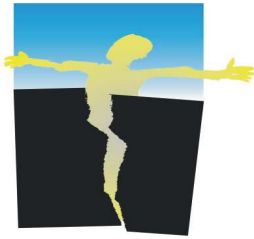


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Serbia and Croatia: Past Still in the Way

Almost two decades after the end of the war and fourteen years after the establishment of diplomatic relations, Serbia and Croatia still move from one crisis to another – each reviving traditional and carefully cherished mutual animosities. Belgrade is responsible for such oscillations in the first place: not only when it comes to Croatia but also for the entire region. Official Belgrade recognizes regional realities with leaden step unwilling to acknowledge “new” borders.



The predominant political and intellectual elites in Serbia are not ready yet to distance themselves from the legacy of Milosevic’s era and Milosevic’s warring policies. This hampers objective analysis of the chronology and context of the developments of 1990s on the one hand, and generates misunderstanding and tensions weighting Belgrade-Zagreb relations on the other. Many burning problems (the borderline issue, return of refugees, property rights, etc.) are being shelved therefore.

Serbia’s and Croatia’s position in the region and their responsibility for regional stability make their mutual relations even more complex.

Above all, the two countries share responsibility for Bosnia-Herzegovina. Unlike official Zagreb that clearly distances itself from any paternalism over Bosnian Croats, official Belgrade openly supports Republika Srpska as an autonomous and statelike entity. Serb strategists maintain status quo as they expect territorial aspirations – on the account of which the war in 1990s was waged in the first place – to come true sometime in future.

Serbia specifically reproaches Croatia for recognizing Kosovo and establishing diplomatic relations with Prishtina at ambassadorial level. According to some analysts, recognition of Kosovo’s independence placed Belgrade-Zagreb relations at the lowest point ever since 1996 when the two established diplomatic relations. Belgrade’s officials and the media were most angered at the fact that Croatia was the only ex-Yugoslav republic (and the only neighboring country besides Bulgaria) to advocate Kosovo’s right to independence before the International Court of Justice.

By applying for EU candidacy in December 2009, Serbia officially joined the club with Croatia that had reached a political consensus on its European future much earlier and is now practically at the threshold of Brussels. EU rules of conduct in bilateral relations – Zagreb is duty-bound to obey for some time and Belgrade by its application for candidacy – will considerably determine the dynamics of this regionally crucial relation. Such a new frame opens up

prospects for the entire region. Despite the fact that each of the two countries aspires to regional leadership, new circumstances may invest their rivalry with a new, positive dimension.

What may lead to such a conclusion? Both sides were by far more reserved than expected when commenting the latest developments dealing with Croatia's charge against Serbia and Serbia's counter-charge. Serbia's Foreign Minister Vuk Jeremic described them as "a pure symmetry." It was on December 31, 2009 that Serbia filed a counter-charge against Croatia for genocide of Serbs before the International Court of Justice in The Hague.

A chance paradox

In 1999 Croatia filed a charge against Serbia (FRY at the time) for aggression and genocide before the International Court of Justice. As the ICJ had to decide first whether or not it was authorized to rule in the case, the charge has been shelved for years. When in 2008 the ICJ affirmed its competence the atmosphere in both countries became heated. Serbia immediately announced a counter-charge that had been prepared for over a year.

Serbia's media and officials differently reacted to the announced counter-charge. President Boris Tadic was reserved when commenting the breaking news that the counter-charge was ready and waiting to be sent, the media run in late December 2009. He said the counter-charge "should wait for a while" before being sent to The Hague. However, only a couple of days later (on December 31, 2009) Tadic said that after consulting Premier Mirko Cvetkovic he decided to have the counter-charge forwarded to the ICJ.

For his part, the then presidential candidate, Ivo Josipovic, also gave two mutually contradictory statements in the period of couple of days only. Josipovic first underlined he was among co-authors of the Croatian charge and claimed its withdrawal was out of the question. However, when commenting Serbia's counter-charge for Belgrade-seated media, he said, "Croatia filed its

charge at the time Serbia had a different policy... Things have changed in the meantime and the charge serves its original purpose no more."¹



Ivo Josipovic

Indicatively, legal experts and analysts from both countries warn that the outcome of proceedings before the highest international court will not satisfy either side. Most of them take that ICJ judges will hardly qualify destruction and crimes Serb forces (under the auspices of YPA) committed in Croatia in 1991 or the crimes by Croatian forces during liberation of the country in 1995 as genocide.

The argumentation and the rhetoric of Serbia's counter-charge rather associates it with the atmosphere in the eve of 1990s wars and the policy of Milosevic's regime. Commenting this resemblance and Vojislav Kostunica's application for FRY's membership of UN in 2000, professor of international law Vojin Dimitrijevic says the act itself should have manifested "discontinuity with Slobodan Milosevic." "Now we are defending everything he has done. So, why did we oust him in the first place?" says Dimitrijevic.²

Reactions by politicians and public figures

Unlike rightist-nationalistic parties, advocates for EU course in Serbia and Croatia alike take that the ICJ is not the right place for settling mutual disputes. Leader of the Liberal Democratic Party /LDP/ Cedomir Jovanovic says that the Serbian government's policy towards most countries in the region is still wrong and harms the relations with those with which Serbia should cooperate best. Serbia should lead a wise foreign policy, the one that "responds not

¹ Kurir, January 5, 2010.

² Politika, January 5, 2010.

to a mistake by making another mistake,” says Jovanovic.³

Damir Kajin, vice-president of the Istrian Democratic Alliance, responds in about the same way. In Croatia, nobody can deny that Croatia was a victim of aggression the same as nobody can hush up the crimes committed by the Croatian side, says Kajin, adding, “Instead of preoccupying ourselves and others with charges we should better try to solve the problems of return, war crimes, reconstruction of states, etc.”⁴

However, “right-wing” oppositionists hold the counter-charge not only justified but, moreover, late – i.e. Serbia should have filed a charge against Croatia first. This is the opinion voiced by the vice-president of the Serb Progressive Party, Aleksandar Vucic⁵ and strongly shared by Milosevic’s ex-foreign minister, Vladislav Jovanovic. According to Jovanovic, the counter-charge should have been filed ten years ago. “We should have spoken the same language they used while speaking to us, the more so since they are heavily burdened by historical experience we don’t have: a real genocide of Serbs in WWII.,” says Jovanovic.⁶

Djordje Vukadinovic, chief editor of the New Serb Political Thought, complains that no one seems happy with Serbia’s counter-charge: neither the opposition nor leaders of Serbs in Croatia, whereas “some from the regime seem ashamed at having to deal with these ‘remnants of the past.’” For Vukadinovic, filing of the counter-charge is welcome no matter how late. He adds, however, “No charge whatsoever will be of any avail to us unless Serbia changes its attitude towards national interests and state issues.”⁷

For Croatian politicologist Zarko Puhovski, motives behind the change and the counter-charge are political rather than legal.⁸ Vuk Draskovic, leader of the Serb Renewal Movement, was among the few in Serbia

criticizing Serbia’s counter-charge. He pleaded against the use of the counter-charge for “inciting anti-Croatian sentiments in Serbia.”⁹

Croatia’s Serbs

Every growing tension between Belgrade and Zagreb disadvantages the Serb community in Croatia. Their leaders constantly warn about this fact and appeal to both sides to think rationally and try to solve problems without resentment and strong emotions. This refers to the present charge and counter-charge too. We must do our best to make the odds for withdrawal of the changes realistic, said Milorad Pupovac. “It’s time to sober up and open a new chapter of relations through dialogue on crucial issues. Withdrawal of all charges could provide a foundation for an agreement leading both Croatia and Serbia towards EU,” he said.¹⁰

Vojislav Stanimirovic of Pupovac’s party shows more understanding for Serbia’s motion because Croatia’s Serbs’ lobbying for withdrawal of the charge by Zagreb was in vain. For him, the counter-charge is “the only way to prove what really happened.”¹¹

Refugee associations in Serbia persistent in their grudge against Croatia are the loudest in their support to Serbia’s government counter-charge. These are the same organizations that come handy to official Belgrade whenever it needs to raise tensions with Croatia.

What is the point of counter-charge?

Apart from being “a pure symmetry,” Belgrade’s counter-charge is meant to force Croatia to give up its charge. The pressure on Croatia from Belgrade has been behind the scenes for long but filing of the counter-charge practically revealed this endeavor. According to a news story run in the *Blic* daily, Belgrade dispatched “a truck loaded with documents and evidence” to the ICJ – a piece of information meant to make the whole motion more convincing.

The greatest part of the documentation sent to The Hague are “documents and evidence material” related to the crimes committed in WWII.

³ Kurir, January 5, 2010.

⁴ Ibid.

⁵ Danas, January 6-7, 2010.

⁶ Politika, January 5, 2010.

⁷ Politika, 5. januar 2010.

⁸ Izjava za Fonet, prema Politici, 5. januar 2010.

⁹ Pravda, 5. januar 2010.

¹⁰ Blic, 5. januar 2010.

¹¹ Glas javnosti, 5. januar 2010.

This leads to the conclusion that the Serb side tries to “legitimize” the war and war crimes of early 1990s. Moreover, professor of international law Radoslav Stojanovic said that the /sent/ documentation was “a historical introduction interpreting and throwing light on the developments in 1991.”¹²

Such interpretation marking Serbia’s public discourse on the eve and during the 1990s wars actually hampers the possibility for an out-of-court settlement of the basic dispute between Croatia and Serbia. As of lately, top officials from both sides no longer rule out the possibility for such a settlement.

For instance, Boris Tadic says, “We wish to believe that Croat and Serb institutions would sit around a table in the future and try their best to reach an out-of-court settlement that would be fair and satisfy justice.”¹³ Ivo Josipovic denies not that in the past years Serbia has made progress when it comes to returning of Croatian piece of arts, war crimes trials and tracking down missing persons and appeals, hence, to continuation of such efforts, which, as he puts it, may lead to an agreement. However, “defining the causes of the war” needs to be an outcome of such efforts, he says.¹⁴

Miroslav Lazanski, outstanding columnist of the *Politika* daily, also points out to such a possibility. “Tadic and Josipovic should meet as soon as possible, like De Gaulle and Adenauer did, so as to have inasmuch as possible booty returned and all war criminals put on trial. And both sides should finally stop revising history,” says Lazanski.¹⁵

Croatia always seen as a scapegoat

The charge issue is not the only reason behind the latest growing tension between Belgrade and Zagreb. Belgrade strongly responded to President Stjepan Mesic’s visit to Kosovo. Firstly scheduled for January 7, the Eastern Orthodox Christmas,

¹² Blic, January 5, 2010.

¹³ Pravda, January 5, 2010.

¹⁴ Kurir, January 5, 2010.

¹⁵ Politika, January 9, 2010.

and then postponed for a day, the visit was, as President Mesic put it, “in the function of strengthening bilateral relations, primarily at state level.”¹⁶ Official Belgrade, however, interpreted it as a provocation.

It is because of Kosovo in the first place that Belgrade-Zagreb relations are at the lowest point since the two countries established diplomatic relations. Not only has Croatia recognized Kosovo but its representatives have also argued for Kosovo’s right to independence before ICJ invoking the 1974 Constitution. For its part, Serbia also invoked the 1974 Constitution at the time it annulled Kosovo’s and Vojvodina’s autonomies, and used the same argumentation: the status of Kosovo was federal, which was at Serbia’s detriment.

The outgoing president, Stjepan Mesic, chose Prishtina for his last official visit (January 8, 2010). By making this gesture he wanted to manifest once again his longstanding political endeavor for recognition of a new regional reality or, as he put it, a new architecture. Addressing Kosovo MPs he emphasized the need for everyone to accept new realities as soon as possible and appealed to the countries that have not recognized Kosovo yet to do it.



Serbia needs not join this club, he said, but should find a modus vivendi with Prishtina in foreseeable future. He appealed to the Serb community in Kosovo to partake in the country’s political life and thus contribute to the solution of the problems of its everyday existence.

Serbian media have criticized Croatian President’s plan to visit Kosovo for days before the visit actually took place. They usually placed the visit in the context of Mesic’s “well-known malevolence for Serbia.” On the other hand, they hardly missed a chance to stress that

¹⁶ Kurir, January 8, 2010.

Mesic was an outgoing president. In an interview with TV B92, Foreign Minister Vuk Jeremic said Mesic had “small specific gravity.”¹⁷

On the same day Mesic was in Prishtina, President Boris Tadic was the only official in Serbia to issue a release saying that Mesic’s decision to visit Kosovo was “among the decisions that efficiently mar relations with Serbia.” However, his release gave more room to and was by far more critical about the fact that only a day earlier Stipe Mesic amnestied Sinisa Rimac, convicted to eight-year imprisonment for the crimes against Serb civilians in Pakracka Poljana in late 1991.

Serbia’s opposition parties, particularly the Serb Progressive Party /SNP/ and the Serb Radical Party /SRS/ strongly responded to both decisions (visit to Kosovo and amnesty for Rimac). The Serbian Renewal Movement /SPO/ called them irresponsible, whereas SRS said, “The visit to the so-called state of Kosovo and amnesty for a Croatian ex-policeman testify that Croatia sticks to its plan for Serbia’s disintegration.” Referring to the amnesty for policeman Rimac, Aleksandar Vucic, SNS vice-president, said, “It illustrates the attitude of the Croat state and Croat leadership towards Serb people.” As for Oliver Ivanovic, state secretary for Kosovo and Metohija, he said, “Mesic should have better asked to visit Belgrade as that would have been a message for future Serb-Croat relations and for the entire region too.”¹⁸

Serbia’s relations with the countries emerging from ex-Yugoslavia, with Croatia in the first place, cannot truly normalize as long as Serbia denies new realities in the region and its responsibility for aggression against Slovenia, Croatia, Bosnia-Herzegovina and Kosovo.

The plan for normalizing regional relations through “balanced responsibilities” turned ineffective since all neighboring countries perceive the events in 1990s from their specific angles.

Regional relations can be normalized only within an objective context providing objective chronology.

Up to now, regional cooperation – notably at political level – has been EU’s precondition to all countries aspiring at its membership. However, Serbia has skillfully used its “potential for blackmail,” no matter how much reduced, in its relations with EU and countries in the region alike.

Notwithstanding many hurdles, regional relations have reached a certain level but cannot move any further unless Serbia takes a constructive attitude towards its neighbors. For official Belgrade Croatia has always been the biggest challenge – in both positive and negative sense. Positive, because it implies competitive spirit that can be a driving force in terms of cooperation. Negative, because Croatia is always seen as a scapegoat when it comes to ex-Yugoslavia’s disintegration.

Besides, the strategic goal of Serbia’s still strong anti-European bloc is to obstruct Croatia’s course towards EU. Therefore, in arguing against Croatia this bloc constantly refers to the WWII to justify the developments in 1990s. Refugees from Croatia and the issue of return are strongly instrumentalized in this context. In fact, official Belgrade has done all in its power to prevent them from returning to their homes while presenting the refugee problem to the international community as an argument against Croatia’s accession to EU.

Serbia’s counter-charge strategically aims at forcing Croatia to drop its charges. As it seems, the charge-counter-charge issue will be the hallmark of a new stage in the relations between the two countries. However, even in the event of an out-of-court settlement Serbia should officially distance itself from Milosevic’s policy and acknowledge its responsibility for destruction of Croatian town and expulsion of non-Serb population from 30 percent of Croatia’s territory in early 1990s.

¹⁷ B 92, December 8, 2009.

¹⁸ www.b92.net, January 9, 2010