

Will the Real Serbia Please Stand Up?

I. OVERVIEW

Kosovo's independence declaration on 17 February 2008 sent shock waves through Serbia's politics and society, polarising the former in a manner not seen since the Milosevic era. Rioting led to attacks on nine Western embassies, destruction of foreign property and massive looting. The government fell on 10 March, split over whether to pursue a nationalist or pro-Western path. Belgrade's efforts to create a de facto partitioning of the north of Kosovo threaten the new state's territorial integrity and challenge deployment of European Union (EU) missions there, and Serbian parliamentary and local elections on 11 May are unlikely to change the basic policy towards the new state, even in the unlikely event a pro-Western government comes to power. They may, however, well give Serbia's nationalist parties new leverage.

The election campaign is heated. Verbal attacks have increased against opposition parties, independent media and non-governmental organisations (NGOs) that disagree with the hardline nationalist policy on Kosovo. After the polls, one of two main scenarios is likely, since no party will win enough votes to form a government alone. Nationalists from the Serb Radical Party (SRS) could form a coalition with the "People's Bloc" led by Premier Vojislav Kostunica's Democratic Party of Serbia (DSS) and the late dictator Slobodan Milosevic's old Socialist Party of Serbia (SPS).

If nationalist forces win, Euro-Atlantic integration will come to a halt and Serbia will enhance its ties with Russia. They will support a more belligerent response in Kosovo, and Kosovo Serbs' use of low-level violence. They may encourage Republika Srpska to leave Bosnia-Herzegovina, and meddle in Macedonian internal affairs. A backlash against pro-Western parties and their supporters and an increased climate of media repression can be expected. Uncertainty will lead to a fall in foreign direct investment and economic growth.

Alternatively, pro-Western forces might form a weak government, but only with the support of nationalists, such as the DSS or SPS. Serbia could then anticipate the same kind of domestic instability it experienced under the outgoing government. If the more pro-Western

Democratic Party (DS) tried to chart an openly pro-EU course, it would face the type of obstruction and opposition that led to Premier Zoran Djindjic's assassination in 2003.

At best, the EU and U.S. will have limited influence for many months, until a new government is formed, which may not be until September or later. Meanwhile, the public anger over Western support for Kosovo's independence is such that any attempt to pressure or even induce Belgrade into more cooperation risks strengthening the nationalist vote. Brussels and Washington would be well served to lower levels of rhetorical support for the more pro-Western Democratic Party (DS) of President Boris Tadic, G17+ and the Liberal Democratic Party (LDP) and end interference in the campaign via promises of a Stabilisation and Association Agreement (SAA).

More specifically, in this pre-election period the EU and the U.S. should:

- ❑ stop intervening directly in support of one or another political force;
- ❑ not sign an SAA unless Serbia gives full cooperation to the International Criminal Tribunal for the Former Yugoslavia (ICTY); and
- ❑ offer increased support to civil society.

II. "BREAKING WINDOWS IS ALSO DEMOCRACY"

Serving as premier, Kostunica was officially in coalition with the DS and G17+, which together held a narrow majority of cabinet posts in the government until its fall in March 2008, less than a month after Kosovo's independence declaration. Yet, he often had the support of an alternative nationalist parliamentary majority, which included not only the SRS, but also the old Milosevic party, the SPS, and New Serbia (NS). His willingness to side with the nationalist parliamentary majority's agenda against the pro-Western members of his ruling coalition led to the government collapse.

Boris Tadic's razor-thin margin of victory in the 3 February 2008 presidential election¹ was not a mandate for pro-EU policies, but rather a vote based on fear that the Radical candidate, Tomislav Nikolic, would drag the country back towards the Milosevic era. Despite his re-election, Tadic has little constitutional power. He has been weakened in the public eye because he supported conditions set by the EU for various steps – such as full cooperation with the ICTY for progress on signature of an SAA – from which Brussels in the end retreated.²

Tadic and his DS party have permitted Kostunica to define the terms of debate on Kosovo, in effect buying into the premier's zero-sum, anti-EU, pro-Russian policies. The 17 March 2008 operation in north Mitrovica by the UN Kosovo Mission (UNMIK) police and NATO (KFOR) troops, and the ensuing violent clash with local Serbs, further narrowed Tadic's manoeuvring room and strengthened Serbia's nationalists.³

Those nationalists will permit no compromises that would weaken the claim Serbia asserts to Kosovo under UN Security Council Resolution 1244.⁴ Brussels can offer no concession that would adequately compensate for the loss of Kosovo. The nationalists will continue to oppose the West over Kosovo, while Tadic sends more conciliatory messages and advocates a pro-EU policy. The international community should not be confused by the conflicting messages. Kostunica remains caretaker premier and may play a significant role in forming a new government, perhaps even as premier, no matter which party get the most votes in the May election. Since a government may be difficult to form, negotiations could last until September, with another

round of elections needed if they fail, so he could stay in office for much of 2008.

Serbia's initial reactions to Pristina's independence declaration offer insights into domestic politics. They also show a country deeply divided over tactics on Kosovo; one part seems ready to approve of violence, while the other seeks to use only diplomacy and other legal means.

A. THE SEEDS OF VIOLENCE

Immediately following the independence declaration on 17 February, Kostunica announced that:

The government and parliamentary parties will organise together peaceful protests across Serbia as well as the first big protest in Belgrade. In these protests, our dignity must be above the force against which we are fighting. We shall leave force to violators, who, by using it, disgraced themselves for all times; we shall show the power of law and justice, and we shall show how much we love and respect freedom and free Serbia with our Kosovo-Metohija.⁵

On its face, the statement opposed mob violence. Yet, Kostunica spent much of his speech criticising the EU and U.S. and lashing out angrily at Kosovo independence. He used the words "violent" or "violence" nine times in referring to Brussels and Washington policies. Soon afterwards, hooligans rampaged through Belgrade's streets, attacking the Slovenian⁶ and U.S. embassies with stones and flares.⁷ The rioters then rampaged through the city centre, destroying traffic signs and signals,

¹ In the second round of the presidential elections, on 3 February 2008, Boris Tadic (DS) obtained 50.31 per cent of the vote, Tomislav Nikolic (SRS) 47.97 per cent.

² SAA negotiations have been completed and the European Commission has initialled the document. Previous Crisis Group reporting has discussed how EU and U.S. concessions benefited obstructionist nationalist parties. See Europe Briefings N°46, *Serbia's New Government: Turning from Europe*, 31 May 2007; and N°44, *Serbia's New Constitution: Democracy Going Backwards*, 8 November 2006.

³ See Crisis Group Europe Briefing N°47, *Kosovo's First Month*, 18 March 2008.

⁴ Serbia views the June 1999 UN Security Council Resolution's references to "the sovereignty and territorial integrity of the Federal Republic of Yugoslavia" (FRY) as a guarantee of its perpetual sovereignty over Kosovo. The Western supporters of Kosovo's conditional independence have challenged this interpretation, as has Crisis Group in Europe Report N°188, *Kosovo Countdown: A Blueprint for Transition*, 6 December 2007.

⁵ See www.srbija.sr.gov.yu/vesti/vest.php?id=83166, 17 February 2008.

⁶ Slovenia holds the EU presidency and there is residual anger among many Serbs at its role in the break-up of Yugoslavia. The hooligans also targeted the Liberal Democratic Party (LDP), breaking windows at party headquarters, though police intervened. Journalists, especially from the independent B92 radio and television, were likewise attacked. The police, under control of Kostunica's DSS party, arrested no one during the 17 February riots and appeared to be under orders to remain passive. The Police Labour Union stated officers had been told to respond to violence only with "passive intervention". "Serija incidenta u Beogradu", B92, 18 February 2008.

⁷ Though riot police held them back, many windows at the embassy's front were destroyed.

breaking windows, overturning garbage dumpsters and concrete flower boxes and setting vehicles ablaze.⁸

At a cabinet meeting, Defence Minister Dragan Sutanovac (DS) later asked, “why were the police given instructions ... to let the hooligans run wild?” and noted that 53 officers were injured.⁹ On 17-18 February demonstrations and vandalism also occurred in other parts of Serbia, including Novi Sad, Subotica and Kikinda.¹⁰

The DS-controlled Belgrade city government condemned the violence, as did the LDP and G17+, which noted that “Kosovo is not defended by demolishing ...”¹¹ Kostunica also condemned the countrywide vandalism.¹² Nevertheless, the infrastructure minister, Velimir Ilic, a close Kostunica ally,¹³ publicly defended the rioters who sacked the Slovenian embassy, noting that “they [the West] have broken our state, and we only broke a few of their windows. They should expect that, to learn what democracy is. Breaking some windows is also democracy”.¹⁴

B. SERBIA VENTS

Though the government knew the potential for renewed mob action was high, it announced a rally for 21 February to protest Kosovo independence. The occasion might have been used to calm passions and dissuade citizens from violence, much as was done in March 2004, immediately after the riots by Kosovo Albanians.¹⁵ The

declared purpose was to show the world Serbia would protest Kosovo’s independence peacefully and with dignity,¹⁶ but this was not the message transmitted. Instead, before the evening ended, over 1,000 people had run amuck, attacking eight foreign embassies, more than 100 locally owned shops, foreign banks and businesses; one person was dead and over 200 injured, including dozens of police; physical damage was over €1 million; and more than 100 arrests had been made.¹⁷

The rally was sponsored by the government, which gave the day off to all workers in socially owned companies, closed schools and many public offices and provided free bus and rail transport. It relied heavily on the organisational infrastructure of the DS, which controls the Belgrade city government. The SRS and other parties organised bus convoys of supporters from throughout the country. Posters, state-run television (RTS) and private stations advertised the rally heavily.

In the days leading up to the rally and as it became apparent that the DSS and Radicals were using it to shore up their political support, the DS began to distance itself. Tadic, influential DS ministers and representatives of G17+ all avoided the event. Tadic hurriedly travelled to Bucharest on a self-invited state visit to thank Romania for not recognising Kosovo.

On the day of the rally, the government held a meeting at which different opinions were expressed on the appropriateness of violence to protest Kosovo’s independence.¹⁸ Ilic was quoted as saying, “they [the West] have done much more damage to us than a few broken windows. Those from B92 and other media should watch what they say about those young people [the hooligans]”. Kostunica continued: “Those people, hooligans as you call them, were just reacting to the

⁸ The hooligans vandalised and threw a Molotov cocktail at the McDonalds restaurant on Terazije and vandalised the McDonalds on Slavija Square, both seen as symbols of America. They also tried to break through to the Belgrade mosque, but police prevented this.

⁹ “Mladi su samo branili medunarodno pravo”, *Blic*, 22 February 2008. The cabinet met on 21 February.

¹⁰ In Nis, the local LDP headquarters was attacked, even though it was near police headquarters. Demonstrators attacked Albanian-owned businesses in Sombor and Zrenjanin and in Subotica threw rocks at the McDonalds and the Kelebija mosque.

¹¹ “Ivanji: Neprihvatljivo otimanje Kosova ali i nasilje”, G17+ statement, 22 February 2008.

¹² “Kostunica pozvao gradane da prekinu nasilne proteste”, *Blic*, 18 February 2008.

¹³ Ilic, a close Kostunica ally, often says things the premier does not wish to say publicly. Following Ilic’s statements about broken windows, Kostunica kept silent, tacitly confirming that the DSS would tolerate violence against those who recognised Kosovo’s independence.

¹⁴ “Ilic: Demokratija je i kada se razbije neki prozor na ambasadi”, *Blic*, 20 February 2008.

¹⁵ Kostunica’s government held a protest march after the 17-18 March 2004 riots and ethnic cleansing of Serbs by Kosovo

Albanians in an effort to constructively channel national anger. Although the police permitted the burning of two mosques on the first night, the march on the second day seemed to neutralise passions. Some thought that this rally and the march to the prayer meeting afterwards might be similar.

¹⁶ Mass rallies have been a tactic of Serbia’s nationalist politicians since Milosevic. He used them sporadically, bringing hooligans from the regions to frighten the capital’s more liberal urban elite into silence.

¹⁷ The eight embassies attacked on 21 February were those of Belgium, Canada, Croatia, Germany, Italy, Turkey, the UK and U.S. A ninth embassy, Slovenia’s, was attacked on 17 February. “Ekipe beogradske Hitne pomoci prevezle su jucer izmedu 140 i 150 ljudi u Urgentni centar, a medu povredenima je i 35 policajaca” in “Bilans jucerasnjih nereda”, B92, 22 February 2008.

¹⁸ “Kostunica: Mladi su samo branili medunarodno pravo”, *Blic*, 22 February 2008.

violation of international law". Defence Minister Sutanovac indirectly accused the nationalist forces of organising the hooligans, when he said, "if someone hadn't organised them, then they wouldn't have known what to do".¹⁹

By the time the rally started, shortly after 5pm, a crowd estimated at between 200,000 and 300,000 overflowed the area in front of the parliament. Many were Belgraders who had come to show solidarity with Serbs in Kosovo. Despite the depth of wrath over Kosovo independence, however, the crowd was smaller than many had expected, suggesting a significant part of the population was unhappy with the tone the rhetoric was assuming.²⁰

The rally opened with a choir singing the national anthem and with prominent personalities present.²¹ Kostunica's fiery lead-off speech began with a rhetorical flourish:

Is there anyone among us who is not from Kosovo? Is there anyone among us who thinks that Kosovo is not his? Kosovo – that is the first name of Serbia. Kosovo belongs to Serbia. Kosovo belongs to the Serbian people. So it has always been. So it will always be.

He labelled Western policy as "violence" and received a roar of approval when he referred to the support for Serbia of Russia and President Putin.²² He was followed by the Radical Party leader, Tomislav Nikolic, who abandoned the more moderate tone he had assumed for his presidential campaign and asserted that "if there isn't Kosovo, then there isn't Serbia".²³ Milorad Dodik, the premier of Bosnia's Republika Srpska (RS), gave a speech that was noteworthy primarily for what it did not include. At no point did he hint that Kosovo independence might have repercussions for Bosnia, although he said Bosnia would never recognise Kosovo. He was obviously uncomfortable in the presence of the DSS/SRS and their assorted hangers-on.²⁴

¹⁹ "Kostunica: mladi su samo branili medjunarodno pravo", *Blic*, 22 February 2008; and "Mislim da je to legitimno. Mozda nije lepo al je legitimno", Samardzic quoted in "Spaljani carinski prelaz," *Blic*, 20 February 2008.

²⁰ Some one million came together in the demonstration that overthrew Milosevic on 5 October 2000.

²¹ Eg, tennis ace Novak Djokovic (video), NBA basketballer Dejan Bodiroga and film director Emir Kusturica.

²² See www.srbija.sr.gov.yu/vesti/vest.php?id=83451.

²³ "Rec je data, dok zivimo – Kosovo je Srbija", *Tanjug*, 21 February 2008

²⁴ The SRS dislikes Dodik for attacks on the party in RS; he had to dodge bricks from its supporters.

While Kostunica and Nikolic were speaking, approximately 500 youths began vandalising the Turkish embassy, at the edge of the rally area. The police did not respond to several calls for help,²⁵ and the speakers did not appeal to the rioters to stop. Crisis Group spoke with persons who attended the rally and left early, concerned about the effect the speeches were having on the crowd and fearing violence.²⁶

The rally ended with the choir singing "Arise Serbia". The overwhelming majority then walked peacefully to an outdoor prayer service conducted by Bishop Amfilohije before Belgrade's main cathedral. The images that will be remembered abroad are not the hundreds of thousands gathered in prayer, but rather the rioters setting the U.S. embassy ablaze.

C. "SNEAKERS FOR KOSOVO"

En route to the prayer service, approximately 1,000 broke off and headed to Knez Milos street, where a number of embassies are located.²⁷ Shortly before they arrived, the police guards were apparently ordered to withdraw.²⁸ When the attacks began, it took nearly 40 minutes before they intervened. The Croatian embassy was vandalised and a building next to it and the U.S. embassy set on fire. Stones were also thrown at the Canadian, German, Italian and UK embassies, while the Turkish embassy was extensively damaged.²⁹ Once it arrived, the interior ministry's Special Anti-Terrorism Unit (SAJ) dispersed the crowd with ease. The fire fighters who put out the U.S. embassy blaze found the badly burned body of a twenty-year-old demonstrator.³⁰

²⁵ Eyewitness account of human rights activist Natasa Kandic in "Report from the protest against Kosovo independence", Fond za humanitarno pravo, 25 February 2008.

²⁶ Crisis Group interviews, 21-22 February 2008.

²⁷ The Canadian, Croatian, German and U.S. embassies are on Knez Milos, as is the interior ministry headquarters. The Germans are across the street and 175 metres from the ministry; the Canadians are 300 metres away, the U.S. 500 metres. The Italian and British embassies are nearby on side streets.

²⁸ The German and Croatian ambassadors charged that the police had been withdrawn; another Western ambassador told Crisis Group the same, as did a U.S. embassy employee. See also Report by YUCOM human rights activist Dusan Bogdanovic, "Belgrade Riots 21 February 2008".

²⁹ The Belgian embassy also suffered minor damage.

³⁰ The dead youth was Zoran Vujovic, who was originally from Kosovo and had lived in Novi Sad since 1999. After being driven away from the U.S. embassy, the rioters looted over 100 shops in the main shopping district, primarily of sporting and luxury goods. A number of foreign-owned or branded

During the looting that followed, an amateur video cameraman recorded two young women carrying large quantities of looted goods as they made their way from Slavija Square to Knez Mihailova street, “shopping” in broken store fronts as they went. The video was placed on You Tube with the title “Sneakers for Kosovo”.³¹

Official Belgrade has yet to explain why the police were withdrawn and why it took them 40 minutes to respond to events occurring down the street from the interior ministry. Late on the night of 21 February, a senior diplomat from an affected embassy spoke of three possibilities:

The police were overstretched by the peaceful demonstration and made the mistake of deploying ... elsewhere to work that particular crowd. Others believe that they were pulled off for some reason, even as they knew that many hundreds of thugs were meeting up by the stadiums and planning to move in our direction. Others simply believe they willingly stepped aside and let the protesters hit us.³²

The damage Serbia inflicted on itself that evening was above all diplomatic and economic. For example, the UN Security Council, where an important part of its campaign to retain Kosovo has been waged, quickly condemned the violence.³³ In the aftermath of the rioting, Belgrade’s stock market continued a plunge begun shortly after the New Year.³⁴ Since 17 February, the National Bank has had to intervene to support the dinar. Mladjan Dinkic, the economy and regional development minister, claimed the unrest and political instability had hurt foreign investment. The U.S and many European countries issued travel advisories.³⁵ The U.S. embassy withdrew all non-essential personnel and, along with

the Germans and Slovenes, stopped issuing visas until repairs were made, and the security situation improved.

D. “OUR STATE IS IN CHAOS”

Serbia’s reactions to the events of 21 February reflect the schizophrenic nature of the ruling coalition. Tadic, speaking from the Serbian embassy in Bucharest, immediately condemned the violence, as did his party, the LDP and G17+.³⁶

The nationalist response was quite different. The day after the riots, Ilic said, “some ambassadors got off quite well”, adding that the violence was caused by those who want an independent Kosovo.³⁷ Kostunica, referring to the demonstration, said, “the youth of Serbia have sent a message that Serbia is for right, justice and freedom and that it rejects the politics of power of the Western countries”. He then noted that a “great accident occurred, in that during the violence that broke out a human life was lost”, but did not explicitly condemn that violence.³⁸

Others in the government’s nationalist bloc simultaneously spoke out against the violence and excused it. Kosovo Minister Samardzic said the U.S. was “the major culprit for all troubles since 17 February, and “all violent actions had their root in the forcible violation of international law, which set in motion a chain of events”.³⁹ The nationalist daily *Vecernje Novosti* supported this view: “The U.S. Embassy was set on fire. It was not set on fire by Serbian nationalists, as some media say. It was set on fire by U.S. policy and contemporary fascism”.⁴⁰ Nationalist tabloids developed the idea, claiming the CIA and other foreign intelligence agencies organised the riot.⁴¹

businesses were attacked. Hooligans again targeted reporters, especially from B92, as well as the LDP and the Humanitarian Law Centre of respected human rights advocate Natasa Kandic. Crisis Group conversation, eyewitness of rioting, 21 February 2008.

³¹ See www.youtube.com/watch?v=j01e1j251Cs.

³² Crisis Group email correspondence, Western ambassador, 21 February 2008.

³³ “Security Council condemns mob attacks against embassies in Serbian capital”, press release, 21 February 2008.

³⁴ Movements on the Belgrade Stock exchange may be found on its web site at www.belex.co.yu/.

³⁵ The U.S. issued a travel advisory. Other countries suggested their citizens be careful and avoid mass protests and large crowds (Italy, the Netherlands, Austria, Germany, Slovenia, Australia, New Zealand).

³⁶ “Tadic: to nije bila Srbija”, B92, 22 February 2008; “Ivanji: Neprihvatljivo otimanje Kosova ali i nasilje”, G17+ press statement, 22 February 2008; “Demokratska stranka najostrije osuduje nasilje”, DS press statement, 22 February 2008; and “Jedna zrtva nasilja u Beogradu”, B92, 21 February 2008.

³⁷ “Ilic: ambasadori dobro prosli”, B92, 22 February 2008; and “Ilic: neredi izazvali oni koji zele neovisno Kosovo”, *Blic*, 22 February 2008.

³⁸ See DSS publication *Rec i Delo*, issue 49, at www.dss.org.yu/view_file.php?file_id=49; “Kostunica: Miting velicanstven, nasilje za svaku osudu”, *Blic*, 22 February 2008; “Kostunica: narod pokazao da je za pravo”, B92, 22 February 2008.

³⁹ “Samardzic: Vlada nece pristati da proziva SAD”, *RTS*, 23 February 2008.

⁴⁰ RFE/RL Newline, Monday, 25 February 2008, vol. 12, no. 37.

⁴¹ See “Bande Beograda”, *Press*, 26 February 2008; “Rezirano nasilje u Beogradu”, *Kurir*, 23 February 2008.

The government has not officially assigned blame for the 21 February violence. The interior minister, Dragan Jovic, who was severely injured in a car crash on 25 January and has undergone spinal surgery and therapy, has not been replaced. It is unclear who is in charge of the police, although there is little doubt that the DSS retains control over the ministry. In the months to come, the question of civilian control over the police could be crucial, as it was during the term of the late Premier Djindjic, when security forces often operated independently of civilian authorities.

Police performance was discussed inconclusively at a 26 February meeting of the Council for National Security (SNB).⁴² According to information leaked to the media by the DS party, the state secretary, Mirjana Orsanin, who appears to be running the interior ministry in Jovic's absence, praised the efforts on 21 February. Tadic and Kostunica clashed sharply and publicly over what happened.⁴³

In interviews with Crisis Group many Serbs indicated they approved the organisation of the large peaceful rally and the government's use of diplomacy to work against Kosovo independence, yet were critical of the mob behaviour and looting. The "Sneakers for Kosovo" video symbolised the absurdity of damaging one's own capital to protect Kosovo⁴⁴ and caused a public backlash. At the same time, the 17-21 February events showed there is a violent hard core of extremist nationalist youths, well organised, backed by nationalist parties and trained in tactics for confronting riot police.⁴⁵ Some are associated

with a fan club for the second division Rad football club. Other ultra-right wing nationalist youth groups are organised loosely via the internet.⁴⁶ The authorities seem all too willing to allow these groups to control the street reaction to Kosovo independence.

III. BELGRADE AND KOSOVO INDEPENDENCE

Tactics in Serbia's strategy for fighting Kosovo independence include downgrading relations with neighbouring countries that recognise Kosovo, denying the legitimacy of the EU mission there and strengthening parallel institutions in both the enclaves and the north. UNMIK and KFOR are considered the only legitimate international bodies in Kosovo, because their mandate is to implement Security Council Resolution 1244, and the only ones with which Belgrade will cooperate. To incite Albanians to violence and so discourage countries from recognising Kosovo, Serbia may also be considering low-level provocations.

In the pre-election period, the DS and DSS parties have begun to challenge each other over Kosovo policy, levelling accusations of action taken without informing the other government coalition partner. These have included exchanges between Tadic and Sutanovac, on the one hand, and Samardzic on the other, most recently Tadic's 29 March 2008 attack on Samardzic for attempting to partition Kosovo without government approval, and Samardzic's next day rebuttal.⁴⁷ But this was less a real division over Kosovo policy than election posturing. It appears Tadic objected not to partition itself but that the government had not yet voted to openly support that course. Until a new government is formed, Kostunica and the DSS will continue to drive Serbia's Kosovo policy, and such exchanges will continue.

⁴² The five-hour meeting ended without an official statement, but within hours the DS had leaked its version to the media, prompting Kostunica's office to respond that there were "numerous inaccuracies".

⁴³ "Drzavni vrh ne moze da se slozi ni u osudi nasilja", *Blic*, 28 February 2008.

⁴⁴ On 22 February 2008, the two women in the "Sneakers for Kosovo" video contacted B92 television, shocked at the negative reaction the video was getting. Both said they came to Belgrade to defend Kosovo. When asked why they looted, the first said, "300,000 people began to steal, and we stole also"; the other said, "we didn't go with the intention to loot and steal. We didn't steal because we have [things], but because we don't". The first then said, "our state is in complete chaos". See <http://youtube.com/watch?v=OwxJ3GfjG5U>.

⁴⁵ Their ideology is based largely on the unity of the Serbian nation, Russo-Serbian brotherhood and a paranoid version of Serbian Orthodoxy that harps on conspiracy theories and the *Protocols of the Elders of Zion*. The average age seems to be around twenty; they claim the SRS is not radical enough, quote 1930s Serbian fascist leader Dimitrije Ljotic and make plans for reclaiming Kosovo. Internet forum registrations suggest that at most they number in the hundreds.

⁴⁶ These include: Srpski Sinovi, football fans loyal not to a club team, but rather to the national team and "Orthodoxy"; the small right wing youth group Obraz, 1389.org, best known for spray-painting nationalist graffiti around Belgrade; and srpskinacionalisti.com. Others are Svetozar Miletic (the name of a nineteenth century Serb nationalist); Dveri srbske Naši (named after the youth group in Russia); Nomokanon (a neo-fascist student group at the Belgrade University Law School); St. Justin Popovic (a student group named after an anti-Semitic, anti-European priest from the first half of the twentieth century); and Nacionalni stroj, a Serbian group loosely affiliated with the larger international neo-Nazi organisation Stormfront.

⁴⁷ "Dele Kosovo bez dogovora", *Vecernje novosti*, 29 March 2008; and "Samardzic: Nikada nisam govorio of podeli Kosova", *Blic*, 31 March 2008.

A. INITIAL STEPS

At the end of 2007, the government created an “action plan” to respond to Kosovo’s declaration of independence. It has yet to be presented to the public or to the parliament and has become a point of contention between the DS and DSS. In mid-February the government and the National Assembly⁴⁸ passed a resolution that, citing the UN Charter, the Helsinki Final Act and Resolution 1244, purported to annul Kosovo independence and declare the EU authorisation of a rule-of-law mission (EULEX) null and void.⁴⁹

On 15 February 2008, at the celebration of Serbian statehood in Orasac, Kostunica gave an impassioned speech:

Who are we Serbs? Where are we from? Where are our origins? How have we lasted throughout all these centuries? The world is asking us – what is the price of being a Serb? What is the price of your memory? How much is your history? It is better to pay you to be something else. It is worthwhile for you to be something else, not what you are. And what’s more ... for us to sign that we accept to do all of that ... to sit at the table of the European family as the only state which got its chair at the European table through indecent trade, self-denial of its own memory and identity.⁵⁰

Immediately following Kosovo’s declaration of independence, Kostunica declared that “as long as the Serbian people exist, Kosovo remains Serbia” and “the President of the U.S., who is responsible for this violence, and his European followers, will be written with black letters in Serbian history books”. He attacked the EU for going along with Washington⁵¹ and announced

that Serbia would withdraw its ambassadors from all countries that recognised Kosovo, a measure that has been implemented.

Tadic echoed Kostunica’s comments about Kosovo being Serbian, but without the fierce anti-EU and anti-American rhetoric. He said, “Serbia will never recognise Kosovo’s independence”, and the country “had reacted and will react with all peaceful and legal means to annul this act of the temporary Kosovo institutions”.⁵² Others, including SRS leader Nikolic and the parliament speaker Oliver Dulic (DS), issued similar statements.

Serbia has responded with diplomatic means and publicly eschewed the use of military force.⁵³ There are, however, circumstances under which it might intervene militarily, particularly if KFOR should prove powerless to prevent attacks on Serb communities in the enclaves or the north of Kosovo.⁵⁴ No economic embargo has been imposed, a subject of previous concern. In Belgrade’s thinking, Kosovo remains part of Serbia, and it would be absurd to blockade a part of one’s own country.

Nevertheless, it is prepared to countenance a degree of violence to achieve policy aims. The burning of two border and customs posts on 19 February by organised armed mobs, incidents led by Serbian army reservists at two other posts on 21 and 25 February and armed attacks on UNMIK police and KFOR troops around the north Mitrovica court house on 17 March indicate clearly that local Serbs will be supported in their use of violence to oppose institutions associated with an independent Kosovo.

Belgrade continues to rely heavily on Russia to defend its position internationally. Dimitri Medvedev visited Belgrade only a week before his election as president. At the Security Council, Russia continues to call for resumed negotiations on Kosovo status and to refer to the “illegal character of the unilateral proclamation of

⁴⁸ The parliament vote on 18 February 2008 was 225-0, with 25 LDP and minority party abstentions.

⁴⁹ “Odluka Narodne skupstine Republike Srbije o potvrđivanju odluke Vlade Republike Srbije o poništavanju protivpravnih akata privremenih organa samouprave na Kosovu i Metohiji o proglašenju jednostrane nezavisnosti”, 18 February 2008, at www.parlament.sr.gov.yu/content/lat/akta/akta_detailji.asp?Id=470&t=Z.

⁵⁰ “Otimaci traze da odobrimo”, B92, 15 February 2008.

⁵¹ He said, “putting violence over the principles of international law, the U.S. used blind force and humiliated and forced the EU to break the principles that the very EU is based on. America forced Europe to follow it in unprecedented violence against Serbia. Europe has bent its head today, and that is why it will be responsible for far-reaching consequences that this violence will have on the European and world order. This act has above

all humiliated the EU, not Serbia”, at www.srbija.sr.gov.yu/vesti/vest.php?id=83166.

⁵² See www.srbija.sr.gov.yu/vesti/vest.php?id=83173.

⁵³ Officials presented arguments at major international forums; Tadic told the Security Council “Serbia will never recognise the independence of Kosovo. We will never deny Kosovo, and we will not give up on the struggle for our legitimate interests. For the citizens of Serbia and its institutions, Kosovo will always remain Serbia”, text at www.predsednik.yu/mwc/de_fault.asp?c=303500&g=20080218152525&lng=lat&hs1=0.

⁵⁴ Crisis Group interview, defence analyst, Belgrade, March 2008.

independence”.⁵⁵ Foreign Minister Sergei Lavrov has stated that Russia will block Kosovo from membership in the UN.⁵⁶ Meanwhile, Russian diplomats continue to press for new negotiations on Kosovo’s status.⁵⁷

Nonetheless, Moscow has distanced itself from military engagement in the region which some in Serbia’s nationalist circles had hoped for. Russian Ambassador to NATO Dimitri Rogozin, who had said Russia would “proceed on the basis that in order to be respected we need to use brute force”, if NATO and the UN consolidated their position on Kosovo, in effect retracted his words a few days later, admitting “this [use of force] will never take place”.⁵⁸ Yet, both Serbian and Russian nationalists continue to publicly contemplate a Russian military presence in Serbia, and perhaps even Kosovo, that Belgrade has not sought.⁵⁹

Serbia has now opened a new front at the UN. Knowing that France, the UK and U.S. would block any Russian moves in the Security Council, it announced on 26 March an intention to work through the General Assembly to gain the support of 96 member states to seek an advisory opinion from the International Court of Justice in The Hague on the legality of Kosovo’s independence declaration.⁶⁰

B. SEEKING TO DIVIDE KOSOVO

A central part of Belgrade’s strategy is to take full control over those parts of Kosovo where Serbs live in compact settlements, especially north of the Ibar River, an area that abuts Serbia proper. An effort to partition Kosovo in effect at the Ibar has been ongoing since Serbia’s withdrawal from the province in 1999.⁶¹ In Belgrade’s thinking, it can divide Kosovo within a sovereign Serbia, and it looks to Bosnia-Herzegovina’s Republika Srpska as a model. But it avoids speaking of

a formal partition, which would be seen as renouncing sovereignty over the entire territory.⁶²

Belgrade has devoted significant resources to creating parallel structures to manage many spheres of public life, including education, health, municipal governance, telecommunications, pensions, police and the judiciary.⁶³ The extent is seen in the construction of a separate telecom network north of the Ibar River and efforts to set up a separate water supply system for north Mitrovica.⁶⁴ On 17 February, Kostunica said that:

we must show greater concern and solidarity with our people in Kosovo-Metohija. All ministries have been directed to work and provide considerably better living conditions, help create new jobs and launch investments in the province. The state of Serbia will take greatest possible care about its each and every citizen in Kosovo-Metohija.⁶⁵

This signalled commitment of new resources to maintain Belgrade’s hold over Serb areas. On 2 April, Finance Minister Mirko Cvetkovic announced that €500 million would be spent on Kosovo Serbs and non-Albanians.⁶⁶

The government has instructed Serbs in Kosovo to discontinue all contact with Kosovo’s authorities and the new EU institutions.⁶⁷ This has manifested itself in withdrawal of many Serbs from the Kosovo Police Force (KPS) in the enclaves and other Kosovo bodies, including the judiciary, and the seizure of the railroad

⁵⁵ “Outcome of the Russia Federation’s Presidency of the UN Security Council”, Russian foreign ministry, press release, 1 April 2008.

⁵⁶ “Lavrov: nema clanstva Kosova u UN”, B92, 2 April 2008.

⁵⁷ “Rusija za nove pregovore o Kosovu”, B92, 10 April 2008.

⁵⁸ Ria Novosti, “Russia will never use force to solve Kosovo Problem – Envoy”, 24 February 2008.

⁵⁹ “Beograd nije trazio povratak ruskih mirovnjaka na Kosovo”, Blic, 1 April 2008.

⁶⁰ The UN General Assembly and Security Council may request advisory opinions from the ICJ on “any legal question”.

⁶¹ Crisis Group interview, former senior Serbian government official, January 2008. Also see for background Crisis Group Europe Report N°165, *Bridging Kosovo’s Mitrovica Divide*, 13 September 2005.

⁶² As Crisis Group has pointed out in earlier reports, Belgrade is willing to accept a partition of Kosovo within a sovereign Serbia but wishes to retain control over all areas where Serbs reside. See Europe Report N°182, *Kosovo: No Good Alternatives to the Ahtisaari Plan*, 14 May 2007.

⁶³ See Crisis Group Europe Reports, *Bridging Kosovo’s Mitrovica Divide*, op. cit.; and N°131, *UNMIK’s Kosovo Albatross: Tackling Division in Mitrovica*, 3 June 2002.

⁶⁴ “Veca integracija poreskog sistema Kosmeta u drzavne institucije Srbije”, 26 February 2008, at www.srbija.sr.gov.yu/vesti/vest.php?id=83740.

⁶⁵ “Do proglašenja lazne drzave na tlu Srbije dovela politika sile koju sprovode SAD”, 17 February 2008, at www.srbija.sr.gov.yu/vesti/vest.php?id=83166h.

⁶⁶ This compared with the €267 million EU assistance to Kosovo (support initiatives only, not including international presences) earmarked for 2008. “Duple plate samo za enclave”, B92, 2 April 2008.

⁶⁷ For instance, Serbia’s justice ministry ordered all Serbs employed in the Kosovo judiciary to leave and join the Serbian judiciary, “Nosoci pravosudnih funkcija srpske nacionalnosti vracaju se u svoje matične pravosudne organe na Kosmetu”, 22 February 2008, at www.srbija.sr.gov.yu/vesti/vest.php?id=83551.

in northern Kosovo by Serbia's state railway.⁶⁸ The government said it would pay all Serbs who leave Kosovo institutions €200 "compensation" monthly.⁶⁹ Enclave Serbs, such as the Lipljan prison employees who blocked the Gracanica Coordination Centre office, are now demanding that it make good on the promise.⁷⁰

One of Kostunica's more radical advisers, Branislav Ristivojevic, has said that the presence of the EULEX chief, Peter Feith, in Kosovo contradicts Resolution 1244 and mocks the UN, and his statements have no meaning for Serbia.⁷¹ The team preparing the International Civilian Office (ICO) was forced to leave quarters in north Mitrovica in mid-February 2008 after grenades were placed nearby and its landlord cancelled its contract. It has not returned, putting into doubt the ICO's ability to carry out its mandate Kosovo-wide.

Belgrade is promoting UNMIK as the only legitimate international civilian presence in Kosovo in the hopes of weakening the ICO and EULEX and dividing the international community. Samardzic, the minister for Kosovo, presented a draft agreement to Deputy Special Representative of the Secretary-General Larry Rossin on 15 March calling for an intensification of cooperation between UNMIK and Serbia in Serb communities. It would cover policing, judiciary, customs, transport, control of the Serbia-Kosovo boundary and Serbian religious, historical and cultural heritage issues. Serbian government institutions would establish themselves openly throughout Kosovo, together with UNMIK, and Serbian KPS would patrol in Serb-majority parts of Kosovo. The draft described UNMIK authority to implement Resolution 1244 as "unchallenged" and its continued presence as essential.⁷²

⁶⁸ Crisis Group inquiries at the train station in Kraljevo confirmed that two trains run daily to Zvečan. The Serbian weekly *Vreme* has also reported this, "U voznu Kraljevo-Zvečan", 27 March 2008.

⁶⁹ The disbursement of funds is, however, being delayed, *VIP Daily News Report*, 1 April 2008.

⁷⁰ "Radnici KPD Lipljan blokirali Koordinacioni centar u Gracanici", *Blic*, 1 April 2008.

⁷¹ "Illegalno prisustvo Pitera Fejta na Kosmetu otvoreno ruganje autoritetu UN", 1 March 2008, at www.srbija.sr.gov.yu/vesti/vest.php?id=84051; and "Izjave Pitera Fejta nemaju znacaj za Srbiju", 3 March 2008, at www.srbija.sr.gov.yu/vesti/vest.php?id=84134. Samardzic said Feith's statements could not be taken seriously, "Izjave Pitera Fejta nemaju obavezujucu snagu za Srbiju i kosmetske Srbe", 3 March 2008, at www.srbija.sr.gov.yu/vesti/vest.php?id=84076.

⁷² "Agreement between UNMIK and the Republic of Serbia on Joint Implementation of UNSCR 1244 after the illegal

The draft text proposed to UNMIK was virtually a call for de facto partition, as well as dismantling of the institutions the UN has established over the past eight years to strengthen a multi-ethnic Kosovo. Still, Samardzic – under attack from the DS during the election campaign – has gone to great pains to emphasise that he has "never spoken and will never speak" about partition, while adding that a "functional partition" is not the same as a territorial one.⁷³

The destruction of the two northern border posts and the violent reaction to the 17 March UNMIK and KFOR operation in northern Mitrovica that left 150 wounded and one UNMIK policeman dead are indications of Belgrade's red lines. Serbia seeks to prevent any institution to be established or any action to be undertaken that could be interpreted as giving legitimacy to the government in Pristina or contradicting its own reading of Resolution 1244. The posts, for example, were seen to represent Pristina's authority to collect customs duties and regulate the border.

Despite its refusal to condemn Serb violence against UN personnel and structures in north Kosovo, the government still seeks to portray itself as a partner for the UN and KFOR in protecting international law and Resolution 1244. Together with Russia, it is succeeding in stopping any discussion of "transition" from UN to EU authorities in Kosovo. Dusan Prorokovic, state secretary in the Kosovo ministry, said, "there is no discussion about its withdrawal. The transition period that UNMIK made up of 120 days will not be implemented. UNMIK will remain for the 121st day too".⁷⁴

Belgrade also continues to try to manipulate UNMIK, most recently over elections. Samardzic announced that the Serbian parliamentary and local elections will be held in Kosovo on 11 May. This would have the effect of strengthening Serbian governing institutions both in the north and the enclaves. The special representative of the UN Secretary-General (SRSG), Joachim Rucker, responded that UNMIK is the sole authority responsible for organising elections in Kosovo and offered to do so at a later date in five current Serb majority municipalities.⁷⁵

proclamation of independence by the PISG", draft proposal, Belgrade, March 2008.

⁷³ "Samardzic: Nikada nisam govorio o podeli Kosova", *Blic*, 31 March 2008. In public he continues to reject partition. "Samardzic: Srbija odbacuje podelu", B92, 13 April 2008.

⁷⁴ "Bitka za kontrolu nad severom", *Politika*, 18 March 2008.

⁷⁵ Part of Rucker's letter was reproduced in facsimile in a Kosovo newspaper. See Fatmir Aliu, "UNMIK-u ofron zgjedhje serbe ne Kosove pas 11 majit" ["UNMIK offers Serb elections in Kosovo after 11 May"], *Koha Ditore*, 12 April 2008. Spokesperson

In response, Samardzic suggested that UNMIK call local elections throughout Kosovo so that Serbia could organise them.⁷⁶ On 17 April the Serbian government decided to conduct both parliamentary and local elections in Kosovo,⁷⁷ and it seems unlikely that UNMIK or KFOR will take direct action to stop it.

C. ADDING FUEL TO THE FIRE

As perceived in Serbia, three key events since Kosovo's independence declaration have raised nationalist passions and ensured that the issue will be front and centre throughout the election campaign. The first was the UNMIK/KFOR operation in northern Mitrovica on 17 March. The second was the 19 March announcement by President George W. Bush that the U.S. would give military assistance to Kosovo. The third was the conclusion of the war crimes trial of a prominent Kosovo Albanian, Ramush Haradinaj, at the International Criminal Tribunal for the Former Yugoslavia (ICTY) in The Hague.

The UNMIK/KFOR operation was poorly timed, coinciding with the fourth anniversary of the 2004 Albanian riots against Serbs, and not well executed.⁷⁸ There is little doubt the demonstrations by former court workers were scripted by the Serb National Council together with Serbian security services. As portrayed in Serbia, the protestors claimed merely to want their jobs back, were peaceful during their occupation of the court house, did not take down the UN flag or attempt to establish a parallel court structure. But after UNMIK recovered the building, detained 53 occupants peacefully, and prepared to transport them for processing in Pristina on the morning of 17 March, Mitrovica Serbs retaliated violently against UNMIK. The subsequent clash between local Serbs and UNMIK/KFOR resulted in approximately 63 UNMIK police injured and one killed, 45 KFOR and more than 80 Serbs injured.⁷⁹

Alex Ivanko also commented extensively on the issue at UNMIK's regular weekly press conference, 16 April 2008. Transcript online at www.unmikonline.org.

⁷⁶ "Samardzic: Riker da raspise izbore", B92, 14 April 2008.

⁷⁷ "Vlada: Izbori bez obzira na UNMIK", B92, 17 April 2008.

⁷⁸ UNMIK and KFOR reportedly were stimulated to action by intelligence reports of Serb plans for an armed takeover of the whole complex, which includes a police station and jail. Crisis Group interviews, UNMIK and KFOR officials, Pristina, 18 March 2008.

⁷⁹ For more on the raid, see Crisis Group Briefing, *Kosovo's First Month*, op. cit.

The incident was portrayed in Serbia as an international overreaction to a labour dispute. Nationalists had hoped for such an incident to make Kosovo the central election issue, which seems to have happened: opinion polls taken on the 17, 18 and 19 March showed that for the first time Kosovo was voters' primary concern, outranking economic, social and corruption issues.⁸⁰

Reactions were predictable. Premier Kostunica indicated he would seek a joint response with Russia. SRS leader Nikolic said Serbia could not remain "mute much longer before the challenges that on her territory are creating an ethnically clean state according to the will and dictate of NATO".⁸¹ President Tadic said the use of force by UNMIK and KFOR was "excessive" and could "provoke a further escalation of the conflict" in Kosovo. He expressed neither condemnation for Serb actions nor regret for UNMIK and KFOR casualties and only called for universal restraint.⁸² Foreign Minister Jeremic successfully lobbied the UN Secretariat to open a formal investigation into UNMIK's actions,⁸³ even while moderate Mitrovica Serb politician Oliver Ivanovic noted that it could unearth much to embarrass Serbs.⁸⁴

Two days later, on 19 March, President Bush signed a presidential determination authorising military aid to Kosovo, which will go to support creation of the 2,500-strong Kosovo Security Force recommended in the Ahtisaari plan.⁸⁵ Again the Belgrade response was predictable: across-the-board condemnation from all political parties. The action immediately became fodder for nationalists' election campaigns.

On 3 April the ICTY acquitted former Kosovo Prime Minister Ramush Haradinaj on charges of war crimes, crimes against humanity and related charges.⁸⁶ Haradinaj led the Kosovo Liberation Army (KLA) in west Kosovo

⁸⁰ "Bar tri partnera za formiranje vlade", *Blic*, 28 March 2008.

⁸¹ "Tadic pozvao na uzdrzanost", B92, 17 March 2008.

⁸² "Tadic upozorio na opasnost od prelaska 'crvene linije'", *Blic*, 22 March 2008. A French diplomat labelled Tadic's failure to express any regret for the UNMIK and KFOR casualties, including twenty wounded French soldiers, "scandalous", Crisis Group interview, Paris, 25 March 2008.

⁸³ "Jeremic, Ban discuss Kosovo", B92, 5 April 2008.

⁸⁴ "Ivanovic says 'Serbs may not like investigation'", B92, 7 April 2008.

⁸⁵ Presidential Determination 2008-15, at www.whitehouse.gov/news/releases/2008/03/20080319-9.html. The Ahtisaari plan's compromise formula calls for "dissolution" of the KLA successor body, the Kosovo Protection Corps, and creation of a limited, 2,500-strong Kosovo Security Force in its place.

⁸⁶ Details of the charges can be found in the indictment against Haradinaj on ICTY's website, www.un.org/icty/indictment/english/har-amiiii071016.pdf.

during the war, and in 2000 created the Alliance for the Future for Kosovo (AAK) which after the 2004 elections entered into coalition with the Democratic League of Kosovo (LDK). He was indicted in March 2005 while serving as premier, surrendered voluntarily and was released on bail prior to the trial.

The verdict caused a firestorm in the Serbian media, and politicians tried to outdo each other's criticism of the ICTY, UNMIK and Haradinaj, who was called a war criminal and terrorist. Belgrade interpreted it as demonstrating international bias in favour of Albanians and considered that it justified the argument that Serbs can never be safe in an independent Kosovo – especially while Haradinaj is free. The acquittal also weakened the already shaky position of those in Serbia – primarily the DS, G17+ and LDP – who favour full cooperation with the ICTY.

The trial process did not go smoothly. There was significant intimidation of potential witnesses against Haradinaj and his co-indictees. The former chief prosecutor, Carla Del Ponte, said, "that level of intimidation of witnesses and concern for security had not been seen anywhere else in the region".⁸⁷ Some witnesses were participants in an ongoing west Kosovo gangland-style feud with the Haradinaj family. A political coalition in late 2004 between Haradinaj's AAK and the LDK, to which his regional opponents belonged, impacted upon trial testimony.⁸⁸ In the end, the evidence and testimony of the prosecution's nearly 100 witnesses was so weak that the defence did not consider it necessary to call a single witness in response.⁸⁹

In its decision, the Court noted that:

The Chamber encountered significant difficulties in securing the testimony of a large number of ... witnesses. Many cited fear as a prominent reason for not wishing to appear before the Chamber to give evidence. In this regard, the Chamber gained a strong impression that the trial was being held in an atmosphere where

witnesses felt unsafe, due to a number of factors set out in the Judgement.⁹⁰

Many in the international community regarded Haradinaj as a key partner for maintaining stability inside Kosovo following the 17-18 March 2004 riots, in which Albanians ethnically cleansed areas of Serbs. They feared his indictment would destabilise Kosovo and lobbied against it.⁹¹ The then UNMIK chief, Søren Jessen-Petersen, referred to him as a "close partner and friend",⁹² which, Del Ponte said, "had a chilling impact"⁹³ on witnesses. Even during the pre-trial process, UNMIK relied upon Haradinaj as a political and security "fixer" and did not rigorously scrutinise how he raised millions of Euros for his legal defence fund or his wealthy lifestyle.⁹⁴

Mutual distrust characterised ICTY-UNMIK relations.⁹⁵ In a report to the Security Council, Del Ponte said, "the co-operation provided by UNMIK in the protection of witnesses has also been sometimes less than optimal", and her office was "not convinced that UNMIK is properly exerting its control over the conditions set by the Chambers for Haradinaj's provisional release".⁹⁶

D. DIVISIONS IN KOSOVO POLICY?

Since the election campaign has begun, deep divisions in the former coalition parties have been evident over the approach to the EU. The DSS advocates the primacy of Kosovo, the DS a balance between Kosovo and Brussels. Tadic has accused Samardzic and Kostunica of running their own Kosovo policy, claiming that he as president is yet to see the action plan,⁹⁷ and that there is no plan for partition. Although he referred to

⁸⁷ Chief Prosecutor Carla Del Ponte's final press conference, at www.un.org/News/briefings/docs/2007/071210_Del_Ponte.doc.htm.

⁸⁸ See Crisis Group Europe Report N°163, *Kosovo after Haradinaj*, 26 May 2005, for the political and gangland background.

⁸⁹ ICTY Chief Prosecutor Serge Brammertz said that the prosecution was unable to present all its evidence in the trial due to key witnesses' failure to appear, press conference, Belgrade, 17 April 2008.

⁹⁰ "Judgment summary for the case of Haradinaj, et. al.", at www.un.org/icty/pressreal/2008/pr1232e-summary.htm.

⁹¹ See Crisis Group Report, *Kosovo after Haradinaj*, op. cit., for an account of the explosive atmosphere in west Kosovo in the months preceding the indictment.

⁹² "UN administrator urges calm in Kosovo after premier is indicted for war crimes" UN News Centre, 8 March 2005, at www.un.org/apps/news/story.asp?NewsID=13570&Cr=Kosovo&Cr1=_. See also Crisis Group Report, *Kosovo After Haradinaj*, op. cit.

⁹³ Del Ponte press conference, op. cit.

⁹⁴ See Crisis Group Europe Report N°177, *Kosovo Status: Delay is Risky*, 10 November 2006, p. 15.

⁹⁵ Crisis Group interviews, relevant officials, 2005-2008.

⁹⁶ Del Ponte report to the Security Council, 15 December 2005, at www.un.org/icty/pressreal/2005/speech/delponte-sc-051215.htm

⁹⁷ "DSS na Kosovu sprovođi politiku stranke", *Blic*, 31 March 2008.

partition as “illegitimate”, he backed off from condemning the idea as such.⁹⁸ Defence Minister Sutanovac has similarly said he has not yet seen a plan relating to security issues, and the DSS is pushing a party, not an agreed government policy.

The charges and counter-charges come in the midst of what is the most significant election campaign in Serbia since the September 2000 presidential contest that voted out Milosevic. The minute details of Kosovo policy are being subjected to scrutiny in an effort to discredit opponents. For the DS, this means attacking Samardzic’s and Kostunica’s conduct and plans, as well as possible financial expenditures associated with Kosovo, including double salaries.⁹⁹

On the diplomatic front, however, differences between the DS and DSS are less evident. Both appear committed to Kostunica’s hard line. The only major distinction is over engagement with the EU. Kostunica opposes this until the EU acknowledges Serbian sovereignty over Kosovo; Tadic wants a two-pronged approach, claiming that if Serbia enters the EU first, it could block Kosovo’s accession.

The DS is willing to be more flexible on day-to-day matters and opposes a violent and prolonged confrontation with the West over Kosovo, something the nationalist parties may actively seek. Sutanovac has claimed that some government parties – an obvious reference to the DSS and NS – sought military intervention and to send arms and ammunition to Serbs in Kosovo, which the DS prevented.¹⁰⁰ Some DS members hint that if they come to power, they may support a new Security Council resolution authorising EULEX deployment, but it is highly unlikely they would have parliamentary support, even if they formed a government.¹⁰¹

Until a new government is in place, which may not be until September or later, Kostunica (and Samardzic) will continue to run Kosovo policy. Should the DS succeed in forming a ruling coalition, it would be subject to blackmail from an unavoidable nationalist partner and face the threat of a vote of no confidence by a nationalist parliamentary majority should it wish to adopt a more

accommodating policy. If the SRS comes to power, policy could harden.

IV. THE STRUGGLE OVER EUROPE

A. VOTER AMBIGUITIES: EUROPE VS. KOSOVO

During Kostunica’s second mandate (15 May 2007 to 10 March 2008), two camps defined themselves clearly within the government; the DS and G17+ held sixteen of the cabinet posts, his DSS/NS bloc seven. The former were seen largely as pro-Western, pro-reform, the later as anti-Western, nationalist and pro-Russian. This division expressed itself most clearly when it came to the nation’s strategic orientation, with EU and Kosovo policies often the immediate points of contention.

Although pro-Western parties held a majority of the cabinet posts, nationalist parties – with the SRS the strongest among them – occupied 58 per cent of the parliamentary seats. Throughout the government’s brief tenure, the DS/G17+ made concessions to Kostunica out of fear that he might form a new governing coalition with the Radicals. The DS thought it had little manoeuvring space, especially if it wished Kostunica’s support for the presidency. After the first round of the presidential election on 20 January 2008 and Kostunica’s refusal to endorse Tadic, any pretence of agreement within the governing coalition ended. Nevertheless, Tadic was re-elected in the second round, with 50.5 per cent of the vote to Nikolic’s 47.97 per cent.

The division between political elites reflects a deep ambiguity within society. Opinion polls conducted by parties and embassies over the last seven years have consistently shown that more than 70 per cent of Serbs favour EU membership for their country. The same polls also show that for most Serbs this is largely an economic issue: most equate EU membership with a higher living standard. When respondents were asked to choose between the EU and Kosovo, post-Kosovo independence polls showed 43 per cent choosing Kosovo, 43 per cent the EU. When asked to choose between a European or “patriarchal”, that is, a conservative and nationalist Serbia, the numbers were 44 per cent and 40 per cent respectively.¹⁰² If the cost is perceived as

⁹⁸ “Dele Kosovo bez dogovore”, *Vecernje novosti*, 29 March 2008; and “Tadic: izborne radnje Ministra Samardzics”, *Dnevnik*, 22 March 2008.

⁹⁹ “Odselili se sa Kosova, sadrzali duple plate”, *Blic*, 6 April 2008.

¹⁰⁰ “Sprecili smo rat za Kosovo”, *Vecernje novosti*, 3 April 2008.

¹⁰¹ Crisis Group interviews, Brussels and Paris, March 2008.

¹⁰² Crisis Group interview, Serbian pollster who conducts confidential polls for a major party, 11 March 2008.

the loss of Kosovo, this clearly dampens Serbian enthusiasm for EU membership.

Yet, the 70 per cent in favour of EU membership means that even the most nationalist politician cannot win an election while openly opposing integration. Kostunica and even the SRS and SPS favour it publicly. Those who dislike the EU must attack it indirectly, through an issue more important to the electorate. That issue is Kosovo.

From 2005 to the eve of Kosovo independence, Brussels believed, though it did not say so openly, that it could get Serbia to tolerate that independence in return for accelerated EU membership.¹⁰³ It also hoped that by strengthening the country's European perspective, it could support its pro-Western democratic forces. This explains why even though Serbia did not fulfil conditions set for the signature of a Stabilisation and Association Agreement (SAA),¹⁰⁴ especially full cooperation with the ICTY, the European Commission kept moving the process along: starting and concluding the SAA negotiation, then initialling the agreement.

Save for strong resistance by a handful of member states, especially the Netherlands, the EU would have offered the SAA to Serbia at the end of January 2008, before Kosovo's independence declaration. EU foreign ministers instead suggested that a "political agreement" be signed on 7 February, in the hope this would swing public support decisively behind Tadic in the second round of the presidential elections and dampen resistance to Kosovo events.¹⁰⁵

The strategy failed, as already in December 2007 the DSS/NS announced they would block an SAA signing as long as the EU planned to send a mission to Kosovo without a UN resolution and did not guarantee the sovereignty of all of Serbia.¹⁰⁶ On 3 January 2008, Kostunica declared: "The EU must choose whether it wants to sign an SAA with Serbia or ... make a decision

to send a civilian mission to Kosovo".¹⁰⁷ Tadic's DS tried to soften this, by repeating the obviously false line that there was no linkage between the SAA and Kosovo.

When the EU approved its EULEX mission on 4 February,¹⁰⁸ Kostunica, Ilic and DSS ministers Loncar and Samardzic condemned it and called the "political agreement" unacceptable, unless it guaranteed Serbia's sovereignty over Kosovo and the EU suspended its Kosovo mission. All said that signing the agreement would be tantamount to recognising Kosovo's independence. Deputy Premier Bozidar Djelic (G17+) and the DS did want to sign the political agreement and sought cabinet approval, but Kostunica blocked them by threatening to call a parliamentary session, at which the nationalist majority would have prevented any action.¹⁰⁹

In the run-up to the Serbian elections, influential European policymakers have again started to promise that an SAA could be signed first. Such signature is likely to be a main topic at the 28 April General Affairs and External Relations Council (GAERC). EU Enlargement Commissioner Olli Rehn stated: "We don't want Serbia to give up on its European integration. Signing the Stabilisation and Association Agreement (SAA) would be a strong signal".¹¹⁰ This came after Javier Solana, the EU's High Representative for its common foreign and security policy, said on 8 April every effort should be made to sign the SAA with Serbia before 11 May. He justified this by the need to support pro-European

¹⁰³ Crisis Group interviews, senior EU officials, April 2005 to the present.

¹⁰⁴ The SAA agreement is conditional on compliance with democratic principles, respect for the obligations arising from the Dayton Accords, which ended the Bosnian war, and commitment to pursue economic reforms, establish good neighbourly relations and participate in regional cooperation, as well as country specific measures. The key condition Serbia has not met is full cooperation with the ICTY. See "Conditionality for the Western Balkans", EU Council Conclusions, 10 November 1997.

¹⁰⁵ "EU nudi Srbiji prelazni Sporazum", B92, 28 January 2008.

¹⁰⁶ "Saopštenje koalicije DSS-NS", 21 December 2007, at www.dss.org.yu/newsitem.php?id=5142.

¹⁰⁷ "Kostunica: EU da bira izmedju Srbije i misije na KiM", *Blic*, 4 January 2008. On 26 January 2008, shortly after the first round of the presidential election, Kostunica repeated that Serbia would nullify any SAA if the EU sent a Kosovo mission.

¹⁰⁸ The day after the second round of Serbia's presidential election, which Tadic barely won.

¹⁰⁹ On 5 February 2008, at a session of the government's foreign policy committee, chaired by Kosovo Minister Samardzic, Deputy Premier Bozidar Djelic tried to get Samardzic to put on the agenda a debate over the proposed EU political agreement. Under pressure from the DS and G17+, Samardzic allowed a procedural vote, which carried. He then halted the session. The DS called on Kostunica to hold a cabinet session to vote on the political agreement, knowing that with G17+ it could outvote the DSS and NS. Kostunica refused and called on the parliament speaker, Oliver Dulic (DS), to convene parliament, knowing that its nationalist majority would prevail.

¹¹⁰ Rehn in Christoph B. Schiltz, "Es wäre falsch, die Tür für immer zuzuschlagen", *Die Welt*, 21 April 2008.

forces in the elections and “send a clear message to the Serbian people that we care about them”.¹¹¹

Reactions in Belgrade were swift: the DSS, SRS and SPS criticised Solana for interfering in the election process.¹¹² Tadic said “every support from the European Union to Serbia is welcome, but I will never acclaim anyone’s interfering in the internal affairs in Serbia and the elections”.¹¹³ In spite of his protests, however, an EU official told Crisis Group the DS is lobbying for a pre-11 May signing.¹¹⁴ Tadic has said that Deputy Premier Djelic will sign, if this is offered.¹¹⁵

Kostunica has suggested that the draft SAA be amended to acknowledge Serbia’s sovereignty over Kosovo and has begun referring derogatorily to the document as “Solana’s agreement”.¹¹⁶ DSS Minister of Mining and Energy Aleksandar Popovic recently repeated the premier’s familiar position that “signing an SAA” would be tantamount to the “legalisation of the NATO state Kosovo”.¹¹⁷

Should the EU offer to sign an SAA with Serbia – possibly at the 28 April GAERC – it could have significant undesired consequences. The DS feels that a signing would give its electoral prospects a significant boost, but the party could face a significant voter backlash. The Radicals, DSS and NS have even threatened to initiate an impeachment proceeding against Tadic for violating the constitution by authorising signature of a document they claim acknowledges Kosovo’s independence.¹¹⁸

B. THE FALL OF THE GOVERNMENT

Following the independence declaration, it became clear that Kostunica aimed to use Kosovo as a political weapon

against Tadic. While Tadic and the DS condemned that declaration in terms nearly identical to Kostunica’s, they said Serbia should simultaneously continue with EU integration. Tadic accepted the nationalist premise, however, that Serbia could actually enter the EU only if Kosovo was accepted as an integral part of it. Splits in the governing coalition became increasingly apparent over whether Serbia should pay Kosovo’s foreign debt. The DSS/NS argued that to stop would be tantamount to accepting the loss of the province, while the DS/G17+ said paying would amount to financing separatists, and the money could be better spent on Kosovo’s Serbs and Serbia’s under-developed regions.¹¹⁹

In the two weeks leading up to Kostunica’s 7 March 2008 announcement that he would dissolve the government, both sides played a game of chicken over whether the government would fall. It was evident the DS would not pull out, even though it was in open conflict with the DSS/NS over the government’s most significant policy goal: EU integration.¹²⁰ Leaving, however, would risk trouble in its own ranks, as key party members and financiers would lose income and power.¹²¹ DS strategists feared the Radicals would do much better in a new election, after which they could form a government with Kostunica. In the meantime, the cabinet stopped meeting, due to Kostunica’s fear the DS would outvote the DSS/NS.

On 3 March, the Radicals introduced a draft resolution in parliament to impose conditions for resuming talks or signing agreements with the EU, including withdrawal of EULEX from Kosovo; withdrawal by EU member states of their recognition of Kosovo; and EU affirmation that Kosovo remains a part of Serbia. Their goal was to set conditions the EU could not fulfil, thus allowing them to portray Brussels as the side blocking integration.

On 5 March, when the issue came before the parliament, the speaker, Oliver Dulic (DS), announced it would be debated only after the government reported on the draft. That implied an indefinite delay, since the DSS and DS were still refusing to convene the cabinet, but that delay was also holding up several measures that

¹¹¹ Javier Solana, address to the Committee on Foreign Affairs of the European Parliament, 8 April 2008.

¹¹² “Kritike Solanine inicijative”, B92, 8 April 2008.

¹¹³ “Tadic: Niko da se ne mesa u izbore”, B92, 9 April 2008.

¹¹⁴ Crisis Group interview, EU official, April 2008.

¹¹⁵ Djelic had received such authorisation from the government earlier in the year. The Radicals have claimed that an SAA signing would be nothing more than a DS “marketing trick”, “Nikolic: Marketinski trik Tadica”, B92, 11 April 2008

¹¹⁶ This is an attempt to capitalise on the intense dislike most Serbs feel for Solana’s role as head of NATO during the 1999 bombing campaign and his engineering of the unpopular “State Union” with Montenegro, which led to Montenegrin independence. “Kostunica: Ne Solaninom sporazumu”, B92, 10 April 2008.

¹¹⁷ “Ilic: Imace problem ako potpisu”, B92, 13 April 2008.

¹¹⁸ Ibid.

¹¹⁹ See, for example, interview with Mladan Dinkic, “Zloupotreba Kosova”, *Vecernje Novosti*, 14 April 2008.

¹²⁰ Even as this conflict raged in the government, Djelic announced on 3 March 2008 that Serbia would unilaterally implement the SAA and planned to become a candidate member of the EU in 2008 and gain access to a visa-free regime with Brussels. “Vlada odlucila da primenjuje SSP”, B92, 3 March 2008. Though he claimed the government had agreed, its web site made no mention of any such decision.

¹²¹ Crisis Group interviews, DS insiders, January-March 2008.

were necessary if Serbia was to have access to hundreds of millions of dollars of aid from the EU and international financial institutions.¹²²

The next day the government did meet to discuss the measure and reported negatively to the parliament, with the DS/G17+ outvoting the DSS/NS. Tadic said, "Kosovo is not defended with resolutions", and he would sign an SAA immediately if Brussels offered it.¹²³ At this point the differences between the premier and the president were too large and too obvious to ignore. When Tadic refused to back down, Kostunica said he no longer had confidence in his coalition partner and the next day announced he would dissolve the government on 10 March.¹²⁴

Kostunica's announcement came as a surprise, since many had expected Tadic to retreat again in order to preserve the government.¹²⁵ Moreover, the most recent public opinion poll, conducted by the Medium-Gallup agency and published on 29 February, had shown the DSS/NS coalition as likely to win only 10 per cent in a new parliamentary election, down substantially from its 16.7 per cent in the January 2007 election.

V. NEW ELECTIONS

Political instability is taking its toll on the economy and governance alike. Supreme Court President Vida Petrovic-Skero announced there are 200 vacancies on the bench and a large case backlog, due to the parliament's failure to appoint judges.¹²⁶ A controversial gas deal with the Russian company Gazprom is on hold, awaiting parliamentary ratification.¹²⁷ The National Bank has raised the key interest rate from 10 per cent to 14.5 per cent¹²⁸ and been forced to intervene several times on foreign exchange markets to stabilise the dinar. With investor confidence shaken, the Belgrade Stock Exchange's

BELEX 15 index has lost 30 per cent of its value since the beginning of the year.¹²⁹ Standard and Poors has lowered the country's credit rating,¹³⁰ and local media increasingly report that food prices are higher than in major EU capitals.¹³¹

Investors are skittish: a major highway project was put on hold due to the reluctance of foreign banks to secure financing, and the winner of the privatisation tender for Serbia's largest mining complex was forced to forfeit after encountering similar problems. Even the legendary 1980s rock group KISS cancelled its planned 15 May concert, citing security concerns.¹³²

The May parliamentary election, however, may change little. Both nationalist and pro-Western forces will try to make it a referendum, whether on Kosovo or the EU. Kostunica claims the government fell because the coalition partners were unable to agree on Kosovo,¹³³ Tadic claims it fell because they could not agree on EU integration. The nationalists argue that the EU must choose between Kosovo and Serbia and cannot have both. Tadic continues to insist that Serbia can have both the EU and Kosovo.¹³⁴

Voters are mainly interested in the economy and Kosovo. In mid-March, after the north Mitrovica operation, for the first time in recent polling Kosovo became the highest priority issue, cited by 45 per cent of respondents.¹³⁵ But by mid-April, Kosovo and unemployment were in a virtual tie (39 and 38 per cent respectively), with low living standards also cited by 32 per cent.¹³⁶ The DS is vulnerable on all these issues and is selling EU integration as the way to improve the economy, while the SRS is claiming the DS and DSS presided jointly over eight years of corruption, which caused the low living standards and high unemployment.

¹²² "Tadic: nova vecina, nova vlada", B92, 5 March 2008.

¹²³ "Predsednik Boris Tadic: Kosovo se ne brani rezolucijama", 6 March 2008, at www.ds.org.yu/sr/index.php?option=com_content&task=view&id=4421&Itemid=1&lang=lat.

¹²⁴ "Kraj vlade, 11 maja izbori", *Blic*, 9 March 2008.

¹²⁵ Analysts were so certain the government would stay together that the influential, government-influenced newspaper *Politika* ran a front-page headline on Friday, 7 March 2008 reading: "The Government is Stable Until Monday" ["Vlada stabilna do ponedeljka"].

¹²⁶ "VSS: usporen rad pravosudja", B92, 14 March 2008.

¹²⁷ "Gasprom zabrinut", B92, 14 March 2008.

¹²⁸ See www.nbs.yu/internet/cirilica/scripts/showContent.html?id=2485&konverzija=yes.

¹²⁹ See www.belex.co.yu/.

¹³⁰ "Pada kreditni rejting Srbije", B92, 14 March 2008.

¹³¹ "Hrana u Srbiji skuplji nego u EU", B92, 12 March 2008.

¹³² "Security concerns force cancellation", *KISSonline*, 13 April 2008, at www.kissonline.com/news/; and "Kiss cancelled the concert in Belgrade", *Blic online* (English), 4 April 2008, at www.blic.co.yu/culture.php?id=1901.

¹³³ "Kostunica: bez saglasnosti o Kosovu", B92, 15 March 2008.

¹³⁴ "Srbija samo sa Kosovom i Metohijom moze biti clan EU", 1 March 2008, at www.srbija.sr.gov.yu/vesti/vest.php?id=84065.

¹³⁵ Followed by low living standards (31 per cent) and unemployment (28 per cent), "Bar tri partnera za formiranje vlade", *Blic*, 28 March 2008.

¹³⁶ "Strateski marketing: DS i SRS izjednaceni u Beogradu", *Blic*, 16 April 2008.

Post-Kosovo independence polling, which shows little change from early in the year, indicates that the election will not favour Tadic and the DS/G17+. Polls taken in mid-March showed that the SRS appeared likely to get 39 per cent of the vote, up from their 28.7 in 2007; the DS, together with the G17+, the League of Socialists of Vojvodina (LSV), the Sandzak Democratic Party (SDP) and the Serbian Movement of Renewal (SPO) could expect 37 per cent; DSS/NS 10 per cent; the SPS and LDP 6 per cent each; and the Hungarian, Roma and Albanian minority parties in total probably 2 per cent.¹³⁷ In Belgrade, which has been a traditional DS stronghold, polls now show that party in a dead heat with the SRS at 34.8 and 34.7 per cent respectively.¹³⁸

To form a government, the DS would need a partner from the nationalist bloc. The candidates would be the SPS, the DSS/NS or both. For now, it continues to make concessions in the hopes of winning Kostunica over. These include a recent vote permitting the extension of a highway project promoted by NS head Velimir Ilic and unwillingness to attack Kostunica aggressively.

Nevertheless, a government with the DSS/NS is unlikely for several reasons, including the increasingly personal animosity between the parties and their leaders,¹³⁹ their significant ideological differences and Kostunica's role in bringing down the previous coalition. The DS would also find it difficult to accept Kostunica's vision of a non-aligned foreign policy reminiscent of the Tito years.¹⁴⁰

The SPS has long been in the political wilderness, although Kostunica relied on its support for his minority government (2004-2007). It is eager to be in government, if for no other reason than to share in the financial and patronage opportunities, and will probably be open to whichever party can make the best offer, though its Leader, Ivica Dacic, has said it will not enter a government led by the DS.¹⁴¹

¹³⁷ "Bar tri partnera za formiranje vlade", *Blic*, 28 March 2008.

¹³⁸ "Strateski marketing: DS i SRS izjednaceni u Beogradu", *Blic*, 16 April 2008.

¹³⁹ Kostunica said, the DS and G17+ "cannot be believed in anything", "Kostunica: izbori su za ili protiv Srbije, ne za ili protiv Evrope", *Blic*, 30 March 2008.

¹⁴⁰ Kostunica has said, "membership in the EU will come in many, many years", and he has taken to comparing Serbia's future to that of Norway and Switzerland, both of which have chosen to stay outside the EU, "Srbija ne bira izmedju Rusije i EU", B92, 25 March 2008.

¹⁴¹ "DSS : Sa Tadicem nikada vise", *Glas Javnosti*, 10 March 2008.

The relations between the LDP on the one hand and the DSS and SPS on the other present a further problem. The LDP has said repeatedly it will not be in a government with the SPS, which it considers unreconstructed from when it was Milosevic's instrument. The DSS will not enter into any government with the LDP, which it views as ultra-liberal and willing to sell-out Kosovo.

In a problematic scenario the DS might have to partner with the DSS and SPS, which would create another seriously divided government, subject to many of the pressures that destroyed the most recent government, including parliamentary gridlock and schizophrenia over the EU. It would be subject to constant attacks in parliament and the media, threatened by an alternate nationalist parliamentary majority and compelled to behave in many respects like a minority government.

The more likely scenario is that the SRS Radicals will find it much easier to form a government than the DS. They share a similar ideology and world view with Kostunica's DSS. Their leader, Nikolic, has already hinted that his party may be willing to offer Kostunica a third opportunity as premier,¹⁴² something the DS insists it will not do.¹⁴³ The Radicals know they are short on experienced personnel, so would offer the SPS and DSS a far larger share of governmental posts than either could expect from the DS. Moreover, the Radicals now seem to want to come to power, something they previously shied away from. Such a government might be formed relatively quickly, but no matter which party ultimately puts a coalition together, the nationalists are considered almost certain to control at least 55 per cent of the parliament seats, sufficient to ensure that the government adheres to their agenda.

The nationalists need to keep Kosovo front and centre as a campaign topic, but this does not seem difficult. It is never far from the front pages. Tadic stated the obvious when he said the Bush administration's announcement the U.S. would send military aid to Pristina was "bad news" for the DS campaign.¹⁴⁴ The Serbian swimmer Milorad Cavic received a hero's welcome in Belgrade and met with both Kostunica and Tadic after he forfeited his European championship gold medal by wearing a "Kosovo is Serbia" t-shirt during the awards ceremony

¹⁴² "Najbolja vlada DSS i radikala", *Vecernje novosti*, 27 March 2008.

¹⁴³ "Kostunica nece biti premijer u Vladi DS", *Blic*, 14 March 2008; and "Sta SRS i DS porucuju lideru DSS-a", B92, 15 March 2008.

¹⁴⁴ Tadic: odluka Busa da isporuci oruzje – losa vest", *Danas*, 21 March 2008.

in Eindhoven. The Haradinaj acquittal at The Hague caused another sensation.

The SRS and DSS are also on the offensive over issues related to the economy, living standards and corruption, on which the pro-Western forces are viewed as highly vulnerable. This includes questioning the wealth of DS and G17+ officials and insinuating they are corrupt, as well as questioning controversial privatisation deals. The DS is trying to disassociate itself from Milosevic-era tycoons with which its top officials had earlier been seen in public.¹⁴⁵ But Kosovo is always in the background; Nikolic even began his party's parliamentary campaign in the Serb enclave of Gracanica on 6 April.

While the pro-Western parties seek to portray the election as a referendum on the country's European future, Kostunica calls it an election "for or against Serbia, not for or against Europe".¹⁴⁶ The Serbia that would emerge from a new nationalist alliance after such a bitter campaign might well be one in which those who disagreed with the nationalist line and Kostunica's isolationist impulses were demonised. SPS leader Ivica Dacic has already called for a reckoning with civil rights activists and the LDP and has hinted at a return to the Milosevic-era tactic of governing via crisis.¹⁴⁷ There are indications the SRS might be prepared to do this by, for example, stirring up tensions in the ethnically-mixed Vojvodina region.¹⁴⁸

Further large demonstrations to intimidate Belgrade's liberal elite are certainly conceivable. Civil society advocates, human rights activists, independent media and those who do not accept the nationalist majority's

homogenising impulses have already begun to come under stronger attack. A new government might also be tempted to support secessionists in Bosnia's Republika Srpska.

These dangerous scenarios are far from inevitable, but it is probable that whatever the outcome of the election, Serbia will continue to suffer from ineffective governance. Following the December 2003 parliamentary election, three months were needed to form a government. In 2007, after nearly four months of negotiations, a midnight deadline for calling a new election was averted by only a few hours. The 11 May 2008 election may be followed by similar delays. The constitutional deadline for forming a government will be September; if the DS tries to put together a coalition, Serbia could be without a functional administration throughout the summer, leaving Kostunica firmly in control of both the government and Kosovo policy. If new elections have to be called, Kostunica's caretaker government might even last into late winter of 2009.

In the meantime, the EU should anticipate being forced to do exactly what Kostunica has said it will have to do: choose either Serbia or Kosovo, because at least for the near- and mid-term, Belgrade politics will not permit it to have both. An SAA without the condition of full cooperation with the ICTY would be a misguided attempt to support democratic forces before the elections and orchestrate a policy shift on Kosovo in Belgrade. Appeasement has already failed in the Balkans for over a decade and a half.

Belgrade/Pristina/Brussels, 23 April 2008

¹⁴⁵ "Tadic vratio gradu milijardu evra", *Blic*, 5 April 2008.

¹⁴⁶ "Kostunica: izbori su za ili protiv Srbije, ne za ili protiv Evrope", *Blic*, 30 March 2008.

¹⁴⁷ "Jos nije gotovo", B92, 22 March 2008.

¹⁴⁸ "Kostres trazi reagovanje", B92, 27 February 2008.

APPENDIX A

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