

Regional Report: Belgrade NATO Lawsuit 'Irrational'

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Serbia-Montenegro's attitude towards the alliance may not be as illogical as it seems.

Belgrade is pressing ahead with moves to sue NATO, yet remains hopeful of inclusion in the alliance's Partnership for Peace, PfP, programme.

The authorities here are pursuing a lawsuit against the alliance for the 1999 bombing of Yugoslavia.

At the same time, Defence Minister Boris Tadic recently said he was confident the country would be admitted to the PfP by the end of the year, apparently basing his prediction on the fast-paced military reforms instituted after the March 12 assassination of Serbian prime minister Zoran Djindjic,

Western observers, unsurprisingly, view Belgrade's thinking as illogical. "It is not easy for NATO leaders to understand why Belgrade wishes to join Partnership for Peace, while, at the same time, it is instituting international proceedings against NATO members," said British ambassador to Serbia and Montenegro, Charles Crawford.

However, like so many seemingly incongruous policies in what was once Yugoslavia, there is a rational explanation for Serbia-Montenegro's actions.

Belgrade's lawsuit against NATO at the International Court of Justice, ICJ, accuses the United States, Great Britain, Germany, France, Italy, the Netherlands, Canada, Belgium, Spain and Portugal of breaking international law by launching air strikes without Security Council approval.

As a pre-condition for PfP membership, NATO has insisted that Belgrade cooperate with the Hague war crimes tribunal, sever links with the Bosnian Serb army, reform its own military and drop its lawsuit at the ICJ.

Western diplomats said they assumed Belgrade would comply with all of the requests. It has agreed to the first three conditions, but insists it simply can't drop the charges against NATO. Serbia-Montenegro argues that the latter are an insurance policy against lawsuits Bosnia and Croatia have filed against Yugoslavia at the ICJ.

Both the former Yugoslav republics have accused Belgrade of aggression and genocide, and, in if the ICJ rules in their favour, government officials fear they may have to pay considerable war damages.

Serbia-Montenegro seems deeply concerned by the Bosnian and Croatian lawsuits. Some have speculated that its unwillingness to provide the tribunal with access to state archives is not an effort to undermine the trial of Slobodan Milosevic, but rather an attempt to make sure the documents remain under lock and key so that they can't be used against it at the ICJ. (See related story - Milosevic courtside)

Although it seems absurd to threaten to sue an organisation it desperately wants to join, many analysts in Belgrade have praised the government's approach.

They believe that America would seek to persuade Bosnia and Croatia to take their cases no further in return for Serbia-Montenegro withdrawing its action.

Diplomatic sources have told IWPR that Belgrade has already privately indicated that it will eventually rescind its lawsuit against NATO, giving the theory some plausibility.

Commenting on the apparent strategy, Predrag Simic professor at the Faculty of political science said, "USA has found itself in a situation where it has to make a judgment. The lawsuits against us and the lawsuit against NATO are closely interlinked."

Representatives of anti-war groups in the country have, however, criticised the government's tactics, saying they prevent an open discussion of Serbia's role in the wars of the Nineties.

Biljana Kovacevic-Vuco, the chairperson of the Lawyers' Committee for Human Rights, said if the authorities admitted that its predecessors bore responsibility for the crimes committed in Croatia and Bosnia and expressed its sympathy for the victims, this would not only help people in Serbia-Montenegro to come to terms with their past but, most likely, persuade Zagreb and Sarajevo to withdraw their lawsuits and settle out of court.

"The fact is that an aggression had been carried out and, the truth be told, there was a genocide as well, and this has to be considered. It is a confession and compassion that victims need, and Serbia persistently keeps avoiding this," said Kovacevic-Vuco.

"Much of Germany's war debt was written off after German Chancellor Willy Brandt went to Szczecin and bowed before the victims."

Whether Belgrade eventually withdraws its lawsuit against NATO or not, she disapproves of the case, arguing that it deflects attention away from Slobodan Milosevic's responsibility for the war in Kosovo together with the subsequent bombardment of Serbia and may also be used by some in the government as a pretext for slowing down the reform process.

"That lawsuit must not be an argument for the postponement of reforms, because they are much more important than the uncertain outcome of that lawsuit," she said.

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