



# Can a complex EU solution preserve what's left of a "federal" Yugoslavia?

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**Many** Montenegrins, in the population in general and in the government of Montenegro, want total independence from what remains of the Yugoslav federation. The idea of independence from Serbia does not have overwhelming support in Montenegro. In fact, the population is almost evenly divided on the question of breaking up with Serbia.

Serbia, the larger of the two remaining members of the Yugoslav federation

(it has fifteen times Montenegro's population), is resisting the separation – offering instead a "reconstructed and minimal" federation.

A year of discussions between the post-Milosevic leaderships of Serbia and Yugoslavia on the one hand, and the leadership of Montenegro, on the other, has so far produced no result. At the beginning of 2002 the European Union stepped in, offering its services as a

mediator. Since this passive role turned out to be unproductive, the European Union stepped up its intervention, offering to the two sides a model for a solution within the framework of "a democratic Montenegro within a democratic Yugoslavia".

At the same time, the EU made perfectly clear that the rejecting side would find the road to the European Union to be much more difficult. So modern-day

## *An intertwined history since 1876*

Serbia and Montenegro both gained modern statehood and international recognition at the Berlin Congress of 1876. They maintained their respective independence until the end of the First World War. In 1918 Montenegro annexed itself to Serbia and then, as a part of Serbia, entered into the newly created "Kingdom of the Serbs, Croats and Slovenes", renamed "the Kingdom of Yugoslavia" in 1928. The decision was made by the National Assembly of Montenegro. The Assembly decided to oust their own king Nikola and to submit their sovereignty to the Serbian crown. The population was very divided on this question. Roughly half of the population considered themselves to be Serbs, sharing with them a common language and alphabet, religion, and historical roots. The other half felt that the historical development of Montenegro warranted state independence, in spite of the similarities with Serbs. Modern-day "independentists" claim that the Assembly vote of 1918 was rigged and that Montenegro should have never become a part of Serbia.

The Kingdom of Yugoslavia was a highly centralized state in which both Serbia and Montenegro lost their respective state identities. However, the Kingdom was ruled by the Serbian Karadjordjevic dynasty and was clearly dominated by Serbs through the army, police and state administration. Generally speaking, the political elite and the population of Montenegro came to terms with such a situation. Throughout the interwar period the pressure to decentralize and/or "federalize" the Kingdom came from Croatia, not from Montenegro.

Yugoslavia ceased to exist as a country during the Second World War. Serbia was occupied by Germany and Montenegro became a part of Italy. Immediately after the Second World War, the Socialist Federal Republic of Yugoslavia, sometimes dubbed the "Second" or "Tito's" Yugoslavia, was created as a federal state of six republics. Serbia was the biggest of the six (with a current

population of about 10 million) and Montenegro the smallest (with a current population of only 660,000). Each republic had its own constitution, its flag and coat of arms, a parliament, an executive (consisting of a Cabinet and a President), judiciary, police, etc. In its early years this federalism was nominal since the state was highly centralized due to the dominance at all levels of the Communist Party. But over the next three decades, and ending with the constitution of 1974, the central state was gradually decentralized and the republics got to perform more and more genuine state functions and develop more pronounced mutual relations. Throughout this period, the relations between Serbia and Montenegro were very close.

The disintegration of the Socialist Federal Republic of Yugoslavia started effectively in the late eighties, when Milosevic came to power in Serbia. Montenegro had its own "anti-bureaucratic revolution", modeled after the Serbian one and generously helped by Milosevic's regime. In 1991 Slovenia, Croatia and Macedonia declared their independence and Bosnia-Herzegovina followed in 1992. The European Union organized a "Conference on Yugoslavia", a last-ditch attempt at finding a peaceful solution. When that failed, the EU led the way in recognizing the new independent states. Throughout the turbulent dissolution of Yugoslavia, and during the international conference, Montenegro stood firmly by Serbia and Milosevic's regime.

The new Federal Republic of Yugoslavia came into existence in 1992. It consisted only of Serbia and Montenegro. In 1999 there was a confrontation between Yugoslavia and NATO over Kosovo. The territory of Kosovo effectively became an international protectorate. According to the UN Security Council Resolution 1244 Kosovo, *de jure*, remains a part of Yugoslavia, but *de facto* the state of Yugoslavia exercises no legal, judicial, economic, security, defense, or any other functions in Kosovo.

"Balkanization" is still alive and well, as are the attempts of European powers to bring stability to this troubled region.

### **An "incoherent" distribution of powers**

The current Federation is based on the Constitution of 1992. It was drawn up in haste to preserve the continuity of Yugoslavia following the departure of the other four constituent units and demonstrate to the world that it was the only legal successor to the previous federation. Drawing up a mutually acceptable constitution at the time was "a piece of cake" since both republics were ruled by like-minded former communists. It should be noted that Milo Djukanovic, later to become the leader of the drive for Montenegrin independence, accepted the constitution without a word of protest. At the time he was the Prime Minister of Montenegro.

According to the 1992 constitution the Federation's responsibilities are in the field of human rights, monetary policy, fiscal policy, economic relations with the outside world, customs, foreign policy and defense, as well as social welfare and environmental protection. The two federal Republics each have their own constitutions, parliaments, presidents and government structures.

The two constituent units (the "republics") have, in effect, more formal constitutional powers than the federal government. In addition, the republics exercise *de facto* a great many powers that are formally assigned to the federal government. The distribution of competences also contains numerous incoherencies and contradictions, most of which were designed to secure the President of Serbia, Milosevic's hold on power.

The federation functioned well, even if its legality was disputed, as long as Milosevic remained in power in Serbia. The leaderships of the two republics could do practically anything they wanted within their domain. The Federal President was Milosevic's puppet and the Federal Prime Minister was the puppet of the then still united and strong Montenegrin "reformed" communist party.

But in 1996 Milo Djukanovic, still the Prime Minister of Montenegro, started

challenging Milosevic on ideological grounds, asking for and advocating liberal economic and political reforms in Yugoslavia. The rift between the two leaders intensified in 1997 when Milosevic announced that he would run for the Presidency of Yugoslavia. That meant a serious shift in real power from Serbia to the Federation. Djukanovic rightly perceived that Milosevic would try to reduce his, Djukanovic's, exercise of power in Montenegro.

Milosevic's elevation to the Presidency of Yugoslavia caused the breakup of the ruling "reformed" Communist Party of Montenegro into two factions: the hard line, pro-Milosevic Socialist Peoples Party; and Djukanovic's breakaway faction, the Democratic Party of Socialists. In subsequent elections in Montenegro Djukanovic's party won. He and his party have ruled Montenegro ever since, though only by means of coalition governments since his support was never sufficient to rule alone.

### **The rift grows larger**

Milosevic rewarded those in Montenegro loyal to him by appointing their leader as Prime Minister of Yugoslavia. This irritated the Montenegro leadership even more since it was an unwritten rule that the party with a majority in Montenegro should appoint the Federal Prime Minister. From then on the relationship between Montenegro on the one hand, and the Federal and Serbian authorities, on the other, worsened by the day.

Djukanovic set out on a course of open confrontation with Milosevic, heralding a new, ostensibly democratic, liberal and reform minded strategy for Montenegro. Over the last four years he gradually but surely eroded the remaining powers of the Federation, bringing them one by one to Montenegro. Ultimately, Montenegro even ended up with its own currency – the German Mark (now the Euro)!

The unusual aspect of Djukanovic's *de facto* demolition of the Federation lies in the fact that as long as Milosevic was in power the idea of an independent Montenegro was mentioned only as a possibility, but not as the main strategy. It was only after opposition in Serbia managed to oust Milosevic as President of Yugoslavia and, later on, his regime in

Serbia, that Djukanovic stepped up his independence rhetoric. The reason for such caution in the early days is most likely to be found in the attitude of the international community.

The international community supported the regime of Milo Djukanovic, and his policies, while it was in opposition and an irritant to Slobodan Milosevic. "The enemy of my enemy is my friend" was the premise on which Djukanovic received political, diplomatic and, most importantly, financial support.

But the international community was not going to give overt support to yet another phase of disintegration in the Balkans. Djukanovic seems to have read the international support as nominal opposition to independence, which would yield once faced with a *fait accompli*, as was the case with Slovenia ten years earlier. So instead of moderating his independantist drive, he put it into higher gear by announcing, among other things, a referendum on that issue in Montenegro.

### **The future**

Once again the European Union got involved to try to prevent yet another disintegration of a Balkan state, with possible further ripple effects in Kosovo, Macedonia and then in Bosnia-Herzegovina. At the time of this writing (end February 2002) intensive negotiations are under way between the EU, Montenegrin, Yugoslav and Serbian officials. The EU has tabled a proposal which as yet has not been made public but which has already been dubbed "the Frankenstein state" suggesting that bits and pieces be put together to create a "compromise" state, unlike any other in the world. (*We will have more on this in the next issue of "Federations."*)

It is difficult to predict the long-term prospects of the current Yugoslav federation. Only two things are absolutely certain: first, it will not survive in its current form. Second, the population of Montenegro will remain deeply divided over separate independence – whether the two republics accept the new, EU-fashioned model, or reject it. Longer-term instability and even violence remain definite possibilities. (6)