

Serbia

by Slobodan Markovich

Capital: Belgrade
Population: 7.4 million
GNI/capita: US\$9,830

The data above was provided by The World Bank, *World Bank Indicators 2009*.

Nations in Transit Ratings and Averaged Scores

| | Yugoslavia | | | | Serbia | | | | | |
|-------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| | 1999-2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
| Electoral Process | 5.50 | 4.75 | 3.75 | 3.75 | 3.50 | 3.25 | 3.25 | 3.25 | 3.25 | 3.25 |
| Civil Society | 5.25 | 4.00 | 3.00 | 2.75 | 2.75 | 2.75 | 2.75 | 2.75 | 2.75 | 2.75 |
| Independent Media | 5.75 | 4.50 | 3.50 | 3.25 | 3.50 | 3.25 | 3.25 | 3.50 | 3.75 | 3.75 |
| Governance* | 5.50 | 5.25 | 4.25 | 4.25 | 4.00 | n/a | n/a | n/a | n/a | n/a |
| National Democratic Governance | n/a | n/a | n/a | n/a | n/a | 4.00 | 4.00 | 3.75 | 4.00 | 4.00 |
| Local Democratic Governance | n/a | n/a | n/a | n/a | n/a | 3.75 | 3.75 | 3.75 | 3.75 | 3.75 |
| Judicial Framework and Independence | 5.75 | 5.50 | 4.25 | 4.25 | 4.25 | 4.25 | 4.25 | 4.25 | 4.50 | 4.50 |
| Corruption | 6.25 | 6.25 | 5.25 | 5.00 | 5.00 | 5.00 | 4.75 | 4.50 | 4.50 | 4.50 |
| Democracy Score | 5.67 | 5.04 | 4.00 | 3.88 | 3.83 | 3.75 | 3.71 | 3.68 | 3.79 | 3.79 |

* Starting with the 2005 edition, Freedom House introduced separate analysis and ratings for national democratic governance and local democratic governance to provide readers with more detailed and nuanced analysis of these two important subjects.

NOTES: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

EXECUTIVE SUMMARY

The year 2008 represented a serious test for Serbian democracy with pro-democratic parties narrowly winning the presidential and parliamentary elections. By the last quarter of the year, the opposition, consisting mostly of nationalistic parties, fragmented to a surprisingly high degree. Previous political division between pro and anti-Milošević parties has disappeared since what had been left of Milošević's party joined the democratic block. The main opponent of reforms after 2000, the Serbian Radical Party, split. Its splinter, the Serbian Progressive Party, has advocated a surprisingly pro-European agenda. The party of former prime minister Koštunica, the Democratic Party of Serbia (DSS), refused to enter into negotiations with the new coalition at all levels and eliminated the last traces of hope for a democratic coalition. A "pro-European" coalition of political parties was formed in August and now includes a coalition partner from the Milošević era.

The pro-western president, Boris Tadić was re-elected in February with the smallest margin in recent Serbian parliamentary history. This victory triggered a series of unexpected electoral victories for the Democratic Party despite the explosive atmosphere created after the proclamation of Kosovo's independence.

The independence of Kosovo was a key political issue for Serbia in 2008, and the government remained determined to oppose it through instruments of international law. A compromise between Serbia and the EU on the European Union Rule of Law (EULEX) Mission was achieved at the end of November 2008.

The economy remained relatively stable. However, signs of decline became visible in the last quarter of 2008, amid fears that the effects of the global financial crisis might seriously affect Serbia in the first half of 2009.

National Democratic Governance. Kosovo's proclamation of independence in February and elections at all levels were key events for Serbia in 2008. In spite of some difficult moments for pro-European parties, most succeeded in winning elections at all levels in Serbia and found a *modus operandi* with the European Union regarding Kosovo. The main opposition, the ultra-nationalist Serbian Radical Party (SRS), split in September. And on October 10, a new party, the Serbian Progressive Party (SNS), was registered with a more moderate program. *As the year ended with the surprising consolidation of the pro-European parties, marginalization of the DSS, split of the SRS, and a stable political system, Serbia's rating holds steady at 4.00.*

Electoral Process. Free and fair elections were held at all levels in 2008. In January and February, two rounds of presidential elections were held with a narrow victory for pro-Western candidate Boris Tadić. On May 21, parliamentary and local elections were held. *Because of the expected implementation of by-laws and the*

antiquated voter registration system, the slight progress made in the electoral process is not enough to raise Serbia's rating from 3.25.

Civil Society. The Law on Associations, which regulates the legal position of domestic and foreign associations, was not enacted as expected by the end of 2008. Cooperation between NGOs and the state has advanced and the NGO community is increasingly seen as a viable partner. *Due to the lack of enactment of the new Law on Associations, Serbia's rating for civil society remains at 2.75.*

Independent Media. The domination of TV stations over print media continued in 2008, and tabloids did not cease their coverage of sensitive issues in an irresponsible way. The election of a new editor-in-chief of *Politika* received media attention because of significant government involvement. *Serbia's independent media rating stagnates at 3.75.*

Local Democratic Governance. In 2008, the Statute of Vojvodina was accepted by the regional assembly, but the Parliament of Serbia did not confirm it by the end of 2008. The government has taken steps to address the more than four million citizens who have no midlevel representation between their municipalities and the central government, and the problematic voting procedure for local councilors, which requires voters to vote for political parties instead of individuals. *As important reforms addressing these issues were initiated or announced in 2008, but were not implemented, Serbia's rating for local democratic governance remains at 3.75.*

Judicial Framework and Independence. In 2008, a comprehensive set of judicial laws addressing the organization of courts, the election of judges, the formation of the High Judicial Council, the powers of the public prosecutor, and the administrative power and jurisdiction of courts was implemented. Yet, lengthy court procedures and a substantial backlog of cases continues to hinder the judicial process in Serbia. *The inability to measure the effectiveness of these reforms before 2010 leaves Serbia's rating for judicial framework and independence at 4.50.*

Corruption. Widespread corruption is a key problem in Serbia as identified by EU monitors. The Law on Confiscation of Property Originating from Criminal Act and the Law on the Anti-Corruption Agency were adopted to curb widespread corruption. While *one-third of state officials do not submit details on their assets, despite being legally required to so, and access to information on government bodies as required by the Law on Free Access to Information is hindered by improper classification and problematic access procedures, Serbia's rating remains 4.50.*

Outlook for 2009. The unexpected stability of the Serbian government at the end of 2008 is likely to continue in 2009 if not affected by conflict with Kosovo, the declining economy, or the insufficient pace of association with the EU and the International Criminal Tribunal for the former Yugoslavia. Relations with Kosovo

will remain a key political concern. The division of Kosovo in the UNMIK and EULEX controlled areas is likely to bring short-term stability, but not a permanent solution. After years of very high GDP growth, Serbia will see an economic recession in 2009, and it is unlikely that the various social benefits promised by the new government will be met as a consequence of unfavorable economic trends.

MAIN REPORT

National Democratic Governance

| 1999–2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
|---------------------|------|------|------|------|------|------|------|------|------|
| Y u g o s l a v i a | | | | n/a | 4.00 | 4.00 | 3.75 | 4.00 | 4.00 |

Serbia entered 2008 with a coalition government headed by Prime Minister Vojislav Koštunica, leader of the Democratic Party of Serbia (DSS). His closest ally in the government was Velimir Ilić, minister of infrastructure from the New Serbia (NS) political party. Both center-right parties were especially focused on and opposed to Kosovo's proclamation of independence in 2008. Another center-right party in the government, G17plus, kept their focus on economic reforms under the leadership of the minister of economy, Mlađan Dinkić. The largest number of ministries was held by the centrist party, the Democratic Party (DS), led by Serbia's president Boris Tadić. Following the parliamentary elections in May the DS began to identify as a centre-left party and to emphasize its membership in the Socialist International.

Government efforts to create contingency plans for reacting to Kosovo's declaration of independence dominated politics at the beginning of 2008. Yet, two rounds of presidential elections took place on January 20 and February 3. President Boris Tadić and the Democratic Party rushed to organize presidential elections as it feared that a pro-democratic president would not be reelected following Kosovo's proclamation of independence. But, by the end of 2007, Prime Minister Koštunica was already in tense relations with President Tadić and the Democratic Party over his views on Kosovo and their support for the EU. Koštunica assumed Tadić could not win elections after the proclamation of Kosovo's independence and aimed to postpone the elections in anticipation of Kosovo's announcement.

The nationalistic and pro-Russian presidential candidate Tomislav Nikolić from the Serbian Radical Party (SRS), won the first round of the 2008 presidential elections. But Tadić won the overall elections with a narrow margin in the second round thanks to support from voters in Vojvodina and Belgrade.

There was discontent over Kosovo's declaration of independence on February 17, 2008. The government initiated its action plan by recalling ambassadors and banning state dignitaries from meeting with diplomats from the US and other countries that had recognized Kosovo's independence. The prime minister organized a rally in Belgrade on February 21 intending to demonstrate Serbia's resistance to Kosovo's proclamation. The rally drew a huge crowd and eventually violence erupted. 150 people were injured (including both policemen and protestors) and one man was killed when a group of protestors began to riot and set fire to the US Embassy. Rioters broke into and looted local shops, and destroyed public and private property. The attack on the US embassy was condemned by the United States and the UN Security Council. President Tadić also publicly denounced these events,

which further alienated him and the prime minister, as the PM's party officials were in charge of the Ministry of Interior and the Security Information Agency and were therefore responsible for the failure to protect the US Embassy.

Following the rally, the ruling coalition reached a low point and ministers ceased communications with one another. On February 28, the minister of economy Mladen Dinkić expressed concerns that Serbia "might sink into collective madness as in 1990s when Slobodan Milosević ordered court trial against Bill Clinton." The prime minister, who had organized and continued to support the demonstrations, used his constitutional right on March 8 to call for early parliamentary elections. The parliamentary elections were scheduled on May 11, 2008 to coincide with regional and local elections.

Prime Minister Koštunica had assumed that dissatisfaction with Kosovo's proclamation of independence would aid his party, which openly promoted nationalism and voiced disapproval over European and US policy in Kosovo. Yet, the prime minister and the Serbian Radical Party's overwhelming focus on nationalist issues did not prove a successful campaign strategy compared to the coalition "For European Serbia," which focused on European integration and economic development.

There was a general belief among leading pollsters that the coalition "For European Serbia," headed by the president's Democratic Party and G17plus, would not win more than 30 percent of the votes. However, the signing of the Stabilization and Association Agreement (SAA) between Serbia and the EU on April 29, 2008 increased the popularity of the coalition. But, ratification and implementation of the SAA were automatically put on hold until the new government can prove fully cooperative with the International Criminal Tribunal for the former Yugoslavia (ICTY). The minister of economy's announcement that the Italian automobile manufacturer, FIAT would come to Serbia to produce cars, and that a certain amount of shares would be distributed to every Serbian citizen of legal age also turned many voters in favor of the coalition. Confirmation of shareholder status was sent to millions of Serbian citizens and voters days before the elections. The pro-European coalition won 38.4 percent of the popular vote in the parliamentary elections, compared to 29.45 percent won by the Serbian Radical Party.

While the coalition "For European Serbia" won the most seats in Parliament, it did not win enough seats to form its own government. The DS and the Socialist Party of Serbia (SPS) compromised. The ruling coalition was strengthened on October 21, 2008 when the DS and the SPS signed a "Declaration on Reconciliation," stating that their future cooperation would be based on "overcoming disputes from the past."¹ However, other parties from the ruling coalition did not support this declaration. The president of the Democratic Party, President Boris Tadić, nominated Mirko Cvetković, an independent technocrat who had served as finance minister in Koštunica's coalition government for prime minister. To satisfy various coalition members, a large government with 26 ministers had to be formed. In addition to the "For European Serbia" coalition and the coalition around the SPS, the new government received support from the Hungarian coalition and two Bosniak members of Parliament (MPs) from Sandžak.

Radovan Karadžić, who had been indicted by the ICTY for war crimes in the war in Bosnia and Herzegovina, was arrested shortly after the new government took power. The SRS organized a rally against his extradition on July 29, 2008, during which one protester was killed. The SRS blamed the police for the protestor's death. Serbian police later admitted that several policemen had used excessive force and that six officers had been suspended. A day after the rally, Karadžić was extradited to the ICTY.

Parliament ratified the SAA agreement on September 9, 2008, and the government decided in October that the SAA would be implemented beginning January 1, 2009. Yet, by the end of 2008, the situation had not developed much. Encouraged by the European Commission to expand their achievements, Serbian officials reiterated their promise that Ratko Mladić, the ICTY's most wanted indictee for war crimes, genocide and crimes against humanity would be arrested as soon as he was located, provided that he was in Serbia. The new government also promised speedy accession to candidate status.

The new government made steps towards EU integration and continued talks with EU officials. Yet, the refusal of five EU countries (Cyprus, Greece, Romania, Slovakia, and Spain) to recognize Kosovo prompted Belgrade to claim that the EU had not recognized Kosovo's independence, and that the EU had been divided on the issue. The Serbian Ministry of Foreign Affairs essentially held the same line as it had during Koštunica's government on the Kosovo issue, albeit with more conciliatory tones, making the foreign minister very popular in Serbia and reducing the influence of nationalistic parties. At the same time, this made any short-term agreement between Belgrade and Priština impossible.

Simultaneously, the minister of foreign affairs, Vuk Jeremić, intensely lobbied members of the United Nations Assembly to bring the question of the legality of Kosovo's independence before the International Court of Justice—raising opposition from the USA and some EU countries, particularly France and Britain. Serbia's proposal received backing at the UN Assembly on October 8, 2008, and was hailed as a victory in Belgrade.² The next day, Montenegro and Macedonia recognized Kosovo's independence and Serbia proclaimed their ambassadors as *personae non gratae*. This legal approach has eased tensions in Serbia regarding Kosovo, since the government has insisted on awaiting the International Court's decision, and has allowed the government to concentrate on previously neglected issues such as the reform of the judiciary and public administration.

In November, President Tadić called on Montenegro and Macedonia to propose new candidates for their ambassadors to Serbia. At the same time, Serbia refused to accept the deployment of the EULEX mission without a United Nations Security Council (UN SC) resolution affirming that EULEX is neutral in terms of Kosovo's legal status and insisted that UNMIK remain in Kosovo Serb areas. The EU accepted Serbia's demands, and on November 26, the UN SC adopted the UN Secretary General's recommendations on the reorganization of the civilian mission in Kosovo. The essence of this deal is that police, custom officers, and judges in Serbian areas of Kosovo would be under UN control, while EULEX

would supervise the rest of Kosovo. Also, international protection of Serbian churches in Kosovo will continue.

In 2008, the Ministry of Defense made several gestures towards NATO membership, including signing the Agreement on Security of Information, despite the 2007 DSS decision that Serbia should remain neutral and not join NATO. The SPS supports NATO scepticism, as does the Serbian Progressive Party and the Serbian Radical Party. Around 60 percent of the population opposed Serbia's NATO membership while around 22 percent approved of it at the end of 2008.³

The SRS split in September 2008 as a result of inter-party disagreements that included arguments related to the signing of the SAA and ratifying an amendment proposed by the deputy president of the SRS. On October 10, Tomislav Nikolić registered a new party, the Serbian Progressive Party (SNS), which immediately repudiated the ultra-nationalism and euro-skepticism of the SRS and acknowledged the internationally recognized borders of Croatia and Bosnia and Herzegovina. In the November by-elections held in several municipalities, SNS took around 70 percent of the vote from the SRS. For the first time since 2003, the ultranationalist SRS was confined to roughly 10 percent of the electorate, and for the first time in five years a party not focused on nationalism became the single most popular party in the country (the Democratic Party).

After more than six months of inactivity due to Kosovo and elections, the Serbian Parliament resumed work in July, despite the parliamentary obstruction of the Serbian Radical Party. In spite of this, some 46 laws, many of which are important for Serbia's association with the EU, were enacted by the end of 2008.

GDP growth of 5.4 percent is expected in 2008, but the negative effects of the global economic crisis will only become apparent in 2009 when a serious GDP decrease of around -5 percent is expected. An IMF report summarized Serbia's economic position saying: "Growth is strong, inflation has peaked, and political uncertainties have waned. But overall economic developments suggest that Serbia's economy remains unable to deliver robust growth with low inflation and—at the same time—keep the external current account deficit at sustainable levels."⁴

The Party of United Pensioners (PUPS), a member of the ruling coalition, made an election promise that pensions would on average correspond to 70 percent of salaries, the highest ratio in the region. The government accepted this suggestion and endeavored to construct a scheme of gradual convergence of pensions towards the 70 percent level. The global economic crisis forced the government to halt such plans, and even the 10 percent raise given to pensioners in October was criticized by the IMF. The Government was forced to yield to IMF suggestions in November that both salaries and pensions in 2009 should not exceed their real value from the end of 2008.

Electoral Process

| 1999–2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
|---------------------|------|------|------|------|------|------|------|------|------|
| Y u g o s l a v i a | | | | 3.50 | 3.25 | 3.25 | 3.25 | 3.25 | 3.25 |

Major elections—presidential, parliamentary, and local—were held in Serbia in 2008. The first round of presidential elections was held on January 20, 2008, with eight candidates. The leader of the Serbian Radical Party, Tomislav Nikolić, took the most votes, but only 40 percent of the overall vote, and therefore a second round of elections took place two weeks later. The prime minister refused to support Boris Tadić, although they belonged to the same ruling coalition. He even threatened to boycott elections and voted just one hour before polling stations were closed. Tadić did, however, receive support from Serbian leaders in Croatia and Bosnia and Herzegovina, and from EU officials. Tadić won the election with 50 percent of the vote while Nikolić took only 48 percent.

There was an exceptionally high voter turnout of 61 percent in the first round and 68 percent in the second round. Since the Serbian register of voters includes many people who no longer live in Serbia, the actual turnout in the second round was more than 80 percent, giving the presidential elections the character of a national referendum. Nikolić accepted his defeat just two hours after the closing, immediately after the leading private institute for monitoring elections, Centre for Free Election and Democracy (CESID), announced Tadić's victory. Nikolić congratulated Tadić—the first instance of the loser congratulating the winner in Serbian presidential election history. Some minor breaches of electoral procedures of non-influential nature were recorded by CESID.

Parliamentary elections were called for on March 13, and scheduled for May 11, 2008. They were held after the proclamation of Kosovo's independence in a very tense atmosphere. International bodies assessed the elections as largely in line with international standards but had some criticisms about how the campaigns were conducted. The OSCE noted instances “when insults were used against political opponents and national minorities, which went beyond acceptable limits for a democratic society.”⁵

According to the Constitution of Serbia, minorities can enter parliament with 0.4 percent of the vote. Following the May Parliamentary elections, four MPs from the Hungarian Coalition and two MPs from Bosniak parties were directly elected. Four MPs from the Sandzak Democratic Party and one MP from the Democratic Union of Vojvodina Croats were elected on the list of the coalition “For European Serbia.” One Albanian MP from Southern Serbia was elected. In addition to these twelve MPs representing national minority parties, MPs from minority groups were also elected within the major parliamentary parties. A special caucus of national minorities was formed in the Parliament of Serbia with seven members.

Women also gained better representation in Parliament. While 30 percent of the candidates on each party list must be female, there is no requirement to appoint

women as MPs when mandates are distributed. Yet, 52 women became MPs, making up 20.8 percent of Parliament—a significant step forward in comparison with the parliamentary structure between 2003 and 2006 in which only 12 percent of MPs were female.

While parliamentary and local elections are strictly proportional, the regional elections for the Parliament of the Autonomous Province of Vojvodina is mixed; half (60 MPs) are elected on a proportional basis, and another half is elected in two rounds of majority elections. In the second round of majority elections the coalition “For European Vojvodina: Democratic Party, G17plus, Boris Tadić” decisively won and secured the majority of all seats (65 out of 120).

Voter registration reform is needed to address both absent voters and party financing. CESID has suggested adopting a law to define the relation between citizenship and the right to vote since many registered voters in Serbia live abroad and do not participate in elections. CESID has also suggested the establishment of an independent body to control party financing.⁶ On October 23, amendments to the law on financing political parties were adopted by the Parliament, empowering the Agency for the Fight against Corruption to oversee financing of political parties.

Civil Society

| 1999–2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
|---------------------|------|------|------|------|------|------|------|------|------|
| Y u g o s l a v i a | | | 2.75 | 2.75 | 2.75 | 2.75 | 2.75 | 2.75 | 2.75 |

The long awaited Law on Associations was proposed in Parliament on July 29, 2008, and accepted at the end of the year. The draft regulates the legal position of domestic and foreign associations and forbids secret and paramilitary associations. The Ministry of Public Administration and Local Self Government and the NGO community cooperated on the draft, which was well received within the NGO community. The Ombudsman of Serbia also supported the draft law stating that “the law comes with 15 years of delay.”⁷

NGOs successfully cooperated with state institutions on a number of projects in 2008. In September, Prime Minister Cvetković asserted that “civil society participated in the realization of many projects of the Government of Serbia” and indicated that “the cooperation may be widened.”⁸ He especially acknowledged successful cooperation in the preparation of the Poverty Reduction Strategy. Furthermore, following the Strategy for Young People from 2007, the Ministry of Youth and Sports worked closely with the NGO community to offer grants to various associations within Serbia through a transparent procedure.

Several prominent NGOs voiced concern during the political campaigns in 2008. One week before the second round of presidential elections, a group of NGOs led by the Helsinki Committee sent an appeal to the incumbent president, Boris Tadić, asking him to address the civil sector, minorities, and voters of the LDP, and to stop giving concessions to forces that “openly advocate against Serbia’s EU

integration.”⁹⁹ On January 23, 2008, an additional 18 NGOs led by the European Movement in Serbia expressed concerns over “an increasing distance between Serbia and the integration processes in our neighborhood.” Before parliamentary elections, the European Movement in Serbia organized a GOTV campaign entitled “I choose Europe—I see future.”

Significant media attention was given to the Annual Report of the Helsinki Committee for Human Rights, which critically assessed the political situation in Serbia and accused various prominent figures, including university professors, of promoting nationalism and supporting the “anti-Hague lobby.” While Serbia remains bitterly divided regarding perceptions of the 1990s and how to reconcile the past with the future, the report represented an effort to analyze the role of Serbian intellectuals in the Wars for Yugoslav Succession in the 1990s. The president of the Helsinki Committee, Sonja Biserko, was publicly attacked and received death threats for the report. The Belgrade Law School responded to the alligations by making a full page, paid response defending their professors in *Politika*.

NGOs actively opposed pro-fascist associations. A group of NGOs demanded that police ban meetings planned for October 11 by nationalistic and pro-fascist groups. The police banned the meetings and allowed NGOs to organize their own rally against fascism, which led to several NGOs intensifying their campaign for a law banning the existence and activities of pro-fascist organizations. The Ministry of Public Administration has stated that they would support such a law, and by the end of 2008 legislators were working on a bill banning these organizations as well as the use of neo-Nazi and fascist symbols.

Members of pro-restitution associations were active in 2008. Since 1990 they have demanded the restitution of private property nationalized in former Yugoslavia between 1945 and 1958. The promise made by former finance minister and current prime minister, Mirko Cvetković that a restitution law would be enacted by October 2007 has not been realized. Under the 2006 Law on Restitution of Property to Churches and Religious Communities such groups can receive property restitution, but the law does not cover restitution of property of private owners.

Independent Media

| 1999–2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
|---------------------|------|------|------|------|------|------|------|------|------|
| Y u g o s l a v i a | | | | 3.50 | 3.25 | 3.25 | 3.50 | 3.75 | 3.75 |

Television remains the most influential among media in Serbia. There are eight TV stations that have countrywide frequency: three state-owned public broadcasters (Studio B, Radio Television of Serbia 1 and 2, and Radio Television of Vojvodina), five private TV stations (B92, TV Pink, TV Avala, TV Fox, and TV Košava/Happy TV). TV Fox is a branch of an American television station, but all other stations were domestically owned. In November 2008, the Republic Broadcasting Agency (RBA) permitted German RTL, whose nationwide frequency application was denied

in 2006, to buy 49 percent of TV Avala. Studio B, the local Belgrade state-owned TV station, which will remain state-owned in accordance with the new Statute of Belgrade enacted in 2008 permitting the capital to own media, is also influential.

Tabloids continue to dominate print media, progovernmental *Blic* being the most popular. In terms of circulation, *Blic* is closely followed by *Večernje novosti*. The hard core tabloids have a tendency to publish sensationalist articles with little to no fact basis. Of these, *Kurir* is strongly antigovernment, *Press* is very close to some factions of the Democratic Party, *Pravda* has a strong nationalistic agenda, and *Glas Javnosti*, is a daily owned by the same proprietor as *Kurir*. In the field of quality dailies, the moderately progovernmental *Politika* is without any competition, while the liberal *Danas*, the provincial Novi Sad *Dnevnik* owned by Gemran WAZ, and *Privredni Pregled* (an economic paper) have much smaller circulations. All leading newspapers are private with the exception of *Politika*, whose ownership is evenly divided between German WAZ and the State of Serbia, and *Vecernje Novosti* whose privatization is expected to take place soon. The state-owned, conservative *NIN* remains the leading quality weekly, along with privately-owned, liberal *Vreme* and *Standard*. Privatization plans for *NIN* were announced at the end of 2008.

In 2008, significant attention was paid to the election of *Politika's* new editor-in-chief since it has traditionally been the most influential quality daily. In June, the Government decided by a majority vote to suggest six new members to *Politika's* board. The assembly of the state-controlled *Politika JSC* accepted these changes. Ljiljana Smajlović, *Politika's* editor-in-chief since 2005, once considered close to Prime Minister Koštunica, called the government's actions "the beginning of media purges."¹⁰ In September, the board of *Politika JSC* initiated, for the first time, an open competition for the position of editor-in-chief of *Politika* daily. Sixteen candidates applied for the position and Dragan Bujošević, former journalist for weekly *NIN* and *Braca Karic TV*, was elected by the assembly as the new editor-in-chief.

NGOs campaigned for the removal of the director of Radio Television of Serbia (RTS) Aleksandar Tijanić as on March 28, before the court proceedings for a suit between Tijanić and NGO activist Biljana Kovačević-Vučo, Tijanić punched an LDP activist. Tijanić claimed that he did so in self-defense, but NGOs demanded his resignation. Subsequent efforts and petitions from NGOs for Tijanić's replacement failed. The president of the Republic Broadcasting Agency (RBA), Nenad Cekić, also made efforts to initiate a public competition for the director's position. Since only the board of RTS is legally entitled to initiate such an action and the board continued to support Tijanić, he remained in office. Tijanić was appointed director of RTS under the government of former Prime Minister Koštunica raising some suspicion that RBA's efforts were politically motivated.

Media coverage of Kosovo's declaration of independence varied. Quality dailies covered the crisis analytically, but with a tendency to either support Serbian official line, such as *Politika* and *Dnevnik*, or to report critically on it, such as *Danas*. Tabloids, particularly *Kurir* and *Pravda*, continue to publish inflammatory and occasionally jingoist texts.

Local Democratic Governance

| 1999–2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
|---------------------|------|------|------|------|------|------|------|------|------|
| Y u g o s l a v i a | | | | n/a | 3.75 | 3.75 | 3.75 | 3.75 | 3.75 |

Decentralization remains a key issue in Serbia. The constitution stipulates the existence of two autonomous provinces, Kosovo and Vojvodina, and outlines that other autonomous provinces may be established. Belgrade has a special status as confirmed by the adoption of the Law on the Capital City in December 2007. The responsibilities of the capital city and the autonomous province of Vojvodina were harmonized with the new constitution. In 2008, the Statute of Belgrade was adopted. Vojvodina's Regional Parliament adopted the Statute of the Autonomous Province of Vojvodina and sent it to the Parliament of Serbia for confirmation and possible amendments. Most opposition parties attacked the proposed statute claiming that it contained provisions contrary to the Constitution of Serbia such as article 26 on the official use of languages, article 28 prescribing the circumstances for a joint committee of Serbia and Vojvodina, and article 45 allowing the Assembly of Vojvodina to initiate a referendum. Opposition parties also opposed the establishment of the Bank for Development of Vojvodina, Academy of Sciences of Vojvodina and the possibility of sending a representative from Vojvodina to Brussels and various regions in Europe. By the end of the year it had become clear that some members of the ruling coalition had numerous reservations regarding the scope of autonomy defined by the statute.

The instability of local self-management, the task of “depolitization”, and the lack of professionals are key obstacles to decentralization in Serbia. Four million people live in central Serbia without a level of administration between their municipalities and the central government.

In November 2008, minister of public administration and local self government Milan Marković announced government plans to reduce the number of employees in municipalities from 22,000 to 12,000 over the course of the next four years. He expressed his dissatisfaction with the election of local councilors. The current proportional electoral system at the local level requires citizens to select party lists rather than individuals. This enables political parties to smuggle members from the bottom of party lists into office. For instance, if a political party gains votes for five councilors for a local municipality consisting of 20 councilors it can appoint the last five nominated on a party list rather than the first five. On the other hand, voters are likely to vote for some parties on the basis of the first five proposed councilors. Marković openly condemned proportional elections and advocated the Baden model in which the electoral system remains proportional and citizens vote simultaneously for a party and individuals from party lists, and therefore political parties may not decide themselves who would be elected from party lists after elections.

After years of political domination by the Serbian Radical Party in the municipalities, major political change took place in 2008 with the coalition “For European

Serbia” headed by the Democratic Party administering the vast majority of Serbian municipalities, including the four largest towns, Belgrade, Novi Sad, Kragujevac, and Niš.

The ethnically mixed region of Sandžak, where Christian Orthodox Serbs and Muslim Bosniaks have lived together in six municipalities (three with Serb and three with Bosniak majority) has been the playground of fierce competition since 2004. Occasional fights and incidents focused on the control of the largest Bosniak municipality—Novi Pazar. In 2008, the situation in Sandžak stabilized after two Bosniak parties, the liberal Sandžak Democratic Party and conservative Party of Democratic Action, joined the ruling coalition in Belgrade with one minister each in the government. However, efforts to bring reconciliation between these two parties failed in 2008 and left political tensions on the local level, especially in the regional center of Serbian Bosniaks, Novi Pazar, in place.

The long awaited transfer of local property owned by the state to the municipalities will soon become a reality with the draft Law on Public Property. Large areas of land and private property were nationalized in the former Yugoslavia. Associations for the protection of private property oppose this transfer, believing it would violate their rights as municipalities may sell the property.

Judicial Framework and Independence

| 1999–2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
|---------------------|------|------|------|------|------|------|------|------|------|
| Y u g o s l a v i a | | | | 4.25 | 4.25 | 4.25 | 4.25 | 4.50 | 4.50 |

President Tadić severely criticized the judiciary on October 29, 2008, calling it unacceptable that “there [were] 4,300 criminal cases under the statute of limitations, with court processes taking up to 20 years, while there [were] some led against court officials.” He also criticized “a lenient penal policy” for drug trafficking.¹¹

Key reforms are needed in the judiciary in Serbia. The Ministry of Justice has initiated a set of reforms through six laws submitted to the Parliament on October 31. On December 22, 2008, Parliament enacted these laws: the Law of the Organization of Courts, the Law on Judges, the Law on High Judiciary Council, the Law on the State Council of Prosecutors, the Law of Public Prosecutor, the Law on Seats and Areas of Courts and the Offices of Public Prosecutors. These laws comprise the most comprehensive judiciary reform in Serbia in the last several decades.

The election of judges has been severely criticized by leading judicial officials. President of the Supreme Court, Vida Petrović-Škero, stated on November 16 that “the re-election of judges, or general election of all judges, is unconstitutional” and that it hinders the lustration of judges. She also protested that certain changes proposed in the set of new judicial laws have not been conducted in the legally prescribed manner and with the consultation of judges.¹² Similar concerns have been voiced by the Association of Judges of Serbia. However, the new constitution

of Serbia from 2006 states in article 146a: “A judge shall have a permanent tenure.” An exception to this rule is provided for new judges, who will be elected for a period of three years, and who can only be re-elected on a permanent basis after this period. Judicial reform will likely mean the replacement of certain judges, due to corruption and their demonstrated inefficiency.

At the end of December 2007, the Constitutional Court of Serbia, a fifteen-person body, became operative with the election of the president of the court. However, by the end of 2008 the remaining five members of the Court were not yet appointed; two councils and the Supreme Court of Cassation, bodies that are constitutionally empowered to take part in the election of the remaining five judges, were only formally established on December 22, when the Law of the Organization of Courts was enacted.

Corruption

| 1999–2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
|---------------------|------|------|------|------|------|------|------|------|------|
| Y u g o s l a v i a | | | | 5.00 | 5.00 | 4.75 | 4.50 | 4.50 | 4.50 |

Both the EU and the Council of Europe (CoE) have expressed their concerns about the level of corruption in Serbia. The CoE Monitoring Commission delegation identified corruption as a key problem facing Serbia. The EU 2008 Progress Report for Serbia acknowledges that “some progress” has been made in this field, such as the Law on Anti-Corruption Agency adopted in October 2008, but concludes that, “corruption continues to be widespread and to pose a serious problem in Serbia.” Minister of Justice Snežana Malović acknowledged the existence of corruption in the Serbian judiciary, but claimed that besides judges and prosecutors, police were also responsible.¹³

Throughout the year a number of examples demonstrating a rather high level of corruption in the Serbian judiciary, police, and public health system appeared, as well as high profile efforts to purge corruption. In March 2008, the public prosecutor in Zrenjanin was accused and detained for receiving bribes. Ongoing court proceedings against former judges and prosecutors have continued, including those against the former state prosecutor, Milorad Cvijović and suspended judge of the Commercial Court, Milojka Zeković. Parliament permitted the detention and arrest of Željko Munjiza, a judge for the Commercial Court in Belgrade, who was charged with committing a criminal act in court proceedings together with barrister Nemanja Jolovic. They were fined 64 million dinars (around €800,000) due to Judge Munjiza’s ordering of an illegal payment from the insolvent estate of the company, “BIM Slavija.” On October 7, Parliament dismissed Judge Ljubomir Vučković of the Superior Court, who had previously been sentenced for receiving bribes. In May, in collaboration with the Office of the Special Prosecutor, Serbian police arrested a group of twelve lawyers, medical doctors, and police officers charged with obtaining financial means in illegal ways.

Parliament adopted a series of important laws on October 23, including: the Law on Confiscation of Property originating from a Criminal Act, the Law on Anti-Corruption Agency, and amendments to the Law on Financing Political Parties. Their effects will only be visible in the years to come. Specialized departments attached to the offices of the district prosecutors have been introduced to make anti-corruption efforts more efficient, and the deputy prosecutor is now in charge of coordinating these efforts. Prior to these amendments, political parties could avoid reporting on expenditures from the state budget. One third of state officials did not submit details on their assets to the Commission for Conflict of Interests, although all state officials are legally obliged to do so. The Commission was also limited as it had no authority to enforce its decisions if it found a state official to be in a conflict of interest; the commission could only warn the official personally, and then publicly. The new law on Anti-Corruption Agency is more specific in this sense (articles 51–55) but will only be implemented from January 1, 2010.

In February, the Commissioner for Free Access to Information presented, via the internet, the agency's data on 10,847 state and other bodies as required by the Law on Free Access to Information. Yet, some improper procedures in the classification of information have hindered access to certain categories of information that should be made public.

On May 16, "Transparency Serbia" suggested that parliamentary parties should contribute to the fight against corruption by promising that MPs and state officials from their ranks would not be in a position to use immunity if they violate anti-corruption laws. As of yet, their suggestion has not been acted upon.

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- ¹ The full text of the declaration is available at: http://www.b92.net/eng/news/politics-article.php?yyyy=2008&mm=10&dd=18&nav_id=54319.
 - ² "UN vote hailed in Belgrade as 'victory'", B 92 News, October 8, 2008.
 - ³ According to survey carried out by Belgrade pollster, Politikum in October 2008.
 - ⁴ "Serbia—Fall 2008 IMF Staff Visit, Aide Mémoire," September 24, 2008.
 - ⁵ "International Election Observation Mission, Republic of Serbia—Early Parliamentary Elections, May 11, 2008", http://www.osce.org/documents/odihr/2008/05/31058_en.pdf.
 - ⁶ Preporuke za izmenu izbornog zakonodavstva u Srbiji [Recommendations for changes of electoral laws in Serbia] (Belgrade: CESID, 2008), pp. 44, 54–55.

- 7 TANJUG daily bulletin, May 16, 2008.
- 8 TANJUG daily bulletin, September 26, 2008.
- 9 “Apel Tadiću da se obrati civilnom sektoru, manjinama i LDP” [Appeal to Tadic to address NGO sector, minorities and LDP], TANJUG daily bulletin, January 28, 2008.
- 10 “Skidanje kolumnista tek početak smena?” [Replacing of Columnists only the Beginning of Removals?], *Glas javnosti*, June 15, 2008.
- 11 “President calls for judicial reform,” B92 news, October 29, 2008. http://www.b92.net/eng/news/politics-article.php?yyyy=2008&mm=10&dd=29&nav_id=54598.
- 12 TANJUG daily bulletin, November 16, 2008.
- 13 TANJUG daily bulletin, October 5, 2008.

