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State Compliance with the International Criminal Tribunal for the Former Yugoslavia

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ABSTRACT

The success of the International Criminal Tribunal for the Former Yugoslavia (ICTY) relies on the cooperation of national states. Former Yugoslav compliance with the ICTY remains underexplored in international law and international justice scholarship. Seldom is the question asked: why do states comply with international criminal tribunals?

I will attempt to discern motivations behind state actions and identify the causal phenomenon behind compliance and non-compliance by examining former Yugoslav compliance with ICTY indictment orders between 1994 and 2011. International relations literature has identified competing explanations that range from rationalist arguments focusing on third party coercion and material self-interests, to normative legitimization of rules arguments. This study seeks to understand why states comply with international tribunals by examining: (1) individual specific characteristics, (2) domestic factors (economic and political) and (3) international pressures. Using survival analysis, I find that all three of the aforementioned factors affect the timing of extradition. This study finds that the domestic audience is extremely unfavorable towards cooperation. Even so, this study supports rationalist arguments and finds that the prospect of accession into the European Union correlates with more rapid extraditions. However, this study does not find support for the normative arguments which claim that an internalization of human rights laws will lead to cooperation.

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GLOSSARY

BiH – Bosnia and Herzegovina or Bosnia
DS - Democratic Party (*Demokratska stranka*) - Serbia
DSS - Democratic Party of Serbia (*Demokratska stranka Srbije*)
EU - European Union
FBiH - Federation of Bosnia and Herzegovina
HDZ - Croatian Democratic Union (*Hrvatska demokratska zajednica*)
ICC - International Criminal Court
ICTR - International Criminal Tribunal for Rwanda
ICTY - International Criminal Tribunal for the former Yugoslavia
IFOR - Implementation Force
IHL - International Humanitarian Law
KFOR - Kosovo Force
LDK - Democratic League of Kosovo (*Lidhja Demokratike e Kosovës*)
NATO - North Atlantic Treaty Organization
OSCE - Organization for Security and Cooperation in Europe
Republika Srpska - RS - Bosnian Serb Republic
SAA - Stability and Association Agreement
SDP - Social Democratic Party - Bosnia
SFOR - Stabilization Force
SPS - Socialist Party of Serbia (*Socijalistička partija Srbije*)
SRS - Serbian Radical Party (*Srpska radikalna stranka*)
UN – United Nations

INTRODUCTION

In 1991 the states that formerly comprised the Social Federal Republic of Yugoslavia began seeking independence causing a series of wars characterized by bitter ethnic conflict resulting in Europe's deadliest conflict since the Second World War. The International Criminal Tribunal for the Former Yugoslavia (ICTY) was established by the United Nations Security Council (UNSC) on May 3, 1993 in the wake of the ethnic violence in former Yugoslavia. The establishment of the ICTY marked the first time since the Nuremburg and Tokyo trials of the Second World War that perpetrators of international humanitarian law were tried by an international criminal court. The linchpin of this court's success, and for international law in general, is compliance. Would Yugoslav states comply with a binding institution that indicts its citizens for violations of international human rights laws?

The Yugoslav states have complied with the ICTY. As of July 2011, every war criminal's indictment came to an end in extradition, surrender, international capture, withdrawal, or death. However, since 1993 compliance has varied across time, across jurisdiction, and across individuals. Most of the individuals were extradited from Serbia before 2005, but many were still at large until 2011. Although most indictees surrendered in Croatia, the individuals that were extradited were released to The Hague in the early 2000s. The majority of the individuals from Bosnia and Herzegovina (Republika Srpska and Federation of Bosnia and Herzegovina) were extradited, but the timeliness of extradition differed between the two entities. The Federation was quicker to send criminals to The Hague, while the Republic was less responsive. This variation creates a puzzle: What factors explain the timeliness of extradition to the ICTY in the former Yugoslav states?

I explore compliance with ICTY extradition orders on the part of states that emerged from the former Socialist Federal Republic of Yugoslavia. Documentary sources including ICTY documents and reports, European Union documents, news reports, and public statements by local government officials were all utilized to assess levels of compliance and non-compliance on the part of states and international organizations. According to much received scholarly wisdom, the legitimization and internalization of norms is responsible for compliance (Benvenisti and Hirsh 2004, Franck 1998, Hurd 1997, Koh 1997). This thesis challenges this conventional wisdom. I argue that individual characteristics such as gravity of the war crime, seniority, and co-ethnicity affect compliance. Additionally, I hypothesize that domestic factors such as economic growth, characteristics of the president, and the timing of elections all have an impact on the state's decisions to extradite. Furthermore, I argue that international pressure from the European Union in the form of major accession event timing and trade dependence has an impact on timeliness of extradition. I conclude that although governments face significant domestic pressure to not extradite, the governments eventually choose to extradite criminals to The Hague because they care about reactions from international institutions. Specifically, former Yugoslav states care about the reactions from the European Union.

These findings have a number of important implications for theory of international law. With the establishment of the permanent International Criminal Court (ICC) in 1998, it seems evident that international criminal courts will continue to have an impact on world governance. Scholars have found that post-conflict trials do lead to more durable agreements in the future (Lie et al 2006). Bringing perpetrators to justice can lead to an understanding and mutual respect between groups and ultimately prolong peace in a region marked by high tensions and frequent conflict (Gloppen, 2005).

LITERATURE REVIEW

HISTORY

Since the end of the Cold War, there has been a proliferation of supranational courts and tribunals. The wars in the former Yugoslavia (1991-1995) resulted in more than three million refugees, over 200,000 persons killed, 50,000 victims of torture, 20,000 cases of rape, as well as detrimental destruction to infrastructure and property (UNGA, 1994). The international community decided to address the violations of human rights by establishing an ad hoc criminal tribunal. The International Criminal Tribunal for Former Yugoslavia (ICTY) was created on May 25, 1993 (Resolution 808) while the conflict in Bosnia was still raging. The ICTY was expected to contribute to peace making, peace building, and peacekeeping by providing the war-torn countries of Yugoslavia with a standard legal framework to bring justice to the victims and hold perpetrators accountable for their crimes. The tribunal is in charge of trying members of all ethnicities for war crimes and crimes against humanity committed during the Yugoslav Wars. The tribunal also has universal jurisdiction, meaning that national courts can investigate and prosecute alleged war criminals in their territory no matter where the perpetrator committed the crimes or the nationality of the perpetrator.

Initially, many scholars argued that coercing accountability would be detrimental to peace. D'Amato (1994) argues that the determination to prosecute leaders for war crimes may simply prolong a conflict. In 1994, the conflict in former Yugoslavia had not yet subsided and the leaders accused of war crimes, which included crimes against humanity and genocide, were participating in the peace negotiations. Surely leaders would not agree to a peace agreement that led to their own, or their colleagues', indictments. D'Amato argues that a peace agreement would have to involve an aspect of amnesty or exile for the politician involved in the negotiation. Here

is a belief that there was a trade-off between peace and justice for the victims. However, the Dayton Peace Agreement was signed in 1995, after the indictments of both Karadzic and Mladic, suggesting that the trade-off between peace and justice is not inherent, at least in the case of former Yugoslavia. Perhaps there is a mechanism that connects “international justice” to “international peace.” The ICTY connects the two concepts as it seeks to bring war criminals to justice while bringing justice to the victims.

Similar to D’Amato (1994), there are still scholars, such as Zacklin (2004) who believe that the ICTY is costly, ineffective, and inefficient. Zacklin (2004) states that there are a lot of problems and weaknesses associated with the ICTY. The ICTY and the International Criminal Tribunal for Rwanda (ICTR) that was established a short year after, are enormous and extremely costly. The total budget for operating the tribunals is \$250 million annually, or more than 10 percent of United Nation’s regular budget. The amount of money spent on these tribunals annually is reason enough to study compliance with the tribunals and overall effects of the tribunals. Zacklin also states that “the delays in bringing about detainees to trial- and the trials themselves- have generally been so lengthy that questions have been raised as to the violation by the tribunal of basic human rights” (2004, 3). This raises the question of whether justice is being brought to the victims and whether or not the tribunal is obtaining its desired effects.

However, there has been a growing consensus that the ICTY has had a positive impact on international law and on former Yugoslavia, and specifically Bosnia (Hagan, 2003, Hazan, 2004, Nettelfield, 2011). Unlike Zacklin (2004), Hagan (2003) and Hazan (2004) claim that the trial has overcome many of the expected speculations of the shortcomings associated with international criminal tribunals and has been one of the first effective trials in history. They also argue that the ICTY set a precedent for the current International Criminal Court (ICC). In doing

so, it created a common narrative for other war-torn societies. Additionally, its focus on holding individuals responsible, as opposed to a collective group, helps bring justice to the victims while restoring peace and ethnic harmony in the state. Similarly, James Gow (2006) asserts that the ICTY provided the “invisible hand” that made progress in Bosnia possible. According to Gow, after the signing of the Dayton Agreement, an arena for political cooperation and development emerged in Bosnia. Without the ICTY and enforcement of the issues of war crimes, war criminals such as Karadzic and Mladic would still be in highly influential positions. Other war criminals could have been elected into public office in war-torn Bosnia leaving the country in the hands of the people who brought about its demise.

Global norms for human rights have surfaced in recent years in regards to how states deal with perpetrators of war crimes and genocide. States are universally expected to follow the prescriptions of international law and human rights. The human rights movement has focused much of its attention in the past decade on extradition (Dugard, 1998). The precedent for international justice has been established by ad hoc tribunals such as the International Criminal Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), the Special Court for Sierra Leone, and the permanent International Criminal Court (ICC). Much literature has been written on the establishment of the tribunals, the mechanisms of these tribunals and their impact on global governance as discussed above. However, the question that is seldom addressed is: *why do states comply with these international institutions in the first place?*

THEORY

Compliance is one of the most important questions in international law paving the way for new research agendas. There seems to be a consensus that “almost all nations observe almost

all principles of international law and almost all of their obligations almost all of the time” (Henkin, 1979). However, the more perplexing question is: *why do they obey and why do they sometimes disobey?* There is considerable speculation as to why a state complies with international institutions and why and when certain criminals are finally located and transferred to The Hague.

Benvenisti and Hirsch (2004) identify two theoretical paradigms in recent compliance literature: the rational choice model and the sociological model. The rational choice model is a game theoretic model with actors behaving in ways to maximize their utility. The principle factors relevant to compliance are iteration of interactions, retaliatory capacity, and the behavior of other states. The sociological model states that international decisions are influenced by social factors such as cultural values and norms, or behaviors deemed appropriate by the country. The authors argue that international compliance theory requires both paradigms because of its complexity.

The two models outlined by Benvenisti and Hirsch (2004) make a few assumptions. The rational choice theory assumes that states are rational actors who are motivated by self-interest. The model also assumes that states are unified in their interests and that they know what those interests are. Additionally, another assumption is that states know the outcome of their decisions and will only comply if the outcomes are in their own best interest. This creates an unequal balance of power. According to Henkin (1979), “since there is no body to enforce the law, nations will comply with international law only if it is in their interest to do so; they will disregard law or obligation if the advantages of violation outweigh the advantages of observance.” Powerful states can threaten less powerful states with repercussions (usually

economic) if the states do not cooperate. However, less powerful states have no leverage, so there is no one to punish powerful states if they decide to not comply.

The sociological model assumes that international decisions are shaped by a social structure with shared meanings, knowledge, and expectations. According to the sociological model, a state's preferences change depending on the social context and the time. This model implies that a state will conform to the actions of another state if it deems the actions legitimate because of the prevailing norms established by the social structure which includes international actors and their own domestic actors. According to this theory, states should almost always comply. Compliance is the default option because most groups feel as though norm-conformity is appropriate behavior otherwise the other actors would not have complied. This implication is consistent with Henkin's argument. However, this does not explain non-compliance, or why states do not always comply. There must be a reason aside from normative persuasion that explains compliance and non-compliance.

International relation and international law has identified three models of compliance: self-interest, coercion, and normative persuasion (Hurd, 1997). These three mechanisms for compliance can be applied to any social phenomenon in which an actor has to choose to obey a rule or not. Hurd (1997) states that an actor may obey a rule because: (1) the actor sees the rule as in its own self-interest, (2) the actor fears the punishment of external rule enforcers, and (3) because the actor feels as if the rule is legitimate and, therefore, rationally chooses to obey. The trait distinguishing the superior choice for each of the three mechanisms is different. In other words, the currency is different. In the first, it is the distribution of incentives, in the second the asymmetry of physical power, and in the third, a normative structure of norms and legitimacy (Hurd, 1997). According to Hurd (1997), studies of political sociology try to argue for one (or a

combination of two) of the aforementioned three mechanisms. However, it is quite possible that a social system may exhibit all three at certain times in certain regions. On the other hand, it is much more difficult to explain non-compliance using a theoretical framework. Perhaps, when the perceived costs of not complying do not outweigh the benefits through the three mechanisms, a state will opt with the status quo.

Countries may choose to comply because they interpret a rule in a favorable way. According to Koh (1997), the process by which the interpretation and internalization of global norms leads to a reconstruction of national interests is key to why nations obey international laws. Koh (1997) claims that global norms are not only debated and interpreted, but are internalized by the domestic legal system. Koh claims that this is the case because there has been a transformation in international law. This transformation is characterized by a “decline of national sovereignty; the concomitant proliferation of international regimes, institutions, and non-state actors; the collapse of the public-private distinction; the rapid development of customary and treaty-based rules; and the increasing interpenetration of domestic and international systems” (Koh 1997, 2064).

Koh points to three distinct pathways that scholars have used in explaining international compliance. The first is rational choice, which states that actors will obey international rules if it is in the best interest to them both short-term and long-term. However, this theory works best when explaining issues about trade, but does not explain compliance with areas such as human rights. The second explanation for compliance is “liberal vein.” In this view, the compliance of a state is characterized by whether a state has a representative government, guarantees civil and human right, and has a judicial system dedicated to the rule of law. However, a country that is liberal does not necessary stay liberal and this is a difficult characterization. The third pathway

is termed “constructivist.” According to constructivist theorists, state’s interests are shaped by commonly held norms of behavior, identities, principals, and shared terms of discourse. However, this view does not focus on repeated transactions within the international community, but simply the existence of it. Koh states that the various theoretical frameworks are complementary and not mutually exclusive from one another. Depending on the specific case, any theory can apply to a certain degree. Koh’s view on compliance focuses on the interaction within the transnational legal system, interpretation of global norms, and the internalization of these views into the domestic system.

Instead of focusing on the actors (states/countries), Franck (1998) takes a different approach and focuses on the rule or treaty in question with a continued focus on normative persuasion. According to Franck’s Power of Legitimacy among Nations, the key element of compliance with international law is legitimacy. Legitimacy is viewed as one of the factors that influence a nation’s perceived level of commitment. The definition of legitimacy encompasses factors that determine a country’s level of commitment (symbolic validation) and if the commitment is sufficiently clear. Rules are “good law” if they are accepted by the parties as fair and just. According to Frank, a decision by an international criminal tribunal that fits the description of “good law” and fair process will more likely produce compliance. For example, with respect to the ICTY, a decision of the court should have a strong compliance pull if the Court is perceived by a particular community as a legitimate rule-making institution and the enunciated prescription is itself as legitimate. According to this theory, states will not violate laws that are “legitimate.”

The hypotheses drawn from the norm legitimization theory on compliance with ICTY extradition orders is:

H₁ The higher the normative domestic pressure, the higher the rate of extradition.

Scholars have argued that domestic civil society would adopt international justice norms and transform the preferences of domestic elites directly or by forming human rights NGOs. However, in Croatia and Serbia, civil society pushed for non-compliance. This is representative of the negative opinion regarding the ICTY in these countries (Ivkovic 2011). The people living in all six entities did not believe that their militaries were guilty of any war crimes committed between 1991 and 1999. In particular, anti-ICTY NGOs were predominant in Croatia and Serbia where they received funding from the government in the form of veteran organizations (Lamont, 2010). The absence of human rights NGOs can be explained by the homogenization of the countries after the dissolution of Yugoslavia.

The United Nations Security Council created the ICTY (May 25, 1993), so compliance with the tribunal can be described as imposed rather than legitimate or norm generating. The states of former Yugoslavia did not consent or create the ICTY. The ICTY also differs from the criminal tribunals of the past, Nuremberg and Tokyo. The Second World War military tribunals were established after a complete military defeat Germany and Tokyo and did not require the cooperation of local administrations. For these reasons, I am skeptical that cooperation with the ICTY was norm driven.

Other scholars have taken different approaches when studying compliance with international criminal courts. An explanation that has surfaced frequently is one with a focus on international influences and the economy. Goodliff et. al. (2012) describe why governments commit to human rights enforcement by joining the International Criminal Court (ICC). The ICC has the authority to try suspected criminals accused of violating human rights by committing crimes against humanity, war crimes, and genocide. Its decisions are final and cannot be overturned by the states. This question is puzzling because states generally value their

sovereignty and the ICC exercises significant authority and autonomy. Goodliff et. al. argue that a country's dependence networks are the reason why states agree to join the ICC. The dependence networks are defined as a set of partners on whom a country depends on for a diverse set of goods and services from trade and security to support in international organizations. Leaders value the approval of these networks because these networks are responsible for rewarding the leader's country with concessions or punishing the country with withdrawal of concessions. Dependence networks are measured by an index that examines the state's trading partners, alliance partners, and international organization partners and that incorporates all three. The volume of interaction is also used to measure dependence. Goodliff et. al. argue that dependence networks do not necessarily have to reward or punish a state in order for a state to act in a favorable way. Goodliff et. al. uses event history analysis to test factors that affect a state's commitment to the ICC. In order to do so, they look at both when countries sign and ratify the treaty and how quickly they "commit" to it. This theory implies that countries of former Yugoslavia should comply with the ICTY if they are dependent on the European Union. If the country has strong ties with countries already in the European Union, they will have more incentive to comply with an institution whose compliance is required for entrance into the EU. This prediction is supported in the qualitative section of my thesis. Croatia, which became a EU candidate in 2004, displayed greater compliance with the ICTY initially than Serbia, which recently became a candidate in 2011.

However, although Goodliff's dependence networks theory holds strong, simply signing and ratifying a treaty does not ensure complete compliance with an institution. For example, signing and ratifying the ICC does not necessarily mean that a country will extradite a war criminal when the indictment is presented. Perhaps countries agree to such terms in order to

seem as though they uphold human rights, but they do not plan on following through with such promises. Recent human rights scholarship has shown that many states display signs of compliance with international human rights norms by ratifying international treaties, for example – but they do so for show, in order to appease international pressure while continuing human rights abuses at home (Cardenas 2007).

As opposed to looking at international factors in explaining compliance, scholars have also focused on domestic factors. In Mobilizing for Human Rights, Beth Simmons proposes two theories. First, she explains why states ratify human rights treaties. According to Simmons, governments are more likely to enter into agreements they believe in and which they are likely to comply with than those they oppose or find threatening. Simmons argues that this theory predicts that liberal democracies will enter human rights treaties, while authoritarian governments will not. The reason why some liberal democracies do not enter these treaties is because they face some domestic costs of ratification (legislative hurdles or judicial constraints). On the other hand, authoritarian governments enter into human rights treaties because they expect some sort of benefit.

The second theory that Simmons proposes addresses why states comply with human rights treaties. Simmons terms her theory “a domestic politics” and states that treaties empower certain groups within the society with similar preferences who would be in a lesser position without the treaty. She identifies three mechanisms by which these domestic interest groups gain from human rights treaties: 1) forces the government to take a stand, 2) creates litigation opportunities for domestic groups and 3) gives domestic groups hope for change since at least some people in the government support their cause. Simmons argues that her empirical results are consistent with her hypothesis that ratification of a human rights treaty will cause the state to

improve its human rights record – with notable exceptions such as torture. However, this hypothesis is not full “compliance.” Simply ratifying a treaty does not necessarily coincide with compliance. Additionally, although a treaty may have a causal effect on a state’s behavior, this does not ensure full compliance. Simmons does find a statistically significant relationship when considering a change in behavior such as upholding human rights as a result of treaties, but does not find the same true for compliance with the conditionality of the treaties.

Simmons theory may apply to human rights treaties (to an extent), but this argument cannot be made for the compliance with the ICTY. The domestic audiences in both Serbia and Croatia have unfavorable views of the tribunal. The level of trust in the ICTY among its constituents is incredibly low (Ivkovic, 2011). According to public polls conducted in the regions of former Yugoslavia by Ivkovic and Hagan (2011), the level of trust in Croatia is 21%, Serbia 8% and the level of trust in Republika Srpska is only 4%. The level of trust in the Bosnian Federation is much higher at 51% but it is still not the vast majority. Compliance with the ICTY has been fulfilled although most of the population in Serbia and Croatia does not trust the ICTY (Ivkovic 2011). While 2/3 of Croats believe the ICTY is “fair,” the same percentage of Serbs believe it is not fair. Still, the war criminals were delivered to The Hague. There must be another explanation that addresses this puzzle. *Why would the government comply with an institution that its public does not trust?*

Jelena Subotic (2009) tackles the issues of compliance with international institutions by using empirical evidence from Serbian and Croatian compliance with the International Criminal Tribunal for the former Yugoslavia (ICTY) specifically. Subotic’s argument is that leaders use international institutions designed for reconciliation and justice to advance local groups purposes such as obtaining financial aid and accessing international organizations such as the European

Union. Subotic (2011) describes two kinds of international pressure to which states are subjected: coercive and symbolic, and illustrates the theoretical model with empirical evidence from Serbia and Croatia's cooperation with the ICTY. Subotic claims that international institutions pressure local governments to prosecute perpetrators of human rights abuses, even in the absence of strong social demand for justice. This creates a puzzle that Subotic tries to answer. *Why would governments extradite war criminals if the domestic audience is not willing to support those decisions?*

This can lead to political backlash and government instability. Subotic claims that in states where domestic support is weak, international institutions will try to coerce governments into complying. They may do this by offering rewards such as financial aid or investment or membership in international institutions such as the European Union. Subotic claims that coercion may lead to compliance in the short-term, but may not continue into the long-term if the state is not continuously receiving benefits. Additionally, international actors will use symbolic pressures when states have a strong desire for international membership and recognition. Subotic argues that in both Serbia and Croatia, international justice was used for domestic purposes.

However, the two countries differed in the types of international pressures placed – coercive in Serbia and symbolic in Croatia. Subotic concludes that while international pressures were coercive, compliance was not complete. However, “when pressure became symbolic – as when Serbia was offered a path toward EU membership in anticipation of government compliance – this strengthened reformers, who then acted quickly to demonstrate their reliability as partners who can be counted on to comply with international demands,” (Subotic 2009, 19). There seems to be a discrepancy from Subotic's definition of coercion when she introduced the term and in the conclusion. Membership into the EU was defined as coercion in the beginning,

but later as symbolic. It may have been helpful to separate the two definitions of coercion – financial aid and prospect of the European Union. The prospect to join the European Union is more symbolic than receiving foreign aid. The threat of sanction or freezing of financial aid may be coercion.

Lamont (2007) examines Serbia's and Croatia's compliance and interactions with the International Criminal Tribunal for the former Yugoslavia (ICTY). Lamont recognizes that there are three arguments of compliance in the literature laid out by Hurd (1999): coercion, self-interests, normative coercion. Unlike Subotic (2009), Lamont (2007) argues that "ICTY arrest and surrender orders, can be broadly explained by rationalist approaches to IR, as state compliance has largely been the outcome of external coercion" (5). Lamont (2007) claims that Croatia's compliance was a result of coercive compliance; which included threats of sanctioning non-compliance by freezing bilateral relationships or denying access to international financial assistance. Subotic (2009) states that compliance induced by coercion only lasts for a short time, but coercive measures may foster compliance both in the short-term and the long-term. In the short term, the country may comply immediately as Croatia had because of threats that would have left it worse off if it did not comply. In the long-run, coercive tactics may contribute to creating expectations of future threats and enforcement measures. Unfortunately coercive tactics may only work when powerful actors want to change the behavior of a less powerful actor, or when there is a bargaining chip that would be favorable to the actor whose compliance is wanted, such as the accession into the European Union.

According to Lamont, compliance after 2003 was the result of the linkage to the European Union with the arrest and surrender of Ante Gotovina. Ante Gotovina is a former lieutenant general in the Croatia Army and was indicted by the ICTY in 2001 for joint criminal

enterprise in an effort to expel Serbs from Krajina, Croatia. Gotovina was captured in 2005 after hiding for 4 years and was sentenced to 24 years imprisonment. While Ante Gotovina was in hiding, the European Union closed accession talks with Croatia citing ICTY's report on Croatia's noncooperation with the tribunal. However, unlike Croatia, Serbia failed to receive a positive assessment of cooperation from the ICTY Annual Reports until June 2007. According to Lamont, while coercion tactics proved effective in bringing about sporadic compliance with arrest and surrender orders, the linkage of European Union accession to cooperation proved less effective in bringing about Serbian's compliance with arrest and surrender orders. Lamont's work could have been improved slightly had he added analysis of both Bosnia and Kosovo. Nonetheless, Lamont's analysis of Croatia and Serbia is thorough.

Additionally, Lamont could not have predicted the effect that the European Union accession process would have on Serbia's extradition in recent years. Serbia and the EU initialed a Stabilization and Association Agreement in November, 2007. However, a precondition to signing the agreement was full cooperation with the ICTY. The UN chief war crimes prosecutor, Carla del Ponte, stated that before the accord is actually implemented, Ratko Mladic must be arrested and transferred to the Hague. Ratko Mladic is a former Bosnia-Serb general, who is (allegedly) responsible for the Srebrenica genocide in July, 1995. Bosnian-Serb troops, under Mladic's command, overran the Dutch UN "safe havens", Srebrenica and Zepa. In Srebrenica, the Serbs expelled over 40,000 Bosnian Muslim who sought refuge from the United Nations and over 8,300 were murdered. Mladic was indicted by the ICTY in December 1995 for war crimes and genocide. Mladic was arrested on May 26, 2011 and transferred to The Hague on May 31. Later that same year on June 22 after seven years on the run, Goran Hadzic was extradited to the ICTY. Hadzic was the last war crimes fugitive sought by the tribunal. Serbia applied for

European Union membership in December 2009. It became an official candidate on March 1, 2012 after the arrested and extradition of Ratko Mladic. Compliance with the ICTY signals to the EU that Serbia takes its international obligations seriously and can be trusted to comply in the future.

The hypotheses drawn from the self-interest theory on compliance with ICTY extradition orders are:

H₂ The higher the volume of trade with the European Union, the higher the rate of extradition.

The hypotheses drawn from the coercion theory on compliance with ICTY extradition orders are:

H₃ If there is a threat of economic sanction or threat of not joining the European Union; the rate of extradition will increase.

The compliance with the ICTY shows that there may be multiple explanations in explaining why a country complies with international law or international criminal tribunals more specifically. Compliance theories restrict the number of factors thought to determine a country's compliance. While coercion may be the reason for compliance in Croatia, self-interest may have effected Serbia's decisions, while normative persuasion may have been responsible for Bosnia's compliance. As Lamont argues, Croatia's compliance was greatly affected by threats from the United States, and then Croatia complied because it was a necessary condition for EU accession talks. Similarly, Serbia complied in recent years in order to reap the benefits of joining an international organization such as the European Union. The public does not support the ICTY, but political leaders still opted to extradite the war criminals. Franck's legitimacy theory could potentially apply to Bosnia who is more tolerant of the ICTY and has complied with the tribunal. According to data from the ICTY, of the nine Bosniak war criminals indicted by The Hague, all were in custody within one year. Although most Serbs were extradited within a year, many were

in hiding for many years. Most notable, Ratko Mladic and Radovan Karadzic, who have been in hiding for 16 years before their arrests and extraditions in 2011.

EUROPEAN UNION CONDITIONALITY

The conditionality to accession into the European Union for the former Yugoslav countries comprises of two criteria. The first are the political, economic, and institutional criteria established by the Copenhagen European Council (1993) for all candidate countries. This includes the “stability of institutions guaranteeing democracy, the existence of a functioning market economy, and the ability to take on obligations of membership.”¹ The second set of criteria was established by the Commission Communication of 1999, and is specific to the Stabilisation and Association Process for the countries of former Yugoslavia.² This set of criteria includes respect for human, minority, and refugee rights, commitment to regional cooperation, and full cooperation with the ICTY. With the Commission Communication, cooperation with the ICTY became a necessary condition for entry into the European Union (Rangelov, 2008).

RESEARCH DESIGN

The intention of the research design is to answer the following questions: Why do states comply with international criminal tribunals? Why did former Yugoslav states extradite war criminals? What causal mechanisms had an effect on the timeliness of the extraditions?

To test the hypotheses, I collected a list of all individuals indicted by the ICTY from the day of the first indictment to the day that the individual was finally in ICTY custody. I collected data for each war criminal indicted by the ICTY using original ICTY documents.³ I was able to

¹ European Commission. Copenhagen European Council. 1993.

http://ec.europa.eu/enlargement/enlargement_process/accesion_process/criteria/index_en.htm

² European Commission. Stabilisation and Associated Press.

http://ec.europa.eu/enlargement/press_corner/key-documents/sap_en.htm

³ The documents were gathered from the International Criminal Tribunal for the Former Yugoslavia website; www.icty.gov from December 2011 to March 2012.

correspond with the ICTY Press Office via email and telephone in order to obtain information on the exact jurisdictions that were in charge of extraditing the individuals.⁴ The date of initial indictment was recorded as well as the date that the indictment came to an end for each individual indicted by the ICTY. The lapse time from indictment to extradition will become my dependent variable. The unit of analysis is person-day or every day an individual has been at large until their indictment came to an end. I am seeking to explain the variation in the number of days until extradition. Although I focus solely on extradition, other indictment ends were recorded as well as they may be useful in my analysis and discussion. The different ways that an indictment can end are: extradition, voluntary surrender, capture by international institution, indictment withdrawal by the tribunal, and death of the individual. The following characteristics of war criminals were recorded as well: fighting faction, charges (war crimes, crimes against humanity, genocide), and seniority.⁵ This information will be used in my analysis to control for inherent characteristics that differ among war criminals.

This study will focus on six different entities of former Yugoslavia: more specifically Serbia, Croatia, Macedonia, Kosovo, Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska. The Bosnian Federation (FBiH) and the Serbian Republic (RS) are two autonomous entities with local government in the country of Bosnia and Herzegovina.⁶ These six are chosen because they each have different opinions regarding the ICTY and have different

⁴ One of the main limitations of this study is potential human coding error. I collected and coded the data myself. It is always possible that an overlooked coding error exists in the dataset. This is especially important to note because there are a few observations and an error of large magnitude can have a large effect on the results.

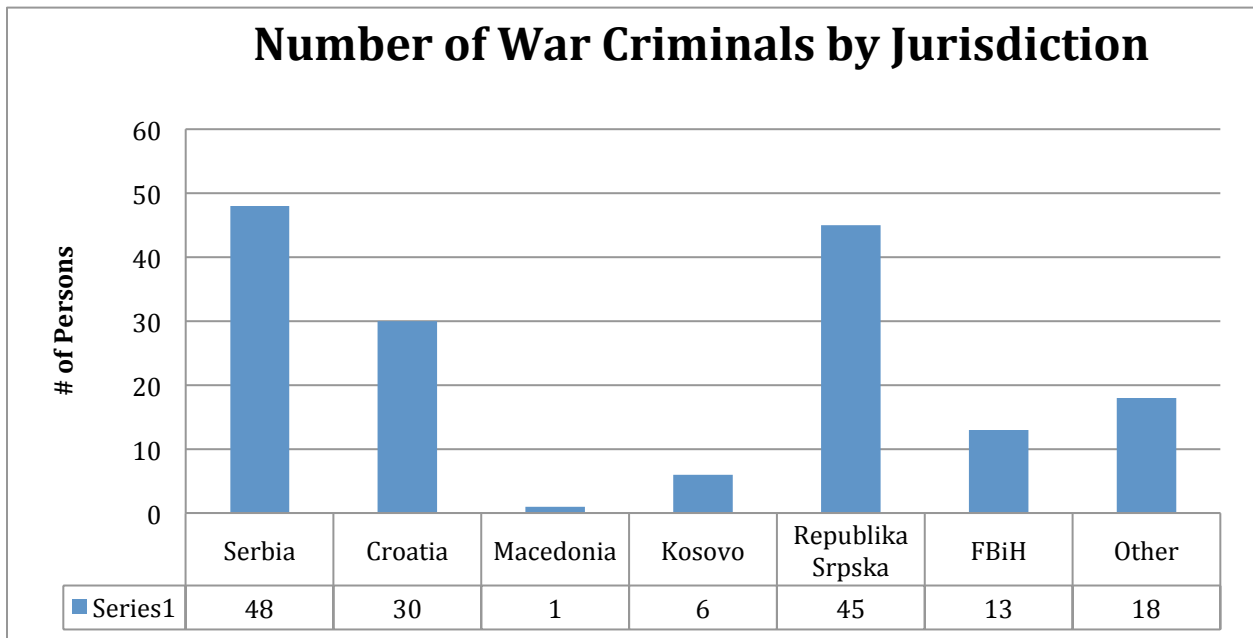
⁵ The dataset includes specific charges the criminals faced and the war criminals' current dispositions.

⁶ Bosnia and Herzegovina is a parliamentary republic, with a bicameral legislature, and a three-member Presidency. The rotating Presidency is comprised of a member from each ethnicity; Bosniak (Bosnian Muslim), Serbian, and Croatian. The Federation of Bosnia and Herzegovina (FBiH) is primarily inhabited by Bosniaks and Croats and is sometimes referred to as the Muslim-Croat Federation.

reputations in obeying extradition orders and conditions of the ICTY. These differences in compliance differ between the six entities and over time.

The number of war criminals indicted (161) is a small sample size even though the sample represents all the war criminals that were indicted by the ICTY and extradited to the Hague between 1993 and 2011. Of the 161 indicted, 141 individuals had their indictments end in one of the 6 entities in former Yugoslavia in my analysis.

FIGURE 1: Number of Individuals Indicted by Jurisdiction



Tests of statistical significance may be problematic in cases with small sample sizes. In order to deal with the issues associated with small sample size, this thesis will contain both a quantitative and qualitative analysis.

MEASURING COMPLIANCE

The rate of compliance is measured by the lapse in time between indictments and extraditions. The lapse of time is measured in person-days, or the number of days a person was at

large before their indictment came to an end. Indictments were issued at different times between the years 1994 and 2005 so simply looking at dates of extradition would not be sufficient because the times at large would vary. The variable of lapse in time over time is essential to answer my question.

Lapse in time between the indictment and extradition is a reasonable measure of compliance with the ICTY because there is evidence that the state governments knew the location of most of the war criminals that were in their jurisdiction. For example, Ljubisa Beara, who was publically indicted by the ICTY on March, 2002, maintained his entry in the local phone directory in Serbia (*Democracy, Rule of Law and Human Rights in Serbia* 2003). The Serbian officials knew his exact location. It can be assumed that the lapse in time between the indictment and extradition was the choice of these states and not the war criminals themselves. In other words, the states knew of the individuals' whereabouts and were not actively trying to capture the war criminals indicted by the ICTY.

Although Article 29 of the ICTY Statute encompasses a broad range of obligations that include providing access to witnesses and documentation, Tribunal orders for provision of evidence are often confidential. This is one of the reasons why I will use extradition orders to measure compliance with the Tribunal. Although some of the extradition orders were confidential (1998-2000), the domestic audience would be aware of a person being transferred to The Hague whether or not the extradition order was confidential.⁷ They would be unaware of documents and evidence sent from their government to the Tribunal. Additionally, the choice of whether to extradite or not is made by the country itself. The war criminals that surrendered are

⁷ ICTY Prosecutor chose to make the indictments confidential in 1998. The indictments were only disclosed to relevant government authorities in an attempt to secure arrests before the indictments went public and criminals had time to seek hiding. This only lasted until 2000, because criminals were aware of this change and most Bosnian Serbs moved to Serbia in order to avoid capture by the UN and NATO.

excluded from this analysis because, although many of the surrenders were induced by home governments, surrendering to the Tribunal could be a completely personal decision and not one made by the state. The countries have full control over the extraditions, but they do not have control over the other types of ends. Focusing on extraditions will allow this thesis to focus on specifically why states comply with international war crime tribunals.

INDIVIDUAL SPECIFIC CHARACTERISTICS

Individual specific variables were collected from the American University College of Law War Crimes Research Office and the ICTY Case Information Sheets. The control variables are the characteristics that are inherent to each war criminal. These variables include whether the individual indicted was of the same ethnicity as the jurisdiction that extradited them, the severity of the charges that the war criminal faced at the tribunal, and whether the war criminal held a position of seniority in either government or politics during the conflicts in former Yugoslavia. These characteristics are fixed and they do not change over time. Certain attributes of a war criminal may explain some variation in the length of time that the criminal is at large (Lamont, 2010). I hypothesize that each one of these variables will have an effect on the dependent variable (or lapse of time between indictment and extradition). Therefore, it is imperative to control for these factors.

CO-ETHNICITY

Co-ethnicity may be an important factor in determining the timeliness of extradition, especially in the former Yugoslav countries. The conflicts in former Yugoslavia were not between countries, but between different ethnicities. The Croatian government and army supported the Bosnian Croats. The Serbian government and army supported the Bosnian Serbs. The conflicts stemmed from centuries of ethnic conflicts in the region. Bosniaks, Bosnian Croats,

and Bosnian Serbs were all arrested in the Federation of Bosnia (FBiH). However, arrest/extradition orders for Bosnian Croats were given to the Croatian government because there was little difference between the Croatian (Hrvatska Vojska- HV) and Bosnian Croat (Hrvatska vijeće obrane - HVO) militaries. Similarly, Serbia was given arrest and extradition orders for Bosnian Serbs because there was little distinction between the Serbian army (JNA- Jugoslovenska Narodna Armija) and the Bosnian Serb army (Vojska Republike Srpske -VRS) (Lamont, 2010).

I coded the co-ethnic variable as 1 if the war criminal's ethnicity matched the ethnicity of the jurisdiction that extradited the criminal. Croatian Serbs and Bosnian Serbs are co-ethnic if they were extradited from Republika Srpska or Serbia. The war criminals whose ethnicity did not match that of the jurisdiction, for example Croatian Serb in Croatia, were coded as not co-ethnic or 0. There are a total of 7 non co-ethnics out of the 141 persons indicted in my analysis (5%). Most (95%) individuals were extradited by the jurisdiction who shared their ethnicity. Of the 7 people who are not co-ethnic, 2 individuals were extradited. Djordje Djukic, a Bosnian Serb was extradited from FBiH and Ljube Bososki was extradited from Croatia. I hypothesize that co-ethnicity will have an impact on time until extradition. I believe that those individuals who are co-ethnic will be at large longer than individuals who are not co-ethnic because the state will be more hesitant in extraditing an individual who has many sympathizers in their country (Lamont, 2010).

CHARGES

The gravity of the crimes ranged from war crimes to crimes against humanity to genocide. Every single war criminal was charged with at least one of these violations of human rights and international law, some were charged with two, while others were charged with all

three. The charges were coded according to specific crimes committed. For example, if a criminal was just charged with war crimes, they are coded as committing just war crimes. However, if an individual was charged with both crimes against humanity and genocide, they are coded as committing both crimes against humanity and genocide.⁸ Out of 141 individuals indicted by the ICTY, 137 were charged with war crimes (97%), 121 were charged with crimes against humanity (86%), and 20 were charged with the crime of genocide (14%). Of the 20 that were charged with genocide, 19 were also charged with crimes against humanity and war crimes. Out of the 121 that were charged with crimes against humanity, 116 were also charged with war crimes, the other 5 individuals were just charged with crimes against humanity.

TABLE 1: Number of Individuals Charged by Jurisdiction⁹

	Type of Crime		
	War Crimes	Crimes Against Humanity	Genocide
Serbia	47	45	10
Croatia	29	24	0
Macedonia	1	0	0
Kosovo	6	6	0
Republika Srpska	40	41	10
FBiH	14	5	0
Total	137	121	20
Total (Extradited)	36	31	7

By examining the table above, I see that not only were most criminals found in Serbia and Republika Srpska, criminals from Serbia and Republika Srpska were charged with the

⁸ The most recent definitions can be found in article 8 of the 1998 Rome Statute for the International Criminal Court (ICC). War crimes include prohibited acts such as murder, willfully causing great suffering, or serious injury to body or health, rape, and intentional attacks on the civilian population. Crimes against humanity encompassed murder, rape, extermination, persecution and all other inhumane acts committed “as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.” The Rome Statute defines the crime of genocide as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such.”

⁹ This data represents every war crime committed by every individual. There may be double or triple counts depending on the individual and how many crimes they were charged with.

gravest crime, genocide. Those charged with genocide include former President of Serbia, Slobodan Milosevic, Republika Srpska (RS) Army, General Ratko Mladic and former President of RS, Radovan Karadzic. Individuals who share ultra-nationalist views hail these individuals as heroes in parts of Serbia and Republika Srpska.¹⁰ The higher ranking individuals were charged with graver crimes. These individuals are looked up to as war heroes in their respective countries by sympathizers who share their beliefs. Given this information, I hypothesize that the crimes an indictee was charged with will affect their rate of extradition. I believe that the more severe the crime is, the less likely this individual will be extradited in a timely manner.

SENIORITY

The seniority of the individual can also be a potential factor that affects the time of extradition. I coded an individual's seniority dichotomously where 1 represents a war criminal that held a position in the military or the government and 0 represents a war criminal that did not hold any positions.¹¹ The ranks that were coded as "senior" are colonels, generals, and commanders. Presidents were also coded as "senior." The individuals that were coded as not senior are those who served as guards at internment camps and interrogators. A total of 111 were coded as holding position of seniority during the conflicts in former Yugoslavia (79%). Of the 111 individuals that held positions in government or military, 32 were extradited. Of the 30 that were coded as not having held position, 6 were extradited. By simply looking at the difference in number between senior and non-senior, it seems obvious that the ICTY tried to target individuals holding positions. This may be because it is extremely difficult to gather information about low

¹⁰ "Ratko Mladic arrested: Bosnia war crimes suspect held." BBCNews Europe. May 26, 2011. Accessed March 2012 <http://www.bbc.co.uk/news/world-europe-13561407>

¹¹ Further tests with different coding patterns should be run in order to ensure that the methods used for coding did not drive the relationship between the independent and dependent variables.

ranking officials. It is even more difficult to gather information on individuals who did not hold positions, or to discover the identity of all these individuals. If the ICTY does not have enough solid information, the tribunal cannot indict. I hypothesize that seniority will have an effect on extradition time. The higher ranked individuals will be at less of a risk of getting extradited than those that did not hold positions.

ELECTIONS

To test domestic factors influencing extradition, I used election data from Wolfram Nordsieck's Parties and Elections in Europe.¹² By using this election data, I was able to code the timing of the presidential and parliamentary elections, whether the leader was "nationalist" according to his party ideology, and whether or not the president was indicted by the ICTY for all six jurisdictions in my analysis. The president and the government are the two entities that hold the power of extradition. Extradition timeliness depends on a myriad of domestic factors including politics. These variables change over time and happened on different dates for each jurisdiction.

PROXIMITY

Each one of the six jurisdictions had presidential and parliamentary elections during the ICTY extradition orders and the indictment of war criminals, which spanned the years 1995 and 2011. The dates of the elections were recorded as well as the election results for both presidential and parliamentary elections. From the exact dates, I was able to dichotomously code which months an election took place in order to use it in my statistical regression. The month that an election took place and the month before the election are coded as an event (1), while the rest of the months are coded as non-events (0). The time is lagged in order to ensure that the cause precedes the effect. The unit of analysis is a person-day, so every day in the month was coded as

¹² Wolfram Nordsieck. 2012. Parties and Elections in Europe <http://www.parties-and-elections.de/>

an event and all the other days in other months were coded as non-events. The election could have taken place at the beginning of the month, or the end of the month. Lagging the data helps ensure the direction of the effect is from the independent variable to the dependent variable. There were 24 in total person-months that contained an election and a total of 7,421 person-days that were coded as containing an election in the dataset. I predict that the timing of elections will have an effect on extradition. An individual is less likely to be extradited if an election is taking place this month or the month before this one.

PRESIDENT IDEOLOGY/INDICTMENT

The presidents in each jurisdiction are coded as being nationalistic or non-nationalistic based on the ideology of the president and his political party. (see APPENDIX).

The party that was coded as nationalist in Croatia is Tudjman's HDZ. Since its creation in 1990, the HDZ has continued to uphold an ideology of national conservatism. The president of the HDZ and the Croatian Prime Minister, Jadranka Kosor, has hailed war criminals convicted by The Hague. In a ceremony marking the anniversary of Operation Storm in August, 2012, Kosor celebrated the war criminals by saying, "A special greeting I send to all Croatian veterans, all of Croatia's generals and particularly to generals Ante Gotovina and Mladen Markac."¹³ The opposition party in Croatian politics, the SDP was coded as not nationalist because they are a pro-European center-left party.

The parties in Serbia that were coded as nationalist are SRS and Milosevic's SPS. The SRS is a nationalist party that supports the "Greater Serbia" ideal, is anti-globalist, and is against Serbia's accession into the European Union. Aleksandar Vucic (SRS), former mayor of Belgrade, is quoted saying "Karadzic is a Serbian hero. There will be a strong backlash"

¹³ "Croatian prime minister hails convicted war crimes generals" August 5, 2011. The Telegraph. Accessed February, 2012

referring to the arrest and extradition of Karadzic.¹⁴ The SRS was in coalition with SPS during Milosevic's presidency in the 1990s. The presidents in Serbia who were indicted by the ICTY in May, 1999 are Slobodan Milosevic and Milan Milutinovic.

The parties that were coded as nationalist in the Federation of Bosnia and Herzegovina are the Bosniak SDA and Croat HDZ BiH. The SDA traces its origins to the Young Muslim Organization and represents Bosniak nationalism. Similar to HDZ, the HDZ BiH's ideology includes national conservatism. The HDZ BiH had major leaders indicted by the International War Crime Tribunal in Hague including Jadranko Prlic and Dario Kodric. The multi-ethnic parties in FBiH that were coded as not nationalist are SBiH and SDP. The ideologies of the aforementioned parties are tolerant and multicultural in nature. The SBiH wants to establish a "one man-one vote political system" in a unified Bosnia-Herzegovina and eliminate the divisive Republika Srpska. The SDP is the successor party of the League of Communists of Bosnia and Herzegovina and promotes multiculturalism.

The largest party in Kosovo is non-nationalist. The PDK (Partia Demokratike e Kosovës) is a social democratic party that promotes economic liberalism and Europeanization. The second largest LDK started out as an Albanian nationalist party but has since adopted pro-European policies and was not coded as nationalist.

The SDU in Macedonia was coded as not coded as nationalist because, similar to SDP of Croatia, it is a center-left party.

ECONOMIC GROWTH

Economic growth data was taken from World Development Indicators (WDI) data source for Bosnia and Herzegovina, Croatia, and Kosovo.¹⁵ Serbia's economic growth was gathered

¹⁴ "Karadzic Arrest: Reaction in Quotes" July 22, 2008. BBCNews. Accessed February, 2012.

from the International Monetary Fund's World Economic Outlook Database.¹⁶ The data was collected from years 1995-2011 and the data for Macedonia is missing. The data for Republika Srpska and the Bosnian Federation (FBiH) is identical as they are both part of Bosnia and Herzegovina and separate jurisdiction data is unavailable. The economic growth variable is measured by the percentage annual GDP per capita growth. Economic growth is measured on a yearly basis meaning that there is only variation from year to year by jurisdiction. The true effect of economic growth may have changed within the year and this has not been accounted for by this dataset. (see APPENDIX)

In both FBiH and Republika Srpska, economic growth jumped from 25.51% to 90% from 1995 to 1996 and decreased to 32% in 1997. This spurt can be explained by financial assistance that the country received after the war from Western democracies.¹⁷ Economic growth decreased to 3% in 2001 and has been pretty stagnant ever since. Croatia also experienced a spurt in 1996 (10%), which can also be explained by financial aid the country received after the war. Croatia experienced a significant financial dip in 1999, but was able to stabilize after. The notable dip in Serbia's economic growth to the negatives (-11%) can be explained by the conflict in Kosovo in 1999. The economy recovered rather quickly the year and experienced consistent positive growth until 2009 when it dipped again because of a trade deficit.¹⁸

I hypothesize that economic growth will have an impact on extraditions. I believe that when a country is in better economic times, the time it takes them to extradite a war criminal will

¹⁵ World Development Indicators. 2012. The World Bank. <http://data.worldbank.org/data-catalog/world-development-indicators>

¹⁶ World Economic Outlook Database. 2012. The International Monetary Fund. <http://www.imf.org/external/pubs/ft/weo/2011/02/index.htm>

¹⁷ European Commission. Economic and Financial Affairs. http://ec.europa.eu/economy_finance/index_en.htm

¹⁸ Kosovo Quarterly Economic Briefing. 2009. The World Bank.

decrease. The country might have better resources and greater liberty to arrest a war criminal without too much domestic backlash if the country is doing financially well.

EUROPEAN UNION EVENTS

European Union events were collected from the European Commission website and BBCNews. Only the “major” official events were coded as they were the ones likely to affect extradition for all five of the countries of interest.¹⁹ Bosnia and Herzegovina includes the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska and will be looked at as a single country as opposed to two different entities. The events were also coded into two variables, either positive or negative. They were coded into two separate variables because the European Union event can either be a step in the road to accession (positive) or a hurdle (negative) for the 5 countries. For example, “European Council confirms Croatia as candidate country” in June, 2004 would be considered an important positive event. Similarly, “Stabilisation and Association Agreement (SAA) negotiations are officially opened in Sarajevo” in November, 2005 would be considered an important positive step in Bosnia and Herzegovina’s road to European Union accession. However, “Serbia’s SAA negotiations called off due to lack of progress on cooperation with the ICTY” in May, 2006 would be considered a major hurdle in Serbia’s European Union accession. The events that were listed in the European Commission timeline and were not used were events that were not specific to the particular country. For example, Macedonia’s timeline included “The Council adopts the first Joint Action on an EU Special Representative” in July, 2001. Although this may be of importance to European Union as a whole, it does not present a push to further Macedonia’s accession or a hurdle to slow Macedonia’s accession into the European Union. Although there were a few omissions, I use the

¹⁹ Although I tried to use a systematic method of coding the “events” variable, the methods chosen may be subjective and may not be true representations of the effects of these variables on the extradition of war criminals.

dates listed by the European Commission and BBCNews to complete the dataset and in the statistical tests that followed. (see APPENDIX)

There were a total of 72 European Union events for all five jurisdictions (Bosnia was coded together). Of the total 72 events, 60 were positive events and there were a total of 12 negative events. The events were coded dichotomously on a month-to-month basis. In other words, if an EU event took place on a day this month, every day this month is coded as having an EU event. There are a total of 5,822 person days containing a positive EU event, while there are 1,046 containing a negative EU event out of 130,421 days in the analysis.

Negative EU events took place in only two countries; Serbia and Croatia. The European Commission did not list any negative events for Bosnia, Kosovo, or Macedonia. Additionally, the news source (BBC) did not include the European Union as frequently in their country timelines.²⁰ Perhaps, this is because the BBC did not see the European Union as being a top priority in the other three countries whereas politicians frequently discussed it in the two aforementioned countries. Additionally, by looking at the news articles after searching “Hague,” most results turned up Serbia and Croatia with limited results for the other three countries. I hypothesize that European Union events will have an impact on timeliness of extradition. Specifically, I believe that both will have a positive effect on extradition. If either a positive event or a negative event takes place, the rate at which criminals are extradited will increase.

TRADE WITH EUROPEAN UNION

Interactions with the most influential economic and political association in Europe may affect the rate of extradition by the former Yugoslav countries. In addition to European Union

²⁰ I only used two sources in order to ensure consistency in my analysis. Further research should consider additional sources.

events, interaction with the EU and the dependence on the European Union may have an effect on rate of extradition.²¹

TOTAL TRADE

The trade with the European Union data was collected from the International Monetary Fund's (IMF) Direction of Trade Statistics data source.²² The total trade with the European Union variable takes into account the total amount of goods, not services, traded between each country and the countries of the European Union. The data are presented monthly and the data varies across month and across jurisdiction giving precise measures of effect over time. The effects may not have been as drastic if only year data had been available. The dataset also takes into account the fact that the European Union increases the number of member countries over time. At any time period, whichever countries are actually in the EU are used in the dataset. Whenever a subsequent country becomes a member, their trade variables are then added to the data. The log was taken of the data in order to ensure normal distribution in the data.²³ Additionally, In order to control for differences in size of countries' economy, the log of the variable is used. When looking at variation across time and jurisdiction, the impact should not be driven by the size of the country's economy. The data is lagged by one month in order to ensure that the cause preceded the effect. The independent variable (trade with European Union) must precede the dependent variable (extradition of war criminal). (see APPENDIX)²⁴

²¹ The test of collinearity confirms that the total trade variable and the dependence variable are not collinear with an R(squared) of (.35).

²² Direction of Trade Statistics. 2012. International Monetary Fund eLibrary Data.
<http://elibrary-data.imf.org/FindDataReports.aspx?d=33061&e=170921>

²³ In order to use data in regressions, it is important to transform the data into a symmetrical distribution in order to ensure that the test does not produce incorrect coverage probability.

²⁴ Republika Srpska and FBiH have the same values. However, the values extend for a longer period of time for RS because they had war criminals indicted before FBiH. The graphs may look different but the scale is different.

Serbia has been trading with the European Union fairly consistently since 1996. There is a significant drop in 1999 assumingly because of the war with Kosovo. Total trade between the EU and Bosnia spiked in 1997 and has been increasing on average. There are notable dips and jumps from month to month however, and this will add precision to my results. Kosovo's trade with the EU increased from 2003 to 2005. Total trade between Croatia and the EU has been volatile throughout the years in the analysis with a significant dip in 2000.

I hypothesize that total trade with the European Union will have an impact on the rate of extradition for each jurisdiction; the higher the total trade, the more likely that the country will extradite war criminals to the ICTY. Domestic business pressures and lobbyists wanting better relations with the EU states may drive this relationship.

PERCENTAGE TRADE

The dependence of trade with the European Union is the total trade with the European Union as a percentage of whole trade with the world for every jurisdiction per month. Similar to the total trade variable, the data is lagged by one month in order to ensure that the independent variable preceded the dependent variable. In order to get actual dependence, the gross domestic product (GDP) should be used. Unfortunately, this data is missing for many of these countries across the years of study.

The percentage trade with European Union data from 1995 to 2005 for Serbia rose and fell, but stayed between 80% and 90% on average. The data shows that from July, 2005 until February, 2006, Serbia traded with the EU exclusively. An explanation for this pattern could be the fact that an additional eight countries joined the European Union in 2004.²⁵ In February, 2005 it went down to 53% and stayed in the 40's and 50's until 2007 when it rebounded to the 60

²⁵ Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia joined the European Union in 2004.

and 70 percent. In 2005, the United States lifted any remaining sanctions that it imposed in 1992 at the start of the war on Serbia.²⁶ This can explain the sharp decline in the percent trade with the European Union as Serbia started trading with other countries in the United Nations. In Bosnia (Republika Srpska and FBiH), there was a huge spike in the percent of trade with EU between 1995 (48%) and 1996 (66%). After 1997, percent trade increased until 2001 when it started slowly decreasing but never going below 60%. Kosovo's percent trade stayed the same from 2003 to 2005 at 38.6%. Similar to total trade, Croatia's percent trade with the European Union is extremely volatile and changes drastically by month. It seems that Croatia depended on the European Union more in the 1990s and the dependence slowed in the 2000s.

DESCRIPTIVE ANALYSIS

Since its creation, the International Criminal Tribunal for Former Yugoslavia indicted 161 war criminals from the former Yugoslav region. After the arrest of Goran Hadzic in July, 2011, every single indictment order had come to an end. There were many different types of indictment ends including: arrest and extradition by the government of the state, voluntary surrender to the tribunal, capture by international entities such as UN and NATO, death of individual before extradition, or withdrawal of indictment before extradition. Indictment ends are mutually exclusive in that an individual could only have had one way of ending their indictment.

Of the 161 indicted, 141 are used for statistical testing. The 20 persons that are withheld from the tests were either extradited from countries that are not part of this analysis. For example, Dragan Zelenovic, a Bosnian Serb indictee was arrested in and extradited from Russia. Zejnil Delalic, a Bosniak was arrested in and extradited from Germany. Although a part of former Yugoslavia, Slovenia is not part of the analysis because no Slovenes were indicted.

²⁶ "SAD ukinile poslednje sankcije SCG" June 30, 2005. (United States unblocked last sanctions). http://www.b92.net/info/vesti/index.php?yyyy=2005&mm=06&dd=30&nav_id=171650

Slovenia extradited one war criminal, Fatmir Limaj (Kosovar Albanian) 35 days after he was indicted.

These countries are kept out of the analysis because they extradited a small number of people and because inherent differences between the countries would be difficult to hold constant in order to compare the reasons for extradition. Another possibility for exclusion is that their location was unknown at the time of the indictment end. The individuals whose location was unknown, voluntarily surrendered directly to the ICTY, their indictments were withdrawn by the court, or they died before being arrested. Furthermore, individuals were left out of the analysis because there was missing information that the ICTY could not provide, such as exact extradition or indictment dates.

TABLE 2: Types of Indictment Ends by Jurisdiction

	Extradited	Surrendered	Captured	Died	Withdrawn	Total
Serbia	25	18	1	3	1	48
Croatia	5	18	1	2	3	29
Macedonia	1	0	0	0	0	1
Kosovo	0	2	4	0	0	6
Republika Srpska	3	9	23	3	6	44
FBiH	4	7	1	1	0	13
Total	38	54	30	9	10	141

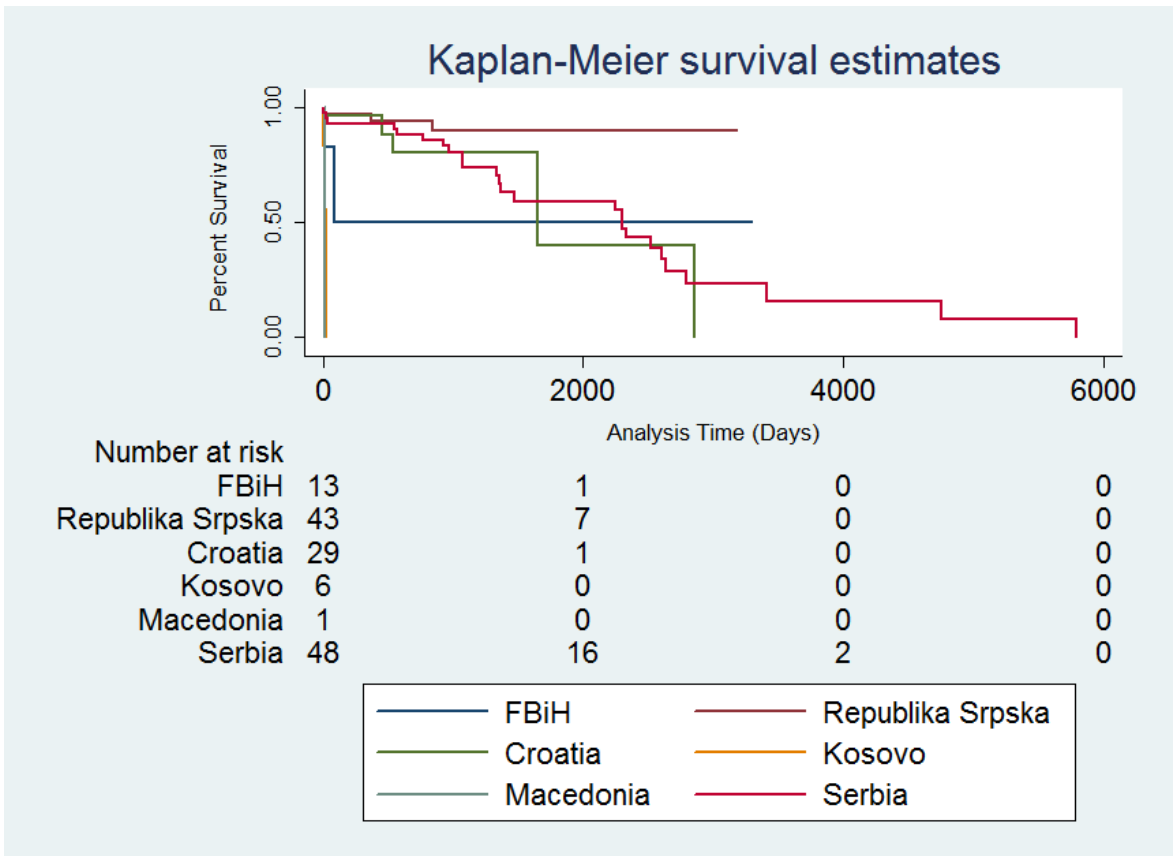
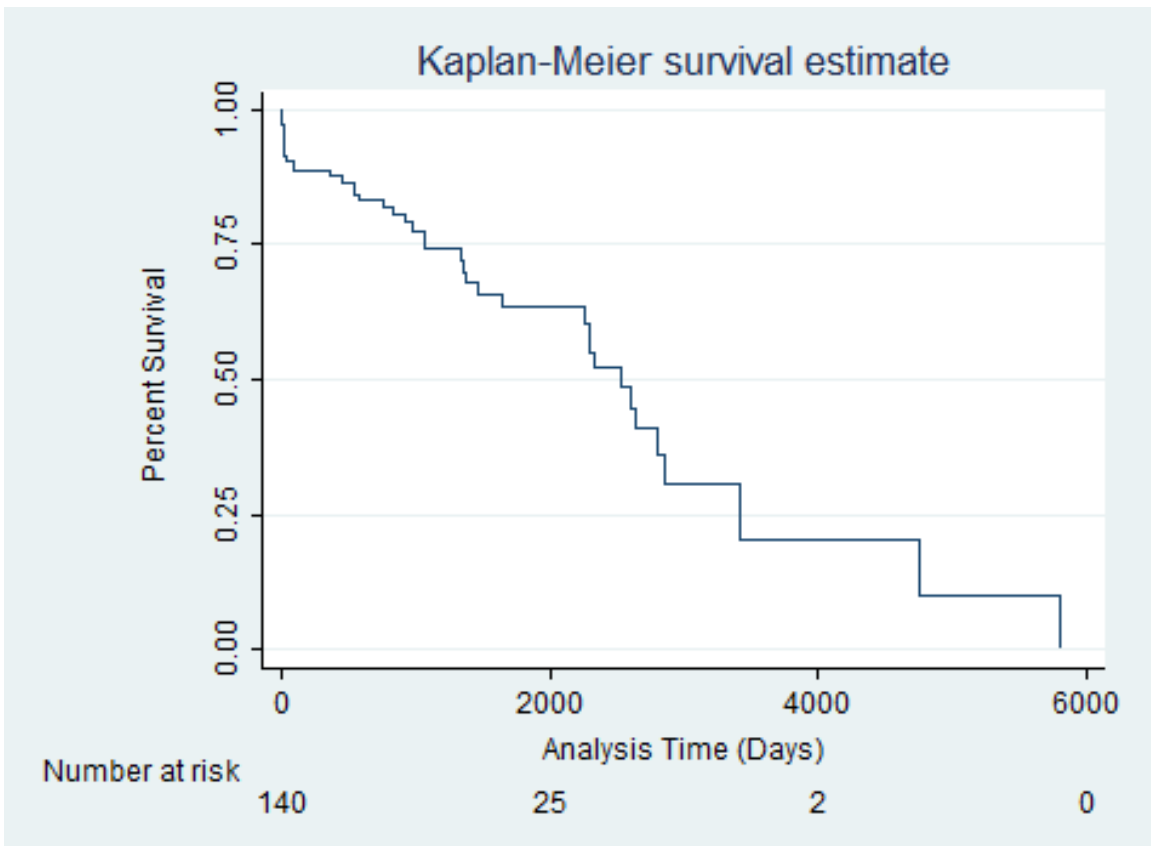
Most of the war criminals that had their indictment end in the countries of former Yugoslavia were in Serbia at the time (48). The second most were in the *Republika Srpska* half of Bosnia and Herzegovina (44). These two entities make up over 64% of all criminals that had their indictments come to an end.²⁷ Twenty-nine war criminals had their indictments end in

²⁷ These numbers are not surprising since most of the war criminals who were indicted by the ICTY were ethnically Serb. In particular, out of the 161 persons that were originally indicted 109 were Serb (whether it was Bosnian Serb, Croatian Serb, or Serbian), or 68%.

Croatia, 13 in the Federation of Bosnia and Herzegovina, 6 in Kosovo, and 1 in Macedonia.

Considering the numbers alone, one can see that the tribunal's main focus were the countries participating in the Bosnian War (1992-1995), or Croatia, Bosnia, and Serbia.

By examining Table 2, one can see that out of the 141 that had their indictments end in the countries of former Yugoslavia, 38 were arrested and extradited by the governments themselves. Fifty-four voluntarily surrendered to the tribunal, 30 were captured by international organizations, 9 died, and for 10 the indictments were withdrawn. Out of the 38 that were extradited, most war criminals were extradited from Serbia (25) and the least from Macedonia (1). Croatia extradited 5 war criminals, Bosnian Federation extradited 4, and Republika Srpska extradited three. Kosovo did not extradite any war criminals. The war criminals from Kosovo were either captured by international organizations (4) or they surrendered (2). The majority of Croatian war criminals voluntarily surrendered (62%) while the majority of the individuals from Republika Srpska were captured by international organizations (52%). This may be because both Kosovo and Bosnia and Herzegovina were under international administration during the times of this analysis. These differences will be explored in the qualitative section of my thesis. I will explore the causal mechanisms behind extraditions, specifically, the mechanisms behind lapse in time between indictments and extraditions. The results speak mostly to Serbia's extradition patterns because most of those extradited were extradited from Serbia (66%).



The Kaplan-Meier function is the aggregate survival function of all war criminals across the six jurisdictions, showing the proportion of war criminals that continue to survive, or continue to be at large, each day. The Kaplan-Meier function shows the data from a survival time viewpoint. A war criminal's duration is the time between the indictment and the end of the indictment. The 'failure' for the purpose of this illustration is the end of an indictment. When the extradition/ surrender/ death/ withdrawal occurs the individual is no longer 'at risk' of being at large and drops out. The war criminals whose indictments did not end in extradition are still used in the analysis because these individuals were also "at risk" when their indictments were still ongoing. They do not count as an "event," but they contribute their time at large nonetheless. The "analysis time" is the number of days since the indictment. The y axis depicts the proportion of war criminals still at large or still "surviving." The Kaplan-Meier model includes 140 observations.²⁸

The diagram shows the differences in time it took for each indictment to end by jurisdiction. Macedonia only extradited one war criminal in the matter of seven days. The survival representation for Macedonia on the Kaplan-Meier function is a straight vertical line because it took very little time to end the indictment time. Kosovo extradited 4 war criminals in less than one month of the indictment and the two that surrendered within a month as well. Kosovo and Macedonia are represented in a similar fashion, vertical lines. Serbia took the longest end the indictments of their war criminals, so their survival line extends the farthest to almost 6000.

The Kaplan-Meier model gives an illustration of the time it took each jurisdiction to end the indictments of each war criminal whose indictment ended in that jurisdiction. The model is

²⁸ There was a missing value for one of the war criminals, so the analysis includes 140 individuals as opposed to 141.

useful in comparing the differences among the jurisdictions. Table 3 shows the exact number of days per jurisdiction that criminals were at large.

TABLE 3: Number of Days until End of Indictment by Jurisdiction

	Total # of Days	% of Total	Mean # of Days	Median # of Days
Serbia	69,618	53.42	1450.38	1091.5
Croatia	12,981	9.96	447.62	232
Macedonia	8	0.01	8	8
Kosovo	77	0.06	12.83	9.5
Republika Srpska	42,736	32.75	971.27	805.5
FBiH	4,965	3.81	381.92	23
Total	130,385	100.00	924.71	697

War criminals were at large for a total of 130,385 person-days. In other words, it took a total of 130,385 days to end the jurisdictions of the 141 individuals in my analysis. This includes all five different types of jurisdiction ends. Person-day is my unit of analysis for each jurisdiction. The jurisdiction with the largest number of person-days in Serbia (69,618) followed by Republika Srpska (42,736). The jurisdictions with the lowest number of total days until the end of the jurisdiction are Macedonia (8) and Kosovo (77), both of which are insignificant as a percentage of the total number of days for every jurisdiction. Croatia took 12,981 days to end the indictments, while FBiH took 4,965 days. Table 3 shows the mean and median number of days at large for every war criminal by jurisdiction. The median number of days (697) is less than the mean number of days (924) in total for every jurisdiction meaning that the data are skewed to the right. This pattern is seen by every jurisdiction, so neither one of the jurisdictions is driving this pattern. There are a few high numbers that pull the mean above the median and most of the observations are concentrated on the left. This means that most individuals had their indictments end in a relatively short period of time, but there were a few individuals whose indictments took longer to end. The greatest discrepancy is seen in FBiH where the median number of lapsed days

between indictment and extradition is 23 days, the mean is 382 days. The type of jurisdiction end can explain this. If those that surrendered took less time to end their indictment time than those who were arrested or captured and many people in that jurisdiction surrendered, then the data will be skewed.

DATA ANALYSIS & DISCUSSION

The data analysis is designed to explain what factors determine the amount of time until an extradition occurs. There are several ways to go about testing the hypotheses. I have chosen three; Probit model, Weibull survival model, and Cox survival model. Three methods are chosen to show consistency in results and ensure that the model itself does not drive the results. However, the Cox survival model is the best models for duration analysis.

TABLE 4: Multivariate Regression Estimates²⁹

	Probit Model		Weibull Survival Model		Cox Survival Model	
	Coef.	SE	Haz. Ratio	SE	Haz. Ratio	SE
Constant	-3.016	0.838	9.48e-11	7.21e-10	-5.745	1.18
Duration	-0.079	0.049	---	---	---	---
Seniority	-0.078	0.281	1.259	0.84	1.175	1.723
Crimes Against Humanity	-0.364*	0.166	0.136*	0.028	0.122*	0.119
Genocide	-0.201**	0.035	0.190**	0.000	0.075**	0.013
Co-ethnic	-0.431	0.235	0.071	0.129	0.068	0.01
EU Positive Event	0.104*	0.043	1.361	0.249	1.521*	0.278
EU Negative Event	0.040	0.179	2.525	1.93	2.543	1.748
Total trade with EU	0.627**	0.156	4.032*	2.715	3.824*	2.63
Percent of trade with EU (Dependence)	0.012**	0.004	1.056**	0.021	1.065**	0.021
Economic Growth	0.004	0.003	1.044**	0.014	1.052**	0.017
Nationalist President	-0.546**	0.208	0.255*	0.144	0.317*	0.156
President Indicted	0.271	0.172	0.984	0.552	0.864	0.537
Presidential/Parliamentary Election (-1month)	-0.467**	0.079	0.169**	0.066	0.192**	0.061
FBiH	---	---	11.637	16.875	---	---
Republika Srpska	-0.772**	0.112	0.329	0.807	0.04	0.076
Croatia	-1.507**	0.338	0.486**	0.069	0.088	0.110
Kosovo or Macedonia	0.058	0.138	19,532**	34,892	848.524**	926.67
Serbia	-1.07**	0.358	---	---	0.167	0.228
Number of observations	130327		130327		130327	
Criminals	138		138		138	
Number at risk	---		38		38	
Average days per person	944.4		944.4		944.4	
Model fit	ln L0 = -347.32 ln L1 = -343.79		ln L0 = -381.81 ln L1 = -375.13		Chi-sq (4) = 8.16**	
* indicates two-tailed <i>p</i> -value < 0.05; **, < 0.01						

The data analysis includes the characteristics of all war criminals indicted by the ICTY and extradited from the former Yugoslav states since the first indictments (1994) until the last extraditions (2011). The analysis includes an examination of 38 extraditions, 54 surrenders, 30

²⁹ Survival models produce hazard ratios. If the hazard ratio is less than 1, the variable has a negative effect on extradition, or it reduces the odds of extradition. If the hazard ratio is more than 1, the variable has a positive effect on extradition; it increases the odds of extradition.

captures, 9 deaths, and 10 withdrawals in the form of 130,327 person-days, or the total number of days between each individual was at “risk” before their indictment came to an end. The dependent variable in my analysis is the ‘hazard’ of each indictment end by extradition during a given month in a given year. The hazard is the time between the indictments issued by the ICTY and the extradition of the war criminal by the state.

The following are dichotomous variables that only have two outcomes a 0 or a 1 and are constant: seniority, war crimes, crimes against humanity, genocide, and co-ethnicity. War crimes are omitted in the regression in order to compare crimes against humanity and genocide to war crimes. The following are dichotomous variables that do change over time: European Union positive event, European Union negative event, nationalist president, president indicted, and presidential election. The continuous variables are economic growth, total trade with the European Union, and percent trade with European Union. The models are fairly consistent in showing the direction of the effect for each independent variable and the significance of the effect.

In addition to displaying causality between the independent variables and the dependent variables, the models also show the differences between the different jurisdictions. Kosovo and Macedonia are coded together because Kosovo did not extradite a single war criminal and Macedonia only extradited one war criminal. The models do this by omitting one of the jurisdictions and comparing the other jurisdictions to the omitted one. By doing this, the models show which of the six jurisdictions took more time to extradite war criminals and which took less time. There are differences among the three models when comparing the jurisdictions to one another in significance of the effect, but the direction of the effect is the same for all three models.

PROBIT

Probit analysis is a type of regression used to analyze dichotomous dependent variables. For every day in the analysis, a war criminal is either still at large (0) or his indictment came to an end (1) The probit model transforms the binomial response curve into a straight line that can be used in regressions.

The Probit model can be defined as:

$$P_i = E(Y=1 | X_i) = \beta_1 + \beta_2 X_i$$

or the probability that the dependent variable (extradition) is equal to 1, X stands for independent variables which are assumed to influence the dependent variable.

The variables that have a significant impact on the dependent variable (time until extradition) according to the probit regression model at 99% confidence are: the gravity of the charge (genocide), total trade with the European Union, percent trade with European Union, nationalist president, and whether there was an election in the month before or month of the election. The variables that have a significant impact on the dependent variable at 95% confidence are: the gravity of the war crime (crimes against humanity) and European Union positive events.

According to the Probit model, as the severity of a crime has a negative impact on extradition. In other words, the more severe the crime, the less likely you will be extradited at a certain time. This supports my crime severity hypothesis. The model also shows that EU positive events have an impact on extradition. If an EU positive event occurs this month, the probability of extradition increases. The model shows that total trade with the European Union and percent trade with the EU have a positive impact on extradition time. An increase in total trade with the EU and an increase in percent trade with the EU increase the likelihood that an individual will be

extradited. This supports my trade hypothesis. Additionally, elections have a negative impact on elections. If there is an election this month or the month before, the rate of extradition decreases. In other words, there is less of a chance that an individual would be extradited if the country held their elections in a particular month. Finally, if the incumbent president is nationalist, the rate of extradition decreases. These findings support my elections hypotheses.

The variables that were found to be insignificant are: duration, seniority, co-ethnicity, EU negative events, economic growth and whether the president was indicted. Duration is the natural log of duration in days. This is automatically controlled for in survival analyses, but in the probit model the effect of cumulative duration should be controlled.

According to the model, there are differences among the jurisdictions themselves in the timeliness of their extraditions. The model shows that Republika Srpska, Croatia, and Serbia are less likely than FBiH to extradite war criminals in a timely manner. This means that FBiH extradited war criminals at a faster rate than the aforementioned jurisdictions. These results are significant with 99% confidence.

SURVIVAL ANALYSIS

The amount of time it takes for an “event” to happen is called its survival time. In my analysis, an event is an extradition. Survival models, specifically proportional hazards models, are appropriate to use in the analysis because the models take into account time being an independent variable. Additionally, survival models are appropriate in dealing with censoring. Censoring is a form of “missing data” problem in survival analysis. When looking at the type of indictment end of war criminals, some war criminals surrendered, others died, and a few indictments were withdrawn. These individuals still contributed their time to the analysis before

the end of their indictments. However, because they were not extradited, their “failures” do not count as events, but they simply stop contributing time at the end of their indictments.

Two important functions for describing survival data are survival function and the hazard function. The survival function (S) is defined as:

$$S(t) = Pr(T > t)$$

where t is some time, T is a random variable donating the time of “failure” or extradition, and Pr stands for probability. The survival function is the probability (Pr) that the time of failure (T) is later than some specified time (t). In other words, survival function is the probability that an observation “survives” longer than t .

The hazard function is the rate of death/failure at an instant t , given that the individual survives up to time t . The function measures how likely an observation is to “fail” as a function of the time of the observation. The hazard function (h) is defined as:

$$h(t) = \frac{f(t)}{1-F(t)} = \frac{f(t)}{S(t)}$$

where $f(t)$ is the probability density function of T . The outputs that the survival models give are hazard ratios. In both the Weibull and Cox models, a hazard ratio of less than 1 reduces the odds of extradition, and more than 1 increases it.

WEIBULL

The Weibull survival model is the second model used to show the relationship between the independent variables and dependent variable. Weibull is a popular survival model that allows for covariates of the survival times. The Weibull model finds similar relationships between the independent variables and the dependent variable as does the Probit model and the Cox survival model.

According to the Weibull model, the following variables have a significant impact on the dependent variable at 99% confidence: the gravity of the war crimes (genocide), percent trade with the European Union, economic growth, and timing of the presidential or parliamentary election. The following are significant at 95% confidence: gravity of the crime (crimes against humanity), total trade with the European Union, and ideology of the President (nationalist).

The Weibull model found that the following variables increase the likelihood that a criminal will be extradited: total trade with the EU, percent trade with the EU, and economic growth. The following variables decrease the likelihood that a criminal will be extradited: severity of the crime (crimes against humanity and genocide), nationalist president, and timing of the election. These results are consistent with the probit model and support my hypotheses.

COX

The Cox proportional hazards model is also used in analyzing the effects of my independent variables on the lapse between indictments and extraditions to the ICTY. The Cox model is the best fit for this type of analysis because it allows for the flexibility of distributional assumptions that cannot be verified. The dataset used in these regressions is unique and is therefore associated with many technical problems and hurdles that the Cox model tackles.

The Cox model shows the following variables to have an impact on the time it takes for an extradition of a war criminal at a 99% confidence: gravity of the crime (genocide), percent trade with the European Union (dependence), economic growth, and whether there was a presidential or parliamentary election this month or the month before this one. The following variables are significant with 95% confidence: crimes against humanity, European Union positive events, total trade with the European Union, and nationalist ideology of the President.

INDIVIDUAL SPECIFIC CHARACTERISTICS

The gravity of the charge has an effect on extradition. If a person is charged with committing crimes against humanity, their odds of getting extradited are reduced by a hazard ratio of .122. If a person is charged with genocide, their change of getting extradited is reduced by another .075. These results support my hypothesis. I predicted that the individuals who were charged with the gravest crimes are the ones hailed as war heroes in their mother countries. Therefore, the government risks more domestic backlash if it extradites criminals such as Ratko Mladic.

The individual specific variables do not seem to have a large impact on the war criminals time “at risk” or at large. Seniority of the individual and whether they were extradited from a jurisdiction sharing their ethnicity were found to be insignificant according to the Cox model. This may be due to my choice of coding, particularly when coding seniority. I simply coded seniority dichotomously based on any rank in politics and military. Perhaps I should have considered the level of seniority as opposed to simply whether or not the individual held a position. Additional tests should be done to test the effect of level of seniority on extradition time. The intuition that co-ethnicity has an impact on the time until extradition is not supported by the Cox model. The model does not show a significant relationship although the direction of the relationship is as predicted. The hazard ratio for co-ethnicity is .068 meaning that being “co-ethnic” reduces the odds of extradition.

ELECTION TIMING

The timing of presidential and parliamentary elections has an impact on extradition. With a hazard ratio of .192 and with the 95% confidence interval between .103 and .357, the Cox model shows that the chance of being extradited the month of the election or the month prior to the election is significantly smaller than the chance of being extradited in other months. This

finding supports my hypothesis that election timing will reduce the odds of extradition. This can be explained by the negative public opinion in regards to the ICTY that many in the former Yugoslav countries hold. When running for re-election, the candidates will want as little negativity surrounding their campaigns as possible. They want to appeal to a broad audience and even though their rhetoric may be different, they do not want to upset the public by extraditing one of their war heroes to The Hague.

NATIONALIST PRESIDENT

The ideology of the president has an impact on the time of extradition of war criminals. If a nationalist president is in office, the hazard of extradition is .317 times lower. The 95% confidence interval for this hazard ratio is between .12 and .831. With all other variables held constant, a nationalist president decreases the hazard of extradition. This finding supports the hypothesis that nationalist presidents will sympathize with the war criminals. Although “leader indicted” is not a significant predictor of extradition, the nationalist parties are the parties who have had their leaders indicted.

ECONOMIC GROWTH

The model shows that economic growth does have an impact on the timeliness of an extradition. Economic growth is correlated positively with “hazard” until extradition. For every one unit increase in growth, the hazard of extradition is 1.052 times higher with a 95% confidence interval between 1.02 and 1.09. With all other variables held constant, economic growth increases the hazard of extradition. In other words, when a country is experiencing economic growth, the rate of extradition increases. There may be many factors driving this phenomenon. Perhaps when the country is doing well, the citizens are more content. The negative backlash that the government may receive as an outcome of extraditing one of the war

criminals is less severe when the economy is doing better as oppose to when it is doing worse. The government has a higher chance of escaping political backlash when extraditing war criminals as many citizens in former Yugoslavia do not trust the ICTY and do not believe their people are guilty. This can also be explained by financial assistance that these countries received from the West. This is consistent with the coercion hypothesis. Perhaps when a country is receiving financial aid from the West, it is more likely to extradite war criminals.

TRADE WITH EUROPEAN UNION

The Cox model finds that total trade with the EU has an effect on extradition. For every unit increase in trade with the European Union, the hazard of extradition is 3.824 times higher. In other words, the more a country trades with the EU, the more likely that a war criminal will be extradited. This supports my hypothesis that trade with the European Union will have a positive impact on extraditions. The Cox model found the same positive relationship for percent trade with the European Union. For every unit increase in percent trade with the European Union, the risk of extradition is increased by a hazard ratio of 1.065 and 95% confidence interval between 1.025 and 1.107. In other words, dependence on the European Union in terms of trade increases an individual's hazard of extradition, all other variables held constant. This finding supports Goodliff's dependence theory and my hypothesis: the more that a country is trading with the European Union as opposed to the rest of the world, the more likely that the country will extradite war criminals.

EUROPEAN UNION EVENTS

The Cox model found that European Union negative events did not have a significant impact on extradition. The hazard ratio is positive meaning that for some criminals, EU negative events had an impact on their extradition in the month that the negative event happened, but the

results are not significant and the 95% confidence interval shows discrepancies in the effect that the EU negative event had on extradition.

However, the Cox model shows European Union positive events have a positive impact on extradition. If a European Union positive event happened in a given month, the likelihood of extradition increases by a hazard ratio of 1.521. All other things constant, a European Union positive event increases the hazard of extradition. This finding supports Subotic's coercion theory and my hypothesis that a country will cooperate with an international institution if it stands to gain financially. The results show that when a positive event, such as becoming an EU candidate country, occurs, the chance of extradition is increased.

JURISDICTION

The Cox model shows differences between the jurisdictions. According to the model, Republika Srpska, Croatia, and Macedonia are all significantly different from the Federation of Bosnia and Herzegovina (FBiH). Republika Srpska is less likely than FBiH to extradite war criminals in a timely manner. The hazard ratio of Republika Srpska compared to FBiH is .154 meaning that a war criminals chance of being extradited decreases if they are in Republika Srpska as opposed to FBiH in Bosnia. Similarly, with a hazard ratio of .015, Croatia is less likely than FBiH to extradite war criminals. Although not statistically significant at 95% confidence, Serbia is also less likely than FBiH to extradite war criminals.

QUALITATIVE ANALYSIS

Although this thesis focuses on extradition, it is important to consider the other types of indictment ends in order to be able to fully comprehend the complexity of compliance with the ICTY. As mentioned an individual's time-at-large may end in a number of ways including: voluntary surrender, capture, death, and withdrawal. By examining Table 2 systematic

differences between the jurisdictions and the type of indictment end can be seen. There are reasons behind these differences and those reasons will be explored next.

CROATIA

Croatia had a lot of their war criminals voluntarily surrender. In particular, 18 out of 29 men surrendered while only 5 were arrested and extradited by the state. Most of the war criminals who surrendered did so shortly after their indictments were issued. For example, Milan Babic surrendered within 9 days of his indictment in November, 2003. Ivan Cermak and Mladen Markac both surrendered in March, 2004. These indictments were issued in the early 2000s. However, very few war criminals surrendered shortly after their indictments in the 1990s. Although Croatia supported the establishment of the ICTY in 1993, the Tudjman authoritarian regime that was in power in Croatia was not willing to extradite because ICTY investigations into major military operations were perceived as threats to individuals implicated in the crimes, the stability of the new governments, and the legitimacy of each newly formed state (Lamont, 2010).

In February 1996, John Shattuck, United States Assistant Secretary of State for Democracy, Human Rights, and Labor, informed the Croatian government that cooperation with the ICTY was a pre-condition for future US military and political assistance and US support for Croatian talks with international organizations such as NATO, the World Bank, and IMF (Granić, 2005). Shortly after the threat from the United States, the Constitutional Law on Cooperation with the ICTY was ratified by the Croatian government in April, 1996. After months of intense negotiations between Washington and Croatia, ten Bosnian Croats surrendered to the court and were flown out of Zagreb in October, 1997.³⁰ These surrenders were induced by

³⁰ “10 Bosnian Croats Surrender to War Crimes Tribunal” October 7, 1997. *The New York Times*. Accessed February 2012.

the government and happened as a result of threats. Tudjman extradited individuals only after threats of US sanctions threatened Croatian supply of foreign and military aid. Also, Tudjman was not extraditing Croatians, but since Bosnian Croats were not citizens of Croatia, the transfer of these individuals was not seen as negative to the Croatian people (Lamont, 2010).

The elections of 2000 marked a change in Croatia's government. The "totalitarian" regime of Tudjman was ousted and replaced by the communist successor party, SDP, in the parliament and a Liberal Democrat, Stjepan Masic, became president. The change in government did not have an immediate large effect on extradition, but EU and NATO membership were brought to the forefront. In an interview in 2001, the President of Croatia, Stjepan Masic says that the greatest obstacle to Croatia's integration with the EU is the remaining effects former authorities. He is quoted saying, "They [former authorities in Croatia] do not want a European Croatia; they want an isolated Croatia, because only in such a Croatia they can live without democracy. But these are simply disoriented people who understand neither democracy, nor European integration, nor are they interested in the benefit of the entire society." In the same interview, President Masic claimed that the Hague tribunal plays a positive role in the region by individualizing guilt. The pro-Hague rhetoric was met with strong domestic opposition to cooperation with The Hague. In September 2001, the Croatian government refused to extradite Bobetko because of domestic and nationalist pressures. Janko Bobetko was hailed in Croatia as a hero of Croatia's struggle for independence in 1991.³¹ Although the Croatian government upheld norm-affirming rhetoric, although their domestic audience never engaged in the same, their actions proved non-cooperative.

³¹ "Janko Bobetko, 84, Is Dead; Fought to Free Croatians" April 30, 2003. *The New York Times*. Accessed March 2012.

Croatia's non-cooperation led the European Council to condition the start of Croatian accession negotiations on 'full cooperation' with the ICTY in 2004. This meant that Croatia's accession into the EU was tied to its cooperation with the tribunal.³² Negotiations were indefinitely postponed until Croatia was certified as being in full cooperation with the ICTY in March 2005 and led to urgency measures to arrest and extradite General Ante Gotovina. In December of 2005, Gotovina's arrest met with positive international reactions but mixed reactions in Croatia. The international community commended Croatia for their efforts in arresting a major war criminal. The EU Enlargement Commissioner Ollie Rehn was quoted saying that the arrest of Ante Gotovina is very good news for Croatia and the rest of the world. Croatian Prime Minister, Ivo Sanader, said that the arrest and transfer of Gen. Gotovina is a confirmation of Croatia and its state institutions. However, the mayor of Gen. Gotovina's hometown disagrees and says, "It looks like our general lost the first battle. What remains is a legal fight."³³ Clearly, the mayor supports Ante Gotovina. The domestic backlash may explain the lapse in time between the indictment orders and extraditions, but in the case of Croatia, external coercion in the form of aid from the United States and the prospect of accession into the European Union explain the eventual transfers to the tribunal.

BOSNIA and HERZEGOVINA and KOSOVO

Republika Sprska had a majority of its war criminals captured by the Stabilization Force in Bosnia and Herzegovina (SFOR). In particular, 23 out of the 44 (52%), of the war criminals who have had their indictment end in Republika Srpska were captured by an international organization. Similarly, Kosovo had a majority of their war criminals captured by the United

³² Croatia's Timeline. BBC News

³³ "In Quotes: Gotovina's Arrest Welcomed" December 8, 2005. BBC News. Accessed February, 2012.

Nations Mission in Kosovo (UNMIK). Out of 6 indictees who have had their indictments end in Kosovo, 4 (66%) were captured by an international organization.

The SFOR was a NATO-led peacekeeping and stabilization force comprised of multiple nations in charge of upholding the Dayton Agreement. The SFOR was established by Security Council Resolution 1088 in December, 1996. The UNMIK assumed sovereign control over Kosovo in 1999 through Resolution 1244. Bosnia and Herzegovina and Kosovo are still under administration of multi-national institutions and peacekeeping forces.

International organizations in both Bosnia-Herzegovina and Kosovo have been criticized for non-cooperation with the Tribunal. The most perplexing question is why did the UNMIK not assist the ICTY in a timely manner since they were both created by the United Nations Security Council. The answer is quite simple; difficulties have arisen as a result of conflicting interests between the ICTY, NATO and the UNMIK (Lamont, 2010). The ICTY's main focus is the prosecution of war criminals charged with violating international laws while NATO and UNMIK were primarily concerned with maintaining peace and order in the aftermath of war. Methods used to induce Croatia's compliance could not be used with these international organizations. The ICTY did not have legal power over international organizations as Article 29 only mentioned "states" and the ICTY needed to depend on voluntary assistance from these organizations in order to locate indicted individuals.

SERBIA

Serbia was the only country to oppose the establishment of the ICTY in 1993 on the grounds that it was a threat to state sovereignty (Kerr, 2004). While US sanctions and European Union integration proved useful in Croatia in the late 1990's. The same was not true for Serbia. Similar to Croatia, domestic, normative pressures cannot explain Serbia's eventual cooperation

with the ICTY. The ICTY was also unable to use the United States or the United Nations in order to coerce Serbia in the mid-1990's, because cooperation with Milosevic was essential to establishing the Dayton peace agreement. Although the Dayton agreement required signatories to participate with the ICTY, there was no consequence for non-cooperation (Lamont, 2010). However, with the ongoing violence in Kosovo in 1998, the European Union responded by revoking its trade agreement and imposing sanctions on Serbia. The sanctions did not lead to a negotiated settlement and the United States and the United Kingdom built a consensus with NATO to use force against Serbia in 1999. The NATO bombings of Serbia were met with even further dissatisfaction with international organizations within Serbia. (see Appendix) The domestic audience did not trust NATO or the ICTY, because the populace felt as though Serbia was unfairly targeted (Ivkovic, 2011).

Serbia had many of its leaders (both military and civilian) indicted. Those indicted included the president during and after the wars in Bosnia and Kosovo, Slobodan Milosevic, who was indicted on May 24, 1999. The leader of the radical opposition party, SRS, Vojislav Seselj was also indicted by the ICTY in February 2003. Nebojsa Pavkovic, the appointed head of the Yugoslav Army (JNA) and who remained in power until 2002, was indicted by the ICTY as well. The indictments of many ruling elites threatened the stability of Serbia. Nevertheless, the new coalition led by Zoran Dindic's *Demokratska stranka* (DS) that took the majority of the parliamentary seats in December 2000, decided to cooperate with the Tribunal in order to Europeanize Serbia (Lamont, 2010). The government said in a statement that "as a U.N. member state, we [Serbia] are obliged to fully cooperate with The Hague tribunal and have asked all state bodies for full cooperation."³⁴ However, the assassination of Zoran Dindic on March 12, 2003

³⁴ Serb leader sees handovers 'soon' April 2, 2002. CNN World. Accessed March 2012.

shows just how dangerous his pro-Western view was in Serbia. Following Dindic's assassination, the Serbian government began to extradite war criminals. Three individuals were extradited in the four months following the assassination.

The assassination of Dindic did not have an effect on the media's portrayal of the ICTY or the conflicts in Serbia. Public opinion polls indicate that in 2005, Serbians still believed that they were the ethnicity most victimized during the wars in former Yugoslavia.³⁵ However, according to the Demographic Unit of the ICTY, causality figures indicate that the majority (70%) of all civilians killed were of Bosniak ethnicity, followed by 20% Serb, and 4.5% Croat.

Serbia's cooperation was the result of coercive pressures by the United States and the pressures by the European Union to extradite war criminals as a pre-condition to becoming a candidate country. The Serbian government extradited Milosevic in June 2001 as a result of threats from the United States to block IMF financial assistance (Lamont, 2010). In 2005, negotiations were launched for the Stabilisation and Association Agreement. However, SAA negotiations were called off due to the lack of progress on cooperation with the ICTY on March 6, 2006.³⁶ The negotiations were resumed on July 13, 2007 following a clear commitment by the country to achieve full cooperation with the ICTY. Serbia finally became a candidate country on March 1, 2012 following the extradition of all indictees to the ICTY.

SENSITIVITY ANALYSIS

How does lagging the variables affect the timeliness of extradition?

The variables, timing of the elections and European Union events, have strong month to month changes in their impact. I explored this by lagging the range of month in the regression.

Timing of elections is a perfect predictor of extradition if only the month of the election is

³⁵ Belgrade Center for Human Rights, 2005

³⁶ EU Enlargement Commission

examined. In other words, if the election occurred in a particular month, no individual was extradited in that month. If the election is lagged to include this month and the month before it, it is a strong predictor that fewer individuals will be extradited (this is in the analysis). However, if the election is lagged by an additional month (this month, last month and the month before), the results are insignificant.

I lagged the European Union events by one month and to what effect having an EU event the month before had on extradition. The results showed that EU positive events have an insignificant impact, but that EU negative events are a perfect predictor. If a country experienced an EU negative event the month before, they did not extradite criminals the month after. Although this measure of European Union events is not used in the analysis, it may be a reliable predictor of a state's decision to extradite. Both the EU positive and EU negative events are coded in such a way that if an event happened at the beginning or end of the month, the event is still coded as happening in that month. This may be a reason why there are large differences from one month to the next.

The lagged results indicate that negative EU events have a large impact on extradition in Croatia and Serbia. This may be counterintuitive since the main argument is that these jurisdictions are supportive of EU accession and are extraditing as part of the conditionality in order to join the European Union. However, a negative assessment can have a large impact on the country in many other ways. For example, a negative assessment the month before may result in a complete breakdown in relations between the country in question and the EU. According to Lamont (2010), this was the case in Croatia in 2000 following Prosecutor Carla Del Ponte's negative assessment of Croatia's cooperation with the ICTY.

Does the citizenship of the individual affect timeliness of extradition?

In order to further test my findings, I added a new variable – “citizen of country.” Sources claim that both Croatia and Serbia failed to extradite citizens, while Bosnian Croats and Bosnian Serbs were more likely to be extradited (Lamont, 2010). Since, I did not find a significant relationship between co-ethnicity and extradition; I decided to test a similar characteristic of an individual. I coded the variables dichotomously. The dichotomous variable becomes 1 or 0 depending on the individual’s citizenship before the indictment. I used the fighting faction that the individual fought for in order to determine citizenship because detailed information did not exist for every individual regarding specific characteristics. I found that most individuals in Serbia & Croatia the majority were not citizens. However, both Croatia and Serbia extradited their own citizens quicker. The variable did not have an impact in the regression and was insignificant. This is surprising given the domestic backlash a government has to overcome when extraditing citizens. Perhaps these individuals committed the gravest crimes and were better at evading arrest. In particular, Ratko Mladic and Radovan Karadzic, two of the most notorious war criminals, are Bosnian Serbs were arrested in Serbia.

CONCLUSION

The fulfillment of the ICTY mandate to prosecute violations of international human right laws committed during the Yugoslav conflict depends largely on cooperation of national states. The states of former Yugoslavia have incurred domestic costs when complying with the ICTY. Such actions were costly enough that states have traditionally avoided compliance with indictment orders issued by the Tribunal. Why then have states complied with ICTY?

I find that former Yugoslav countries would have continued to maintain a policy preference for non-compliance unless external coercion altered the cost-benefit equilibrium that domestic elites faced. While domestic anti-ICTY pressures explain the time lag between the

Tribunal indictments and the extradition of war criminals, transfers were brought about by external coercion in the form of sanctions or threats of sanctions by the United States or the prospect of joining an international organization (European Union). The ejection and extermination of minority ethnic groups in many parts of Bosnia, Croatia, and Serbia left a vacuum when it came to domestic civil society forming NGOs to demand for prosecution of war criminals responsible for violations of international humanitarian law. Society did however form veterans' organizations that served to stop compliance and lobbied governmental officials and elites to not comply with the ICTY. This explains why no war criminal was extradited during the month of a presidential or a parliamentary election. In particular, only one war criminal was extradited the month before an election took place showing the strong influence of veterans' organization and negative public opinion of the ICTY.

The data shows that the criminals who were charged with the gravest crimes were at large for longer periods of time. This evidence is contradictory to the legitimacy of norms argument that would predict that these criminals would have been sought out first. The domestic audience did not lobby the government to prosecute war criminals and provide justice to the victims. The data shows that the domestic private interests, perhaps business lobbyists, pressured the governments to extradite. The economically resourceful private interests had more leverage to pressure the government to act in their favor when it was necessary. More often than not, these businessmen were the government officials in the Western Balkan states. Although popular pressure was against extradition, private economical interests dictated the compliance with the ICTY.

The creation of an international enforcement mechanism for upholding human rights was a vital step in international law. However, compliance with extradition orders took place when

non-compliance threatened the country's foreign policy and their relationship with their trade networks or dependence networks. The central theoretic contribution of this paper is its identification of the causal phenomenon that affects compliance with an international criminal court. Even in countries where domestic opinion is against compliance, states will cooperate with an international criminal court if compliance is tied to the country's economy. Some may argue that international criminal courts are a threat to state sovereignty and it is best to leave the task of prosecuting citizens with the national courts. However, in order to ensure equality and to contribute to national reconciliation and peace, prosecution of notorious war criminals should be handled by international courts in order to ensure that respect for global human rights is upheld worldwide.

FUTURE RESEARCH

My work focused on compliance with extradition orders by governments of the state. Most of the past literature focuses on the mechanisms behind a state's compliance with international institutions. Additional research should focus on the role of international organizations such as UN and NATO in internationally administered states, such as Bosnia and Kosovo.

Further research should also examine which criminals get indicted. There are many (mostly in Serbia) who believe that the ICTY is highly biased. In particular 70% of Serbians surveyed in 2005 said that they did not trust the tribunal, while only 13% said that they trust the ICTY. This may be because there were a greater number of individuals indicted from Serbia and Republika Srpska. However, this can also be because Serbia and Republika Srpska had their current presidents indicted, while Croatia and FBiH (as well as Kosovo and Macedonia) did not have their presidents indicted.

Additional quantitative research should focus on coercive threats from the West. I focused on EU events because they were documented, public, and accessible. These threats are not always made public and are difficult to find, code, or substantiate. However, threats of financial aid might explain extradition choices as was the case in Croatia.

Further research should also include additional resources in order to get a more comprehensive examination of the factors driving compliance with international war crime tribunals. If I had more time and resources, I would have interviewed members of ICTY staff, including prosecutors, defense attorneys and judges. Additionally, I would have interviewed ambassadors to each of the six countries. These interviews would have added an additional dimension to my project. Field work would have added another component as well. By interviewing and surveying citizens in these countries, one gathers a comprehensive study of public opinion regarding the ICTY, extradition orders, and the international community as a whole.

APPENDIX (I) STATUTE OF TRIBUNAL (1993)

Article 29

1. States shall co-operate with the International Tribunal in the investigation and prosecution of persons accused of committing serious violations of international humanitarian law.
2. States shall comply without undue delay with any request for assistance or an order issued by the Trial Chamber, including, but not limited to:
 - a. the identification and location of persons;
 - b. the taking of testimony and the production of evidence;
 - c. the service of documents;
 - d. the arrest or detention of persons;
 - e. the surrender or the transfer of the accused to the International Tribunal.

APPENDIX (II) PRESIDENTIAL ELECTIONS

Croatian Presidential Elections

Date	President Elect	Political Party	Description	Nationalist
December, 2009	Ivo Josipovic	Social Democratic Party of Croatia <i>(Socijaldemokratska partija Hrvatske)</i> SDP	Center-left, social democracy	No
January, 2005	Stjepan Mesic	Independent		No
January, 2000	Stjepan Mesic	Croatian People's Party-Liberal Democrats <i>(Hrvatska narodna stranka - liberalni demokrati)</i> HNS	Liberalism, free market, progressivism	No
June, 1997	Franjo Tudjman	Croatian Democratic Union <i>(Hrvatska demokratska zajednica)</i> HDZ	Right-wing Croatian nationalism, conservatism	Yes
August, 1992	Franjo Tudjman (founder)	HDZ		

Republika Srpska Presidential Elections

Date	President Elect	Party	Description	Nationalist
October, 2010	Nebojsa Radmanovic	Alliance of Independent Social Democrats <i>(Savez nezavisnih socijaldemokrata)</i> SNSD	Serbian nationalism, social democracy, regionalism	Yes

October, 2006	Nebojsa Radmanovic	SNDS		
October, 2002	Mirko Sarovic	Serbian Democratic Party (<i>Srpska Demokratska Stranka</i>) SDS	Far-right, Serbian nationalism, national conservatism, separatism	Yes
September, 1998	Zivko Radisic (founder of party)	Social Democratic Party of Bosnia and Herzegovina (<i>Socijaldemokratska Partija Bosne i Hercegovine</i>) SDP	Social democracy, multi-culturalism	No
September, 1996	Momcilo Krajisnik (indicted)	SDS		Yes
November, 1990	Biljana Plavsic (indicted)	SDS		Yes

Table : FBiH Presidential Elections

Date	President Elect	Party	Description	Nationalist
October, 2010	Bakir Izetbegovic	Party of Democratic Action (<i>Stranka Demokratske Akcije</i>) SDA	Centre-right, Bosniak (Muslim) nationalism, social conservatism, classical liberalism	Yes
October, 2006	Haris Silajdžić	Party for Bosnia and Herzegovina (<i>Stranka za Bosnu i Hercegovinu</i>) SBiH	Centrism, socially tolerant, multi-cultural, economic liberalism	No
October, 2002	Sulejman Tihic	SDA		Yes
September, 1998	Alija Izetbegovic	SDA		Yes
September, 1996	Alija Izetbegovic	SDA		Yes
November, 1990	Fikret Abdic	SDA		Yes

Table : FBiH Presidential Elections

Date	President Elect	Party	Description	Nationalist
October, 2010	Zeljko Komsic	Social Democratic Party of Bosnia and Herzegovina (<i>Socijaldemokratska Partija Bosne i Hercegovine</i>) SDP	Social democracy, multi-culturalism	No

October, 2006	Željko Komšić	SDP		No
October, 2002	Dragan Covic	Croatian Democratic Union of Bosnia and Herzegovina (<i>Hrvatska demokratska zajednica Bosne i Hercegovine</i>) HDZ BiH	Right-wing, National conservatism, Christian democracy	Yes
September, 1998	Ante Jelavic	HDZ BiH		Yes
September, 1996	Kresimir Zubak	HDZ BiH		Yes
November, 1990	Stjepan Kljuic	HDZ BiH		Yes

Serbia Presidential Elections

Date	President Elect	Party	Description	Nationalist
January, 2008	Boris Tadis	Democratic Party (<i>Demokratska stranka</i>) DS	Center-left, social liberalism, social democracy, pro-Europeanism	No
June, 2004	Boris Tadic	DS		
November, 2003	Tomislav Nikolic	Serbian Radical Party (<i>Srpska radikalna stranka</i>) SRS	Far right, Serbian nationalism, social conservatism, anti-globalization, anti-Europeanism	Yes
December, 2002	Vojislav Kostunica	Democratic Party of Serbia (<i>Demokratska stranka Srbije</i>) DSS	Center-right, national conservatism, Christian democracy	No
December, 1997	Milan Milutinovic (indicted)	Socialist Party of Serbia (<i>Socijalistička partija Srbije</i>) SPS	Serbian nationalism, (democratic socialism)	Yes
December, 1992	Slobodan Milosevic (founder) (indicted)	SPS		Yes

Macedonia Presidential Elections

Year	President Elect	Political Party	Description	Nationalist
April, 2004	Branko Crvenkovski	Social Democratic Union of Macedonia (<i>Socijaldemokratski sojuz na Makedonija</i>) SDSM	Centre-left, social democracy	No

Kosovo Presidential Elections

Year	President Elect	Party	Description	Nationalist
February, 2006	Fatmir Sejdiu	Democratic League of Kosovo (<i>Lidhja Demokratike e Kosovës</i>) LDK	Social conservatism, economic liberalism	No

APPENDIX (III) EUROPEAN UNION EVENTS

EU Events: Croatia

	Positive Event	Negative Event
November, 1996	Croatia joins Council of Europe.	
June, 1997		The EU decides not to invite Croatia to start membership talks, criticizing the Tudjman regime's authoritarian tendencies.
June, 2000	The Feira European Council states that all the SAP countries are "potential candidates" for EU membership.	
November, 2000	Zagreb Summit launches the Stabilisation and Association Process (SAP) for five countries of South-Eastern Europe, including Croatia	
July, 2001		ICTY Prosecutor, Carla Del Ponte, steps up pressure on Croatia to arrest and extradite.
September, 2001		Croatia refuses to extradite Bobetko because of pressure from nationalists.
October, 2001	Stabilisation and Association Agreement signed.	
February, 2003	Croatia applies for EU membership.	
April, 2004	European Commission issues positive opinion on Croatia's application for EU membership application	
June, 2004	European Council confirms Croatia as	

	candidate country.	
December, 2004	European Council sets 17 March 2005 as start date for negotiations conditional upon full cooperation with the ICTY	
January, 2005	Stabilisation and Association Agreement (SAA) enters into force	
March, 2005		EU delays talks on Croatia's membership because of failure to arrest Gen Ante Gotovina,
December, 2005	Croatian General Ante Gotovina, sought by the Hague tribunal on war crimes charges, is arrested.	
June, 2006	Croatia signs SAA	
November, 2006		EU delays Croatia's path to EU citing corruption and discriminations of non-Croats.

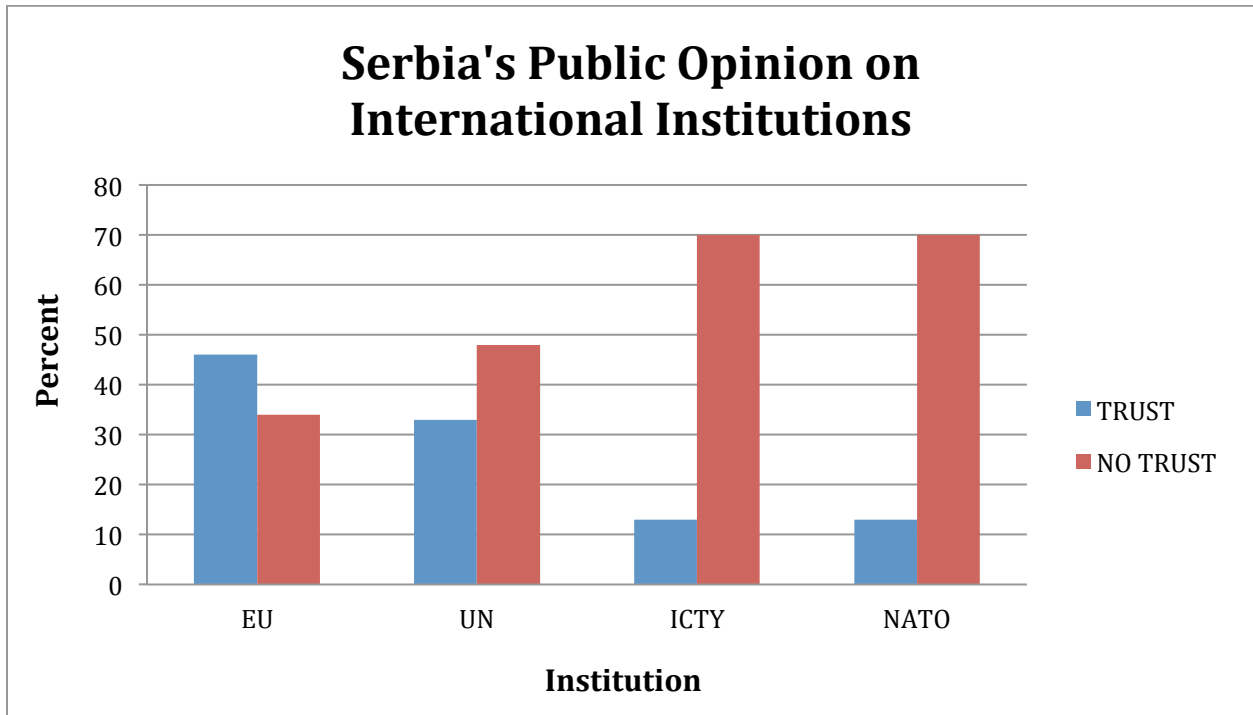
EU Events: Serbia

	Positive Event	Negative Event
June, 2000	Feira European Council states that all the SAP countries are "potential candidates" for EU membership.	
November, 2000	"Framework Agreement Federal Republic of Yugoslavia-EU for the provision of Assistance and Support by the EU to the Federal Republic of Yugoslavia". Serbia benefits from Autonomous Trade Preferences from the EU.	
June, 2003	The Stabilisation and Association Process (SAP) is confirmed as the EU policy for the Western Balkans. The EU perspective for these countries is confirmed.	
October, 2004	Council conclusions open up a process for a Stabilisation and Association Agreement.	
October, 2005	Launch of the negotiations for a Stabilisation and Association Agreement.	
May, 2006		EU calls off talks on closer ties because of Belgrade's failure to arrest war crimes suspect Ratko Mladic.
June, 2007	SAA negotiations with Serbia resumed,	

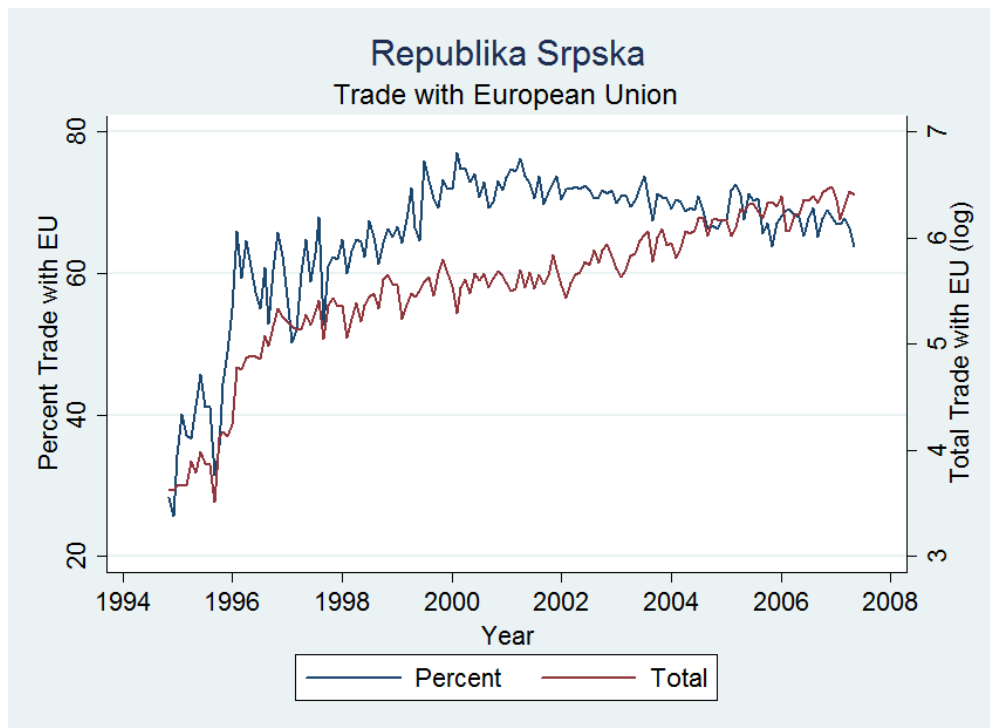
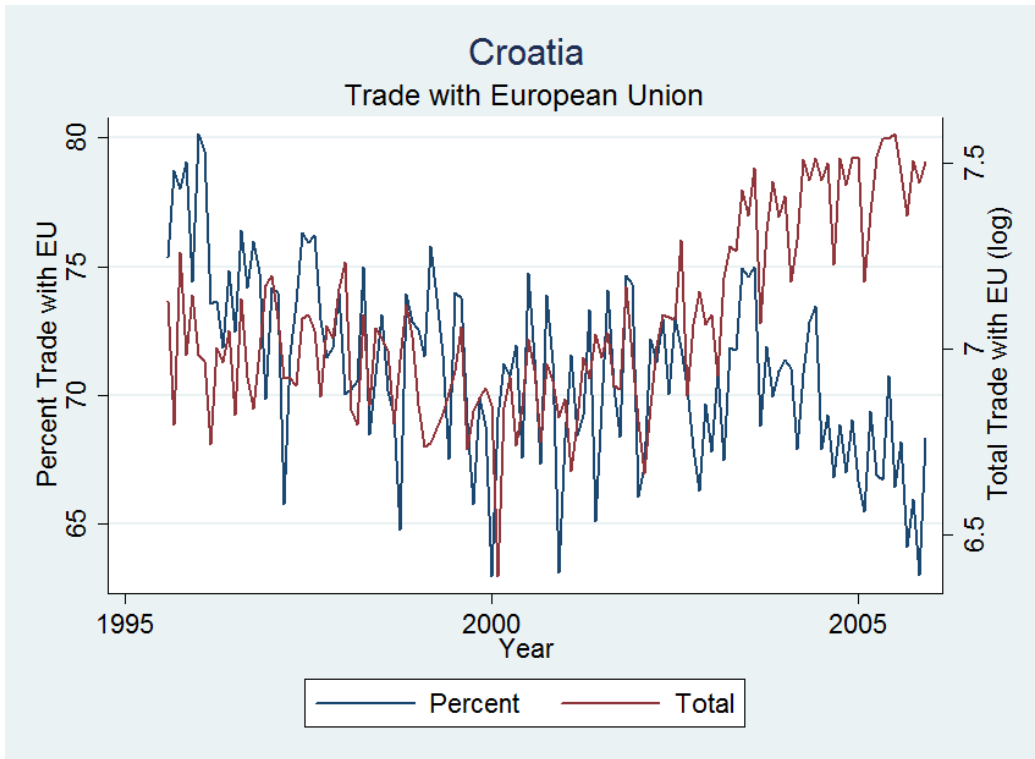
	following a clear commitment by the country to achieve full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY), and concrete actions undertaken by the country that have matched this commitment	
November, 2007	The SAA with Serbia is initialed.	
January, 2008	Entry into force of the Visa Facilitation and Readmission Agreement between Serbia and the EU.	ICTY prosecutor Serge Brammertz stated that there was no change and Serbia was still not fully cooperating
April, 2008	The Stabilisation and Association Agreement (SAA) and the Interim Agreement on Trade and Trade-related issues between Serbia and the EU is signed in Luxembourg.	
July, 2008	Former Bosnian Serb leader Radovan Karadzic, who evaded capture on war crimes charges for almost 13 years, is arrested by Serbian security forces in Belgrade and flown to The Hague to stand trial. EU integration is set as priority.	
September, 2008		Netherlands freezes SAA and trade part of SAA.
January, 2009	Serbia implements Interim Trade Agreement with the EU	
December, 2009	Visa-free travel within EU's Schengen area comes into effect for Serbian citizens. Serbia submits formal application to join EU.	
October, 2011	The European Commission recommends Serbia for EU candidate status but says talks can only start after it normalises ties with Kosovo.	

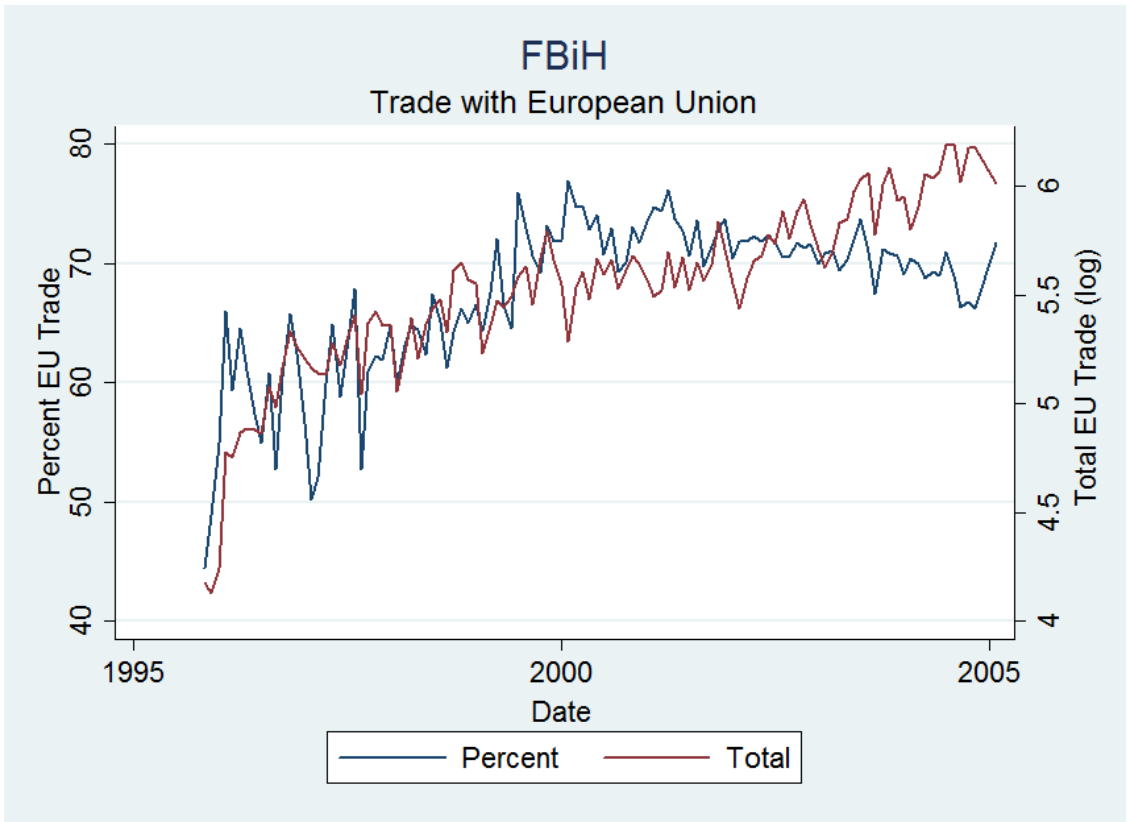
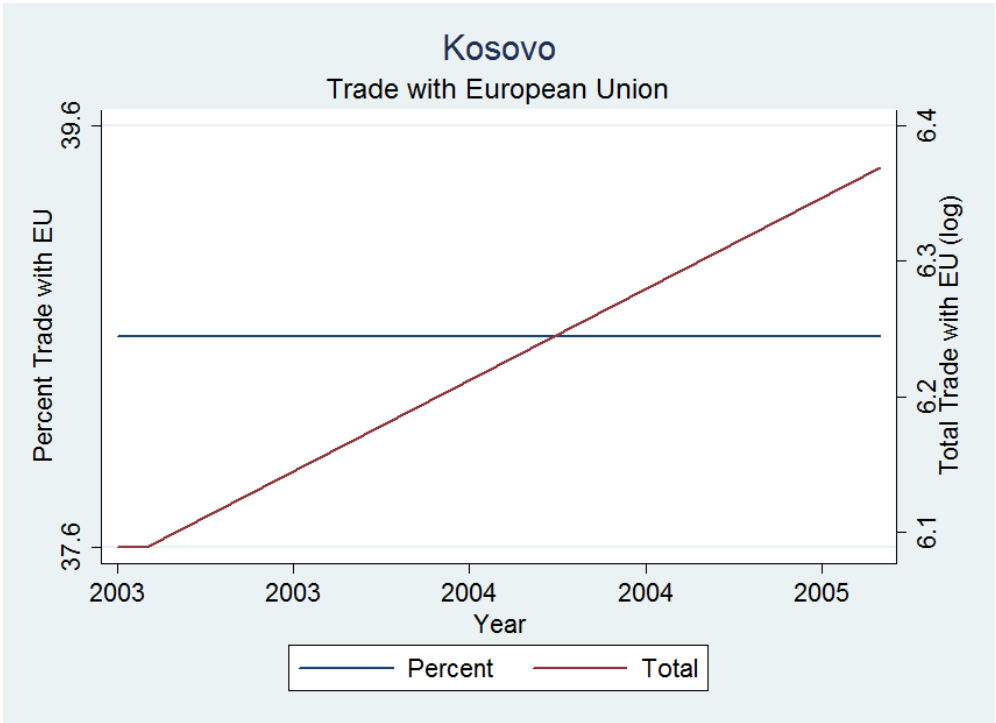
APPENDIX (IV) SERBIA'S PUBLIC OPINION

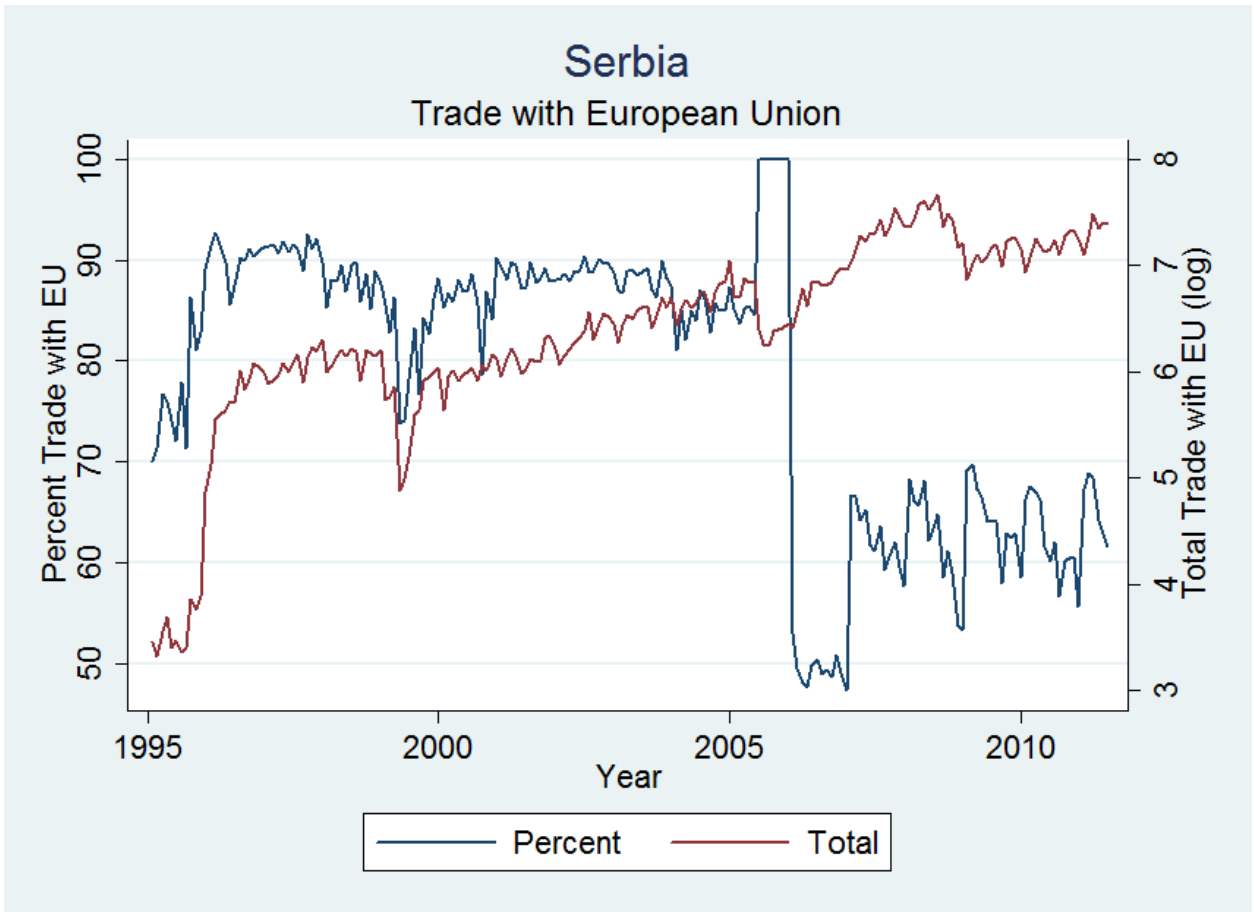
Polling data from the Belgrade Center for Human Rights report, *Public Opinion in Serbia: Opinions on the Domestic War Crimes Judiciary and The Hague Tribunal, April 2005*



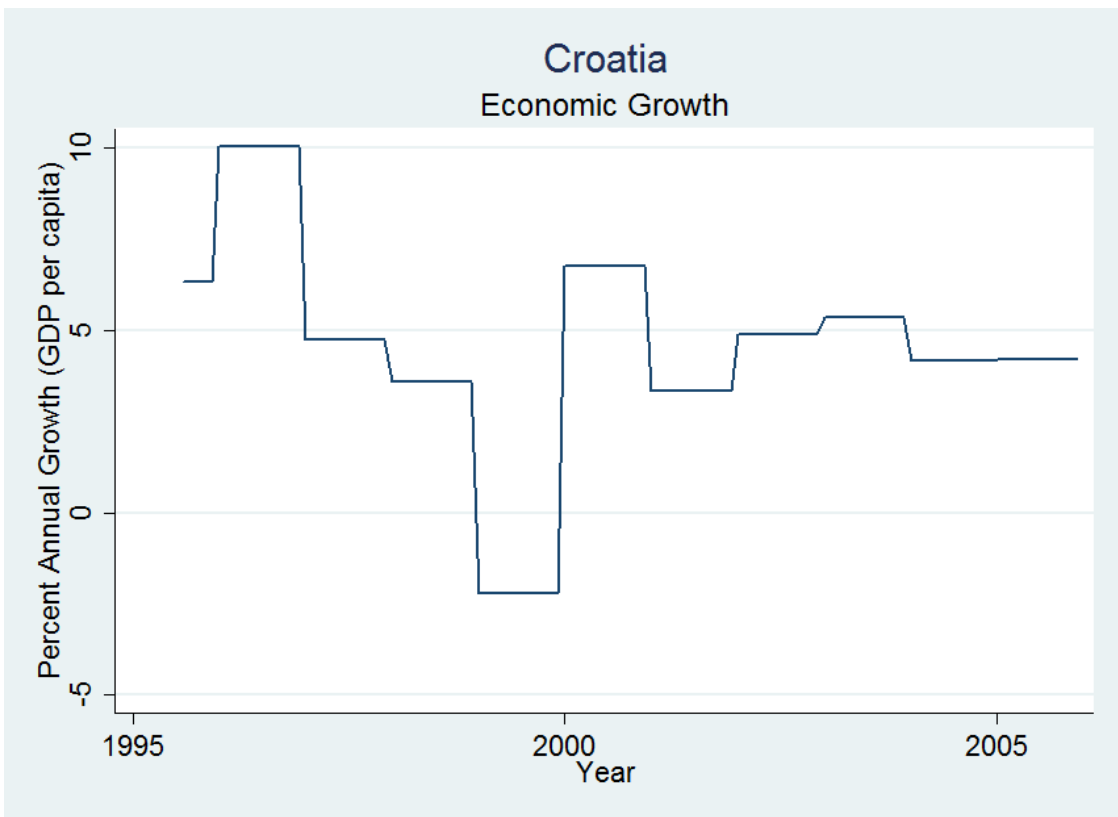
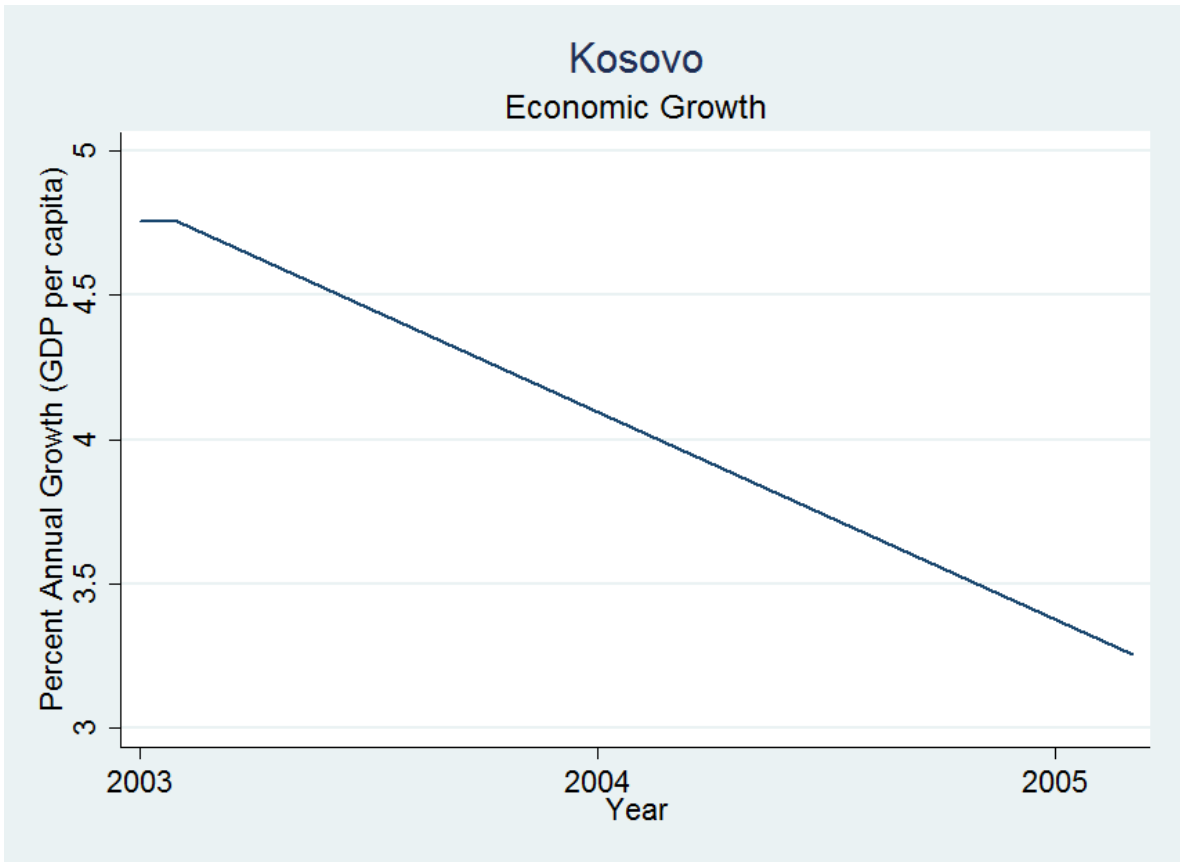
APPENDIX (V): TRADE WITH EUROPEAN UNION BY JURISDICTION

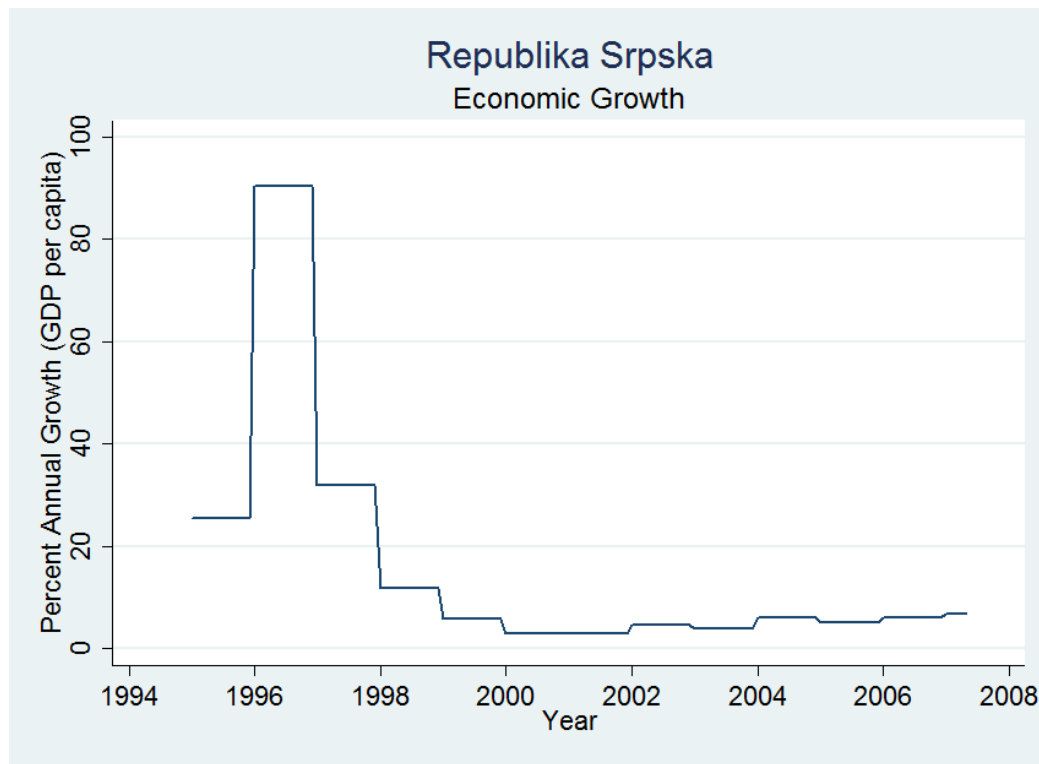
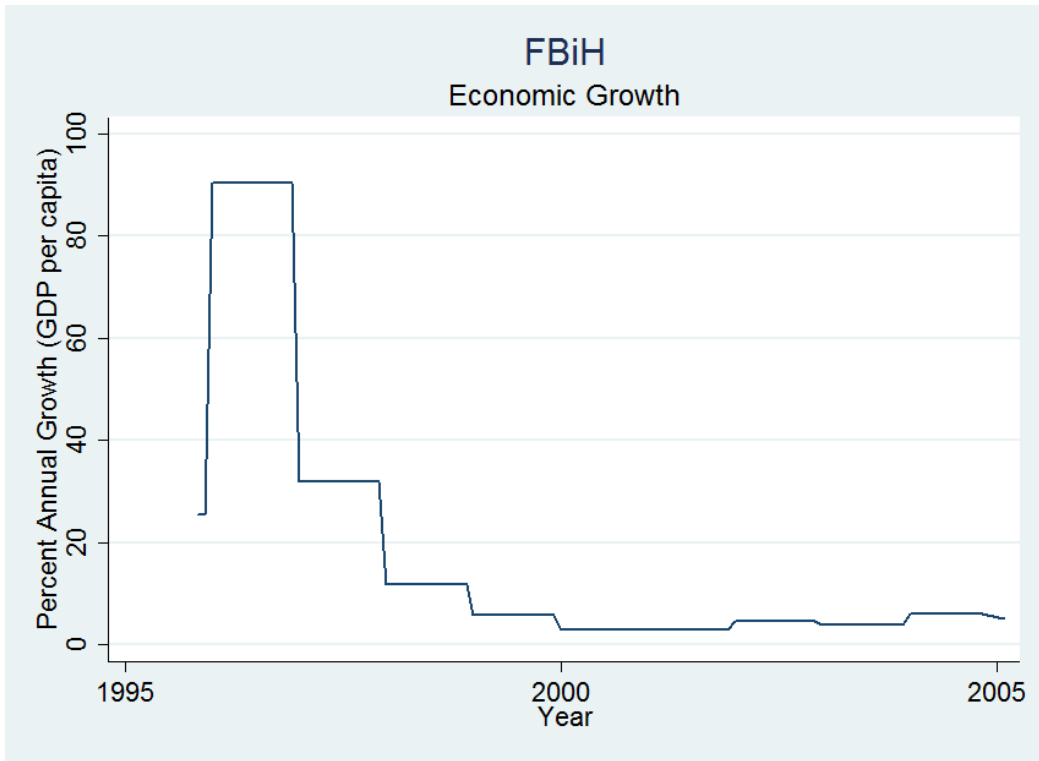




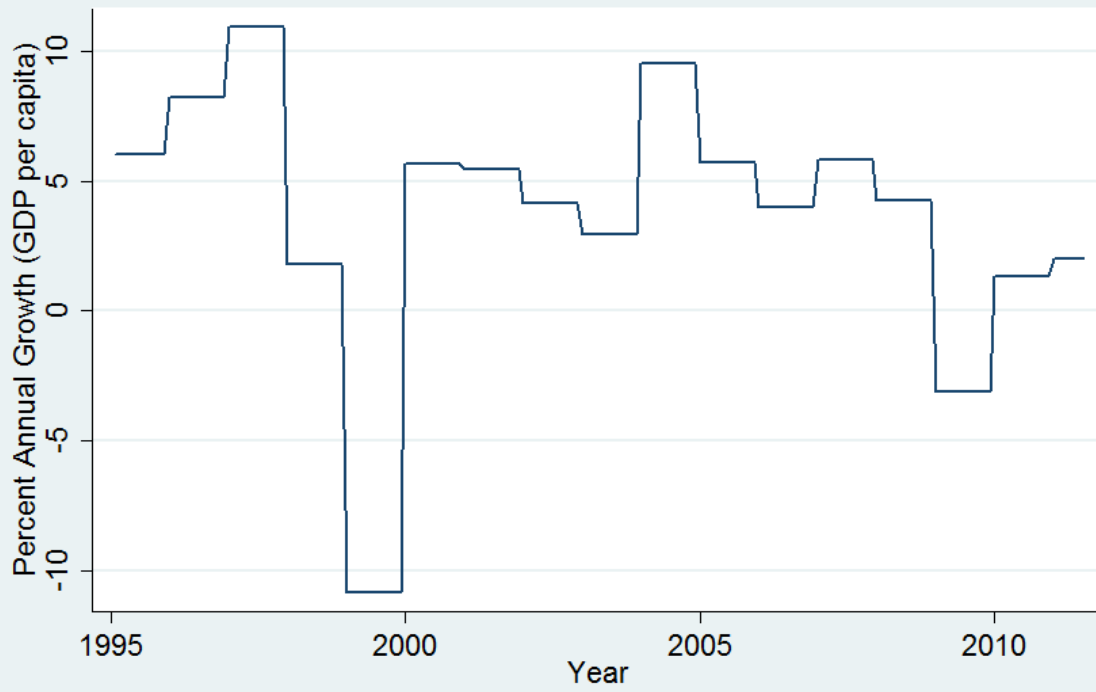


APPENDIX (VI) ECONOMIC GROWTH BY JURISDICTION





Serbia Economic Growth



REFERENCES

- Benvensiti and Hirsch. 2004. The Impact of International Law on International Cooperation.
New York: Cambridge University Press.
- Cardenas, Sonia. Conflict and Compliance: State Responses to International Human Rights
Pressure. *Philadelphia: University of Pennsylvania Press, 2007*
- “Croatian Fugitive General Seized.” *BBCNews*. December 8 2005
- D’Amato, Anthony. 1994. Peace vs. Accountability in Bosnia. *The American Journal of
International Law*. 88 (3) 500-506
- Dai, Xinyuan. 2005. Why Comply? The Domestic Constituency Mechanism. *International
Organization*. 59 (2) 363-398.
- Direction of Trade Statistics. 2012. International Monetary Fund eLibrary Data.
<http://elibrary-data.imf.org/FindDataReports.aspx?d=33061&e=170921>
- Dugard, John, & Christine Van Wyngaert. 1998. Reconciling Extradition with Human Rights.
The American Journal of International Law. 92 (2) 187-212.
- European Commission Enlargement. 2012. http://ec.europa.eu/enlargement/index_en.htm
- Franck, Thomas. 1998. Fairness in International Law and Institutions. Oxford: Oxford University
Press
- Forsythe, David. 1997. *International Criminal Courts: A Political View*. *Netherlands Quarterly
of Human Rights*. 15 (1)
- Goodliff, Jay, Darren Hawkins, Christine Horne, and Daniel Nielson. 2012. Dependence
Networks and the International Criminal Court. *International Studies Quarterly* 56 (1)
131- 147
- Gow, James. 2006. The ICTY, War Crimes Enforcement, and Dayton. *Ethnopolitics*. 5 (1) 49-

- Hagan, John. 2003. Justice in the Balkans: Prosecuting War Crimes in the Hague Tribunals. Chicago: The University of Chicago Press.
- Hazan, Pierre. 2004. Justice in a Time of War. College Station: Texas A&M University Press.
- Hedges, Chris. "10 Bosnian Croats Surrender to War Crimes Tribunal" October 7, 1997. The New York Times. Accessed February, 2012.
- Henkin, Louis. 1979. How Nations Behave: Law and Foreign Policy. New York: Columbia University Press (often cited)
- Hurd, Ian. 1999. Legitimacy and Authority in International Politics. *International Organization*, 53 379-48
- Ian Traynor. "Goran Hadzic Capture a Milestone for Yugoslav War Crimes Tribunal" *The Guardian*. July 20 2011.
- Igor Jovanovic. "Serbia, EU Initial SAA." *SETimes.com* August 11 2007
- Ivkovic, Sanja and John Hagan. 2011. Reclaiming Justice: The International Tribunal for Former Yugoslavia and Local Courts. Oxford: Oxford University Press.
- Kelley, Judith. 2004. Ethnic Politics in Europe: The Power of Norms and Incentives. Princeton: Princeton University Press.
- Kerr, Rachel. 2004. The International Criminal Tribunal for the Former Yugoslavia: An Exercise in Law, Politics and Diplomacy. Oxford: Oxford University Press
- Klarin, Mirko. 2009. The Impact of the ICTY Trials on Public Opinion in the Former Yugoslavia. *Journal of International Criminal Justice*. 7 (1) 89-96
- Koh, Harold. 1997. Why do Nations Obey International Law? *The Yale Law Journal*. 106 (8) 2599 – 2659.

United Nations International War Crimes Tribunal for the Former Yugoslavia. www.icty.org

Lamont, Christopher. 2007. State Compliance with the International Criminal Tribunal for Former Yugoslavia. *Research Institute for European and American Studies*. 116

Lamont, Christopher. 2010. International Criminal Justice and the Politics of Compliance. Farnham: Ashgate Publishing Limited.

Lie, Tove, Helga Malmin Binningsbø, and Scott Gates. “Post Conflict Justice and Sustainable Peace.” Presented at the PAC workshop Nicosia, Cyprus.

Nettelfield, Lara. 2010. Courting Democracy in Bosnia and Herzegovina: The Hague’s Tribunal Impact in a Postwar State. New York: Cambridge University Press.

Nordseick, Wolfram. 2012. Parties and Elections in Europe. <http://www.parties-and-elections.de/>

Peskin, Viktor. 2008. International Justice in Rwanda and the Balkans: Virtual Trials and the Struggle for State Cooperation. New York: Cambridge University Press.

Rajkovic, Nikolas. Explaining the Politics of Compliance ad hoc justice in Serbia and Croatia. European University Institute.

Rangelov, Ivan. 2008. EU Conditionality and Transitional Justice in the Former Yugoslavia. *Croatian Yearbook of European Law and Policy*. 2 (2) 365-375

Simmons, Beth. 2009. *Mobilizing for Human Rights: International Law in Domestic Politics*. New York: Cambridge University Press.

Shinoda, Hideaki. 2001. Peace-building by the rule of law: An Examination of Intervention in the Form of International Tribunals. *The International Journal of Peace Studies*.

Stephan Castle. “Mladic Arrest Opens Door to Serbia’s Long-Sought European Union Membership.” *New York Times*. May 26 2011.

Stroh, Dagmar. 2001. State Cooperation with the International Criminal Tribunals for the Former Yugoslavia and for Rwanda, *Max Planck Institute for Comparative Public Law and International Law*. 5, 249-283

Subotic, Jelena. 2009. The Paradox of International Justice Compliance. *International Journal of Transitional Justice*. 3 (3) 362-383.

Zacklin, Ralph. 2004. The Failings of Ad Hoc International Tribunals. *Journal of International Criminal Justice*.

World Development Indicators. 2012. The World Bank.

<http://data.worldbank.org/data-catalog/world-development-indicators>

World Economic Outlook Database. 2012. The International Monetary Fund.

<http://www.imf.org/external/pubs/ft/weo/2011/02/index.htm>