

## **Serbs May Pay for Bosnia NATO Setback**

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Failure to join PfP programme could result in dismissals and even constitutional changes to Republika Srpska.

As NATO prepares to deny Bosnia and Herzegovina membership of the Partnership for Peace programme, PfP, at the alliance summit this month, calls are growing for the Bosnian Serbs to pay a penalty for its rejection.

Though western diplomats are keeping their cards close to their chest at this stage, fingers of blame are certain to be pointed at Republika Srpska, RS, for its role in war crimes.

The failure of RS to arrest a single suspect wanted by the International War Crimes Tribunal, ICTY, is the main reason – though not the only one – why NATO will reject Bosnia's request to join PfP, western diplomats say.

According to several sources in international bodies working in Bosnia, the RS can expect penalties that range from dismissals of officials to financial sanctions and even constitutional changes.

At home, a "No" from NATO will inflict more wounds on the unstable and fragile Bosnian state, as future PfP membership seemed virtually assumed as recently as late 2003.

State and entity politicians believed recent military reforms establishing a unified command system (though not a unified army) would guarantee Bosnian membership of the alliance programme alongside other ex-communist states.

Now it is clear that Bosnia, together with Serbia and Montenegro, will remain the only two Balkan states outside the PfP fold, owing to NATO's dissatisfaction with their failure to arrest war crime suspects.

On a visit to Bosnia at the end of May, NATO secretary-general Jaap de Hoop Scheffer spelled out the alliance's discontent in blunt terms. The chances of Bosnia joining the PfP this year were "close to zero", he said.

"The order of things for NATO is war criminals first and PfP later, not the other way around," he explained.

Western diplomats, in and outside Bosnia, tried to calm the shock these words caused by expressing confidence that the RS could deliver its indicted former leader, Radovan Karadzic, who is at the top of the wanted list, in time for the summit.

But as the Istanbul summit dates of June 26-28 loom ever closer, these hopes are starting to look forlorn.

Official statements from the RS suggest there is scant chance of seeing Karadzic behind bars by the time the delegations leave Turkey.

Zoran Djeric, the RS interior minister, last week admitted it would be impossible to resolve the issue of cooperation with the tribunal by the time of the summit, suggesting "the end of the year" as a more realistic deadline.

"The general matter of cooperation with the ICTY cannot be solved by June 28," he said.

However, the international community has explicitly said it will hold the RS leadership responsible for Bosnia's failure to join PfP.

Paddy Ashdown, the High Representative to Bosnia and Herzegovina, said recently that the RS's refusal to hand over indicted war criminals even placed a question mark over its very status.

"Republika Srpska is weakening its legitimacy by failing to meet its international obligations, because the very existence of the RS is based on this," Ashdown said.

While Ashdown's warning created a furore in the RS, where politicians criticised it as "counterproductive", IWPR has learned that Ashdown's office, the OHR, is considering a range of options, from dismissals of individual officials to financial sanctions.

Prime targets for removal are the interior minister and the police chief, according to the OHR director of communications, Julian Braithwaite.

"If Bosnia and Herzegovina is not admitted into the PfP, the OHR will primarily hold responsible RS interior minister Zoran Djeric and police chief Radomir Njegos," Braithwaite told IWPR.

Djeric and Njegos are at the front of the firing line as they are seen as most directly responsible for the apparent free movement of indicted war criminals in the RS.

But IWPR has learned they are not the only two who could be dismissed or banned from political activity.

The OHR is believed to be studying a list of six or seven members of the ruling nationalist party in the RS, the Serbian Democratic Party, SDS, who could also be removed after NATO's June summit.

None of the names are top SDS leaders. They are all regional party chiefs, mainly from the eastern part of the RS, which is where Karadzic and many other indictees are suspected of hiding.

If the OHR imposes financial sanctions, they are likely to target individuals rather than the ruling party, as the SDS has been under sanctions for two months already.

In April, Ashdown froze all state, entity and municipal payments to the SDS on the grounds that it continued to maintain illegal financial ties to its fugitive founder, Karadzic.

Ashdown has proved willing to go after individuals he suspects of bankrolling or otherwise aiding war crime suspects. Over two years in office, he has frozen the bank accounts and placed travel bans on more than 20 people.

One international source mentioned a third possible sanction against the RS; this would take the form of constitutional changes that would strengthen state institutions at the expense of the entities.

While many Bosnian Muslims, or Bosniaks, hanker for the outright abolition of the RS as an entity, this is likely to remain in the realm of political fantasy, however.

When Sulejman Tihic, Bosniak member of the country's tripartite presidency, recently called for the abolition of entities, Dragan Kalinic, speaker of the RS assembly, warned the statelet would not go without a fight.

Such calls could "rekindle the fire, which it was believed had been finally extinguished", Kalinic told an RS television station.

"Sulejman Tihic and his like will not be able to abolish Republika Srpska because the Serbian people formed it and the Serbian people will defend it," he warned.

As the public in both entities awaits the outcome of the summit, some voices in the international community are questioning the point of penalising the RS now for failures recorded a long time ago, however.

As one member of an international body in Bosnia told IWPR, imposing punishment after - rather than before - the NATO summit "is not a good example of effective governance".

A western diplomat in Bosnia expressed similar concern. "If we already know which institutions and individuals have obstructed progress in this country, and if we have known they would continue to weave a web of deceit and offer words but not actions to take this country further on the road to Europe, why wait until after the target is missed to act?" he said.

In a study published last week, the International Institute for Middle-East and Balkan Studies, IFIMES, a think-tank based in Slovenia, not only blamed the RS for Bosnia's failure to join PfP but also Bosnia's state institutions and the international community.

Unpicking Bosnia's likely setback, IFIMES said the degree of responsibility for the PfP fiasco was "undeniably higher at the level of institutions of the RS....though the responsibility of institutions of Bosnia and Herzegovina cannot be ignored".

It also said that while the SDS and its policies constituted the main hindrance to Bosnia's admission to the PfP programme at the same time the "empowerment" of the SDS in the RS had been "substantially backed by the High Representative, who presented the national parties as reform parties".

The RS authorities' disregard of Bosnia's international obligations is illegal under Bosnian law. Officials throughout the country are required by Chapter 20 of the new Bosnian criminal code introduced last year to take action when the ICTY issues orders.

Any "official person" in state, entity or Brcko District governments can face up to 10 years in prison if he or she "refuses to act upon the order of the international criminal tribunal to arrest or detain or extradite (war criminals) to the international criminal tribunal", the law says. The same applies to officials who prevent enforcement of the tribunal's orders.

Bosnian law also prescribes sentences of up to three years in prison for anyone who knows where an indictee is and doesn't come forward, or who helps or hides an indictee.

The Sarajevo government's success in turning over war crimes indictees depends on the goodwill of the RS police – which has so far been limited to one bungled raid in April that not only failed to bring in suspect Milan Lukic, but left his brother dead.

While the RS political establishment wonders what lies ahead, the whole of Bosnia will feel the consequences of Karadzic's continued liberty, for NATO's negative reply is likely to mean more than a delay over the PFP.

The alliance's "No" will slow the whole reform process and have a knock-on effect on the European Commission's reply to Bosnia's request to open negotiations on a Stabilisation and Association Agreement, SAA, with the European Union. That, too, is likely to be negative.

As Michael Humphreys, head of the EC delegation to Bosnia, told IWPR, "The EU and NATO are not the same thing, but when it comes to cooperation with the tribunal our status is more or less the same."

"Since NATO will consider Bosnia and Herzegovina's membership application before us, if its reply is negative we simply won't be in a position to ignore it," he added.

"This is another victory for Karadzic," said Antonio Prlenda, a journalist who writes on military issues for the Bosnian and international press. "Europe allowed Karadzic to do what he did for four years, and now they're punishing the whole country – this is not fair."

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