



Center for Strategic & International Studies  
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**2001 Foreign Operations Assistance Act: Funding For Serbia**

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In sum, while the two governments in Belgrade (a Yugoslav administration led by Vojislav Kostunica and a Serbian administration led by Zoran Djindjic) have made significant progress domestically in removing the most blatant human rights abuses, in three crucial areas specified by the U.S. Senate they have fallen short of meeting targets that are important for consolidating an indigenous democracy and promoting regional security.

Has the Serbian government met U.S. Senate conditions for funding?

**Cooperating with International War Crimes Tribunal:** Despite persistent urging by the IWCT (International War Crimes Tribunal) to begin proceedings for extraditing Slobodan Milosevic and other indicted high-ranking Serbian war criminals to The Hague, the governments in Belgrade have failed to meet international norms.

President Kostunica, much like his predecessor, continues to claim that the international court is an anti-Serb body despite the fact that IWCT recently sentenced Croatian generals for their role in war crimes against Muslim civilians in Bosnia. Kostunica also claims that Yugoslavia has no extradition agreements with foreign countries, a proposition contradicted by the government in Montenegro which points out that The Hague is not a foreign state but an international legal instrument. Indeed, the glaring difference between Serbia's obstruction and Montenegro's cooperation with the IWCT was underscored by the UN's chief war crimes prosecutor Carla del Ponte after her recent visits to both capitals.

Serbia remains the only country in the world with an indicted war criminal serving as its President, Milan Milutinovic, a close accomplice of Milosevic. Instead of reaching out to the international community and to its neighbors by promoting justice and disassociating itself actively from the Milosevic regime, Belgrade has instead reached out primarily for foreign funds. This has left a network of civilian and military war criminals at liberty and in business in Serbia. The impending trial of Milosevic on corruption charges inside Serbia does not constitute cooperation with the IWCT. On the contrary, it may hinder the process of international justice and worsen relations between Belgrade and its neighbors. Moreover, Belgrade's assertion that NATO leaders should be tried concurrently on alleged war crimes charges does not foster international cooperation.

**Abiding by Dayton accords to end support for Serbian separatists in Bosnia?** Kostunica has cast doubts on his support for the integrity of Bosnia by claiming that the Dayton agreement was never ratified by the Yugoslav parliament. Moreover, he maintains close ties with the leadership of the Serb Republic in Bosnia and little has been done to reduce political, military, intelligence and material support to separatist groupings. Serbia continues to provide the Bosnian Serb military with officers and resources and controls the entity's intelligence structures.

The recent agreement on "special relations" signed between Yugoslavia and Bosnia's Serb Republic must be carefully monitored as it appears reminiscent of a similar concord between Tudjman's Croatia and the Croat-Muslim Federation designed to break up the central state. Belgrade has also refused to cooperate in extraditing Bosnian Serb war criminals known to be residing in Serbia. For example, General Ratko Mladic conveniently disappeared from his home in Belgrade recently when the IWCT requested that as a sign of good will non-Yugoslav citizens indicted for war crimes be dispatched to The Hague. Former Bosnian Serb leader Radovan Karadzic has also reportedly traveled to Serbia unhindered in recent months.

Additionally, there is a palpable fear that in the event of Montenegro declaring its independence, Belgrade will seek a new federal "partner" to maintain a Yugoslav state. In such an eventuality, Bosnia's Serb Republic could become a primary candidate. Such a move would further undermine regional stability and encourage Croatian separatists in western Hercegovina who, contrary to the position of the Croatian government, are pushing for the breakup of the Bosnian Federation.

**Implementing policies in respect of human rights and the rule of law?** Although Serbia has made visible progress in lifting the most repressive features of the Milosevic regime, the institutionalization of the rule of law remains obstructed. Substantial segments of the Socialist kleptocracy remain intact, reinforcing the supposition that DOS (Democratic Opposition of Serbia) made a "secret deal" with the entrenched establishment enabling it to preserve its positions and privileges even after Milosevic's ouster. The country's economy is subject to organized crime and corruption while the lack of democratic and transparent government institutions is evident in the unreformed judicial system and in recent appointments to Serbia's security services. These include several officials who served under Milosevic throughout the Balkan wars. Numerous military and police commanders who engaged in brutal attacks on the Kosovar population remain in office.

Belgrade has insufficiently addressed the position of ethnic minorities. Serbia's numerous and sizeable ethnic minorities were constantly under threat during the past decade and their demands and aspirations continue to be neglected. The application of laws established under the Milosevic dictatorship have prolonged tensions with several minority populations. The partial amnesty law passed in February left several hundred Albanians in prison on terrorism charges despite the lack of credible evidence. Belgrade's opposition to restoring an autonomous status for Vojvodina has escalated tensions with the new democratically elected authorities in that province. Moreover, Belgrade's evident tolerance of indicted war criminals and Serbian paramilitary leaders responsible for war crimes in Croatia, Bosnia, and Kosova encourages lawlessness and criminality inside Serbia and maintains a persistent fear of repression against minority groups.

### **What does Serbia need to do to meet congressional conditions?**

In order to meet the conditions established by the U.S. Senate, Belgrade must initiate three minimal steps.

- First, Serbia must promptly begin the process of extraditing Slobodan Milosevic and other senior indicted war criminals to the Hague Tribunal and establish full informational and logistical cooperation with IWCT officials in this matter. Belgrade must also publicly acknowledge the responsibility of the Milosevic government in perpetrating genocide in the former Yugoslav republics.
- Second, Serbia must cut off all state funding to Bosnian Serb military forces, police units, separatist political parties, and other institutions promoting the disintegration of Bosnia-Hercegovina. Belgrade should focus on developing strong bilateral relations with Sarajevo and not primarily with one of the Bosnian entities - a strategy that encourages separatism and irredentism.

- Third, Serbia needs to remove from office a number of military officers and security chiefs instrumental in repression over the past decade. Additionally, it must offer Presevo Albanian leaders a position in the central government to defuse the ongoing conflict and pursue administrative decentralization throughout Serbia that would restore autonomy to Vojvodina and local self-government to the country's Hungarian, Albanian, Muslim, and other sizeable ethnic and territorial minorities.
- Fourth, in terms of the future of Yugoslavia, Serbia must not interfere in or seek to disrupt the upcoming Montenegrin parliamentary elections and the subsequent referendum on independence. Belgrade must respect the will and decision of the Montenegrin people and aim to build cooperative bilateral relations between the two emerging states. The United States can play a constructive role in this process.

### **Why is it important for the Allies to uphold conditionality?**

There are three principal reasons why the Allies need to strictly maintain conditions in return for releasing aid to Serbia: democratic development, regional security, and international law.

**Democratic Development:** The foundations of any democratic state need to be based on constitutional principles in line with international standards. If either domestic laws or their implementation fail this test, then legislation needs to be changed and strictly applied by an incoming democratic administration. Delaying democratization and international cooperation because of an evident concern for legalism is merely a convenient cover for inaction and obstruction. Serbia's lack of full compliance with U.S. Senate conditions will undermine democratic developments inside the country and encourage authoritarian and nationalist forces emboldened by a lack of accountability and a permissive international climate. Kostunica and Djindjic need to be actively encouraged to pursue more extensive structural reforms, to root out criminality, to launch a process of "denazification," and to foster bilateral cooperation with all of Serbia's neighbors. Lax international standards will paradoxically do more harm than good in propelling Serbia toward democratic rule.

**Regional Security:** Croatia, Bosnia, and Kosova are dismayed that after ten years of aggression and genocide, Serbia is not being held accountable for offensives against its neighbors, and indeed has failed to acknowledge its responsibility. This in turn encourages revanchist and extremist sentiments in all three territories and boosts populist and nationalist formations waiting in the political wings. The most glaring example of this tendency has been evident in Croatia where the former governing party, the HDZ, has latched on to the war crimes issue to try and discredit the democratic government for being too accommodating with The Hague tribunal.

Belgrade's lack of acknowledgement for the mass murder and mass expulsion of Kosovar Albanians in 1999 prevents any hopes of inter-ethnic reconciliation and encourages calls for revenge attacks by Albanian militants. Instead of seeking rapprochement, the Kostunica government continues to blame NATO for the devastation in 1999 and shirks away from recognizing Serbia's primary responsibility for provoking the war. Indeed, the violence in the Presevo valley is being fuelled both by Albanian radicalism and by Serbia's inability to generate confidence among the Albanian population. Belgrade's political offers are not perceived as the genuine moves of a democratic government but the result of pressures exerted by NATO.

**International Law:** The Allies must curtail the widespread impression that double standards prevail on the war crimes issue: one for Serbia and the other for all other former Yugoslav republics. For example, in the case of Croatia, a strict standard has been set since the demise of the Tudjman regime, but in the case of Serbia a lax and flexible standard evidently applies. The international community has paid lip service to the arrest of leading Serbian war criminal in an apparent effort to keep Kostunica in power. Western leaders fear that pursuing Milosevic and company too vigorously will undermine Kostunica and democracy in Serbia. As a result, they have tacitly condoned the deal that the DOS coalition struck with the Milosevic apparatus in October 2000 and allowed Yugoslavia to gain entry to several international organizations without

having to deliver anything substantial in return. Indeed, valuable bargaining chips have been discarded that could have contributed to apprehending the principal instigators and practitioners of genocide. Responses to war crimes must not become an issue of political expediency but a measure of justice, morality, and "Western values." In this context, by failing to cooperate with the IWCT Belgrade is violating the international convention on genocide.

Contradictory policies on the war crimes issue send precisely the wrong message to Serbia. Belgrade has concluded that the threat of domestic instability (whether real or imaginary) can extract concessions and foreign aid and this in turn encourages nationalist arrogance and a disregard for international norms. In practice, flexible standards on war crimes will corrode both the legitimacy of the international court and the consolidation of democratic governance and the rule of law throughout the region.