vote for Kostunica, fearing that they would lose their jobs under a re-structuring as part of reforms that would have been sped up if Labus won. A small percentage voted for Seselj, but the majority were against him since most are career soldiers who are more generally "Yugonostalgics" and opposed to Seselj's radical aim of greater Serbia, which includes a 'return' of Slavonia from Croatia to Serbia.

Relatively few officials were involved in the arms to Iraq fiasco and similar illegal exports to Liberia, defence sources say, and the sales themselves only netted the coterie of crooks who were embroiled a limited amount of money. In other Eastern European countries export control systems were put in place virtually from the time of the fall of the Berlin wall but in Yugoslavia illegal exports of arms were encouraged by the Milosevic regime right up until its demise. Britain and the United States are now engaged in providing technical support to Serbia to try to reform its defence export sector.

The failure to curb the sweeping power of KOS, the powerful military counter-intelligence service, is a barrier to reforms within the army as well as to the development of a more open society in Yugoslavia. Recent parliamentary legislation on the federal intelligence services is designed to introduce parliamentary and government control of KOS, seen by many as a state within the state only partially answerable to the VJ high command.

Western defence experts have been encouraged by some signs of a change of attitude toward the intelligence apparatus, which still contains a large number of Milosevic era operatives. The surprising trial recently of a KOS lieutenant-colonel by a Serbian open court in the city of Nis for war crimes in Kosovo marked the first time an officer had been tried for such offences and the first time that KOS had been called to account for such misdeeds, as well as providing helpful material to ICTY prosecutors about the parallel command chain that functioned in Kosovo during the crackdown on ethnic Albanians by Serb security forces that prompted the NATO bombing campaign.

## Conclusions

Against this background Western diplomats still hope that Mr Kostunica, in spite of his electoral woes, may yet use his popularity to change perceptions about war crimes. A welcome step would be if the head of state were to publicly call on General Mladic to surrender or if he were to apologise for the deaths of the hundreds of ethnic Albanians whose bodies were taken from Kosovo to mass graves in Serbia such as the one at a military base at Batajnica, a short drive from Mr Kostunica's office. It remains to be seen if the lack of structural change in Serbian society since October 2000 and the renewed electoral strength of the nationalist Right will allow Kostunica to proceed along these lines. Much will depend also on developments in Montenegro, which are at the moment generally positive. However it remains to be seen if the Podgoritsa political elite and its independence aspirations can be controlled on the present basis for an extended period.



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