



Montenegro's separation took place peacefully

Serbian parliament approves new constitution

BY NICK HAWTON

In the Chamber of the Serbian Parliament, the deputies stood and applauded, and the president and prime minister shook hands. It was Saturday night, Sept. 30, 2006, and the special session of Parliament had just unanimously approved a new draft constitution. President Boris Tadic said it was the first time in 50 years that broad political agreement had been reached on such an important issue. Serbian voters approved the constitution in a referendum on October 29.

The constitution guarantees democratic, religious and minority rights, including the separation of church and state, but the preamble contains an omen for future negotiations with the UN over Kosovo: it states that Kosovo is "an integral part of the territory of Serbia."

Indeed, it was an historic moment. For seven years, Serbia has been on a political roller-coaster as it experienced war, sanctions, revolution, the assassination of a prime minister, coalition government, the hunt for war criminals and the final break-up of the former Yugoslavia. The approval by Parliament of a new constitution, which still has to be approved in a national referendum, finally updates the legal and political framework inherited from the days of

Slobodan Milosevic and marks an important watershed in modern Serbian history.

But the political upheaval is not necessarily over and important questions still remain. How are Serbia and Montenegro dividing up the spoils of marriage? What will be left of their federal union? On the immediate horizon, how will the issue of Kosovo be resolved? Will it be allowed the independence that the vast majority of its people want — or will it remain within sovereign Serbia? And what are the implications for other areas in the region like the Serb-run half of Bosnia, Republika Srpska?

Montenegro votes for independence

It was by the narrowest of margins but the pro-independence campaign in Montenegro was victorious. In the Republic's referendum on May 21, 2006, just over 55 per cent of voters supported independence and the break with Serbia. Most observers were not surprised by the result. The law required a vote of at least 55 per cent for Montenegro to secede.

The State Union of Serbia and Montenegro was the illegitimate child of what was left of the former Yugoslavia. Its parents were political expediency and political

compromise, and its creation was more by default than some grand political design.

By the end of 1995, four out of the six Republics of the former Yugoslavia had formed their own states (Slovenia, Macedonia, Croatia and Bosnia), leaving Serbia and Montenegro on their own. But in the years that followed, Montenegro's political leader, Milo Djukanovic, moved closer to advocating full independence. The European Union became concerned that a new Balkan conflict was on the horizon. Javier Solana, its foreign policy chief, cajoled and encouraged Belgrade and Podgorica to sign the so-called Belgrade Agreement in March 2002, forming the State Union of Serbia and Montenegro, and defusing any potential conflict.

The Union had nominal responsibility for foreign affairs, defence, external and internal economic relations and the protection of human rights and minorities. In fact, the

most visible signs of any "union" were when the national sports teams played, when the army was on manoeuvres or when the flag was flown. The so-called Federal Parliament met rarely.



— Photo: Vlado Marinkovic

In Belgrade, the old Federal Parliament of Yugoslavia has become the Parliament of the Republic of Serbia.

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In reality, when Montenegro declared independence this past spring, there was not that much to unravel — rather two bits of wire than a ball of wool. The two republics had been going their own way for some time. They both had separate currencies: Montenegro the euro and Serbia the dinar. They were operating under separate tax and customs systems, and they had separate police forces.

The division of spoils, such as they are, has been relatively amicable, based on the principle that what's in Serbia stays in Serbia and what's in Montenegro stays in Montenegro. State Union buildings and other physical assets have been evenly divided, depending on where they are. In terms of the military, Montenegro, being on the Adriatic Sea, inherits most of the navy (apart from a few patrol boats on the Danube River, which go to Serbia). Land and other assets also are divided on the basis of where they are, there they stay.

This smooth process of separation has been facilitated by three key factors. First, the relatively weak central structures of the State Union's institutions, coupled with their brief life span, simply did not contain the necessary glue to prevent easy division. Second, the Union was created not out of any widespread desire on the part of local politicians, but rather because it was desired by the European Union. And third, the ties between the people of Montenegro and Serbia are very strong, in terms of language, religion and family. It would take a lot more than the break-up of the manufactured State Union to threaten those bonds.

Kosovo: a de facto UN protectorate

The peaceful break between Montenegro and Serbia could hardly provide more contrast to the probable, and

imminent, break between Kosovo and the rest of Serbia. Since the war of 1998-99, which culminated in a NATO bombing campaign of Serbia, relations between Serbs and Albanians have been tense and difficult. There have been outbreaks of violence such as the riots in March 2004 when Albanian gangs attacked Serb communities across the province, leaving 19 dead.

While Kosovo is a province of Serbia, it has, in effect, been run by the United Nations Interim Administration Mission in Kosovo (UNMIK) since June 1999, under the authority of UN Security Council Resolution 1244. The vast majority of the province's 2 million people are Kosovo Albanians, who are keen for independence. The remaining Serbs in the province, perhaps numbering about 100,000, want Kosovo to remain a part of Serbia.

Intermittent talks about the province's long-term future have taken place this year, but there has not been a major breakthrough. The Contact Group, made up of the major powers including the United States and Russia, and which is overseeing developments in Kosovo, has said it would like to see a long term settlement agreed to by the two sides by the end of this year. Tensions in Kosovo itself have been rising during the past few months as a decision on final status nears.

The preamble of the new Serbian Constitution describes Kosovo as being "an integral part of the territory of Serbia." The Serbian government insists it will not accept an independent Kosovo, but is prepared to discuss giving it "substantial autonomy." What this would mean in practice remains unclear and, in any case, is probably largely irrelevant. The Kosovo Albanian political leadership says it will not accept anything less than full independence. It appears to be a zero-sum game and the international community will probably have to adjudicate.

Guarantees for Kosovo's Serbs?

UN envoy Martti Ahtisaari, who has been chairing the final status talks, will make his recommendations to the Security Council in the next couple of months. The Council will then have to make a decision. While no one is saying it openly, it appears Kosovo is likely to be given independence under strict international supervision and with strong guarantees for the minority Kosovo Serbs. One element that could delay a final decision is the likelihood of a Serbian general election around the end of the year.

One curious point is that, although Kosovo is regarded by Serbia as an integral part of Serbia, according to the draft constitution, the Albanians of Kosovo were not allowed to vote in the referendum on the constitution. On Oct. 29, 51.4 per cent of voters in Serbia approved the new constitution in a referendum that saw just over 53% of eligible voters participate. The referendum question included a non-binding preamble stating that Kosovo will remain part of Serbia. Serbia still deems ethnic Albanians in Kosovo to be citizens of Serbia, and the new Constitution says Kosovo is to be considered a part of Serbia. But the vast majority of the population of Kosovo were not given the opportunity to vote in the referendum.

There is one other potential danger: the possibility that Kosovo itself might be partitioned, thus complicating even

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Photo: Alan Grant

Montenegro's coastline at the Bay of Kotor: Serbia is now landlocked.

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further the political landscape of the region. Northern Kosovo around the town of Mitrovica is predominantly Serb. Its electricity, water, health and education systems are already tied to the rest of Serbia, rather than Kosovo. If Kosovo does become independent, the people there might be tempted to secede from Kosovo and create a *de facto* partition. The international community and the Albanians have said they would not accept this and the potential for violence is obviously there.

The last of six Yugoslav republics

The political landscape of the former Yugoslavia is simplifying. The six republics that made up Yugoslavia are now six states in their own right. While relations between them are not great, they have been worse. After the trauma of war, sanctions and economic depression in the 1990s, a kind of stability has settled over the region. But no one can say that stability is yet secure or deep-rooted. Threats remain, particularly over the issue of Kosovo. If some sort of deal can be reached, and the threat of violence is kept to a minimum, then that stability might grow.

If there is no deal, and the international community feels obliged to impose a solution, then the future appears more unpredictable. If Kosovo is given independence and boundaries are re-drawn, then there might be other demands for change. The Serbs who live in their self-proclaimed "Republika Srpska" in Bosnia might ask to secede from Bosnia and join Serbia. Albanians living in southern Serbia might do the same and ask to join a newly independent Kosovo. The international community will have to tread carefully and warily if it wants to avoid re-opening the Pandora's Box of Balkan nationalism. 