

Serbia and Montenegro and Their New Union

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The two old Balkan states of Serbia and Montenegro decided in March 2002 to bring the idea of a Yugoslav federation to an end (FR Yugoslavia, which lasted from 1992 to 2002), and to redesign their relations by creating a looser confederation. The new state union was given the simple name of Serbia and Montenegro. After a decade of tragic wars in former Yugoslavia, this period was the first time in the Balkans that an issue of status was resolved relatively peacefully, through normal negotiations between the political elites of two countries.

When in 1991 the former Socialist Federal Republic of Yugoslavia (SFRY) collapsed, and the age of war and conflict over its territory began, Montenegro was the only one of all the Yugoslav republics that decided not to opt for state independence, but to remain within the joint state union with Serbia. The dilemma that Montenegro found itself facing at the end of the ex-

istence of the Yugoslav state was the same one that had caused problems at the very beginning of the state's existence, seventy-three years earlier, when the Kingdom of Yugoslavia was created from the ashes of the First World War. At the end of the war in 1918, although Montenegro had remained on the side of the Ally forces since the very beginning of the war, the nation's status as a state was cancelled, with the consent of Britain and France, and annexed by its war ally, Serbia.¹ This converted Montenegro, after long centuries of existence as an independent state,² into part of the new unitary Yugoslav state with no symbols of its own identity.

The dilemma – independent state or part of a unified (pan) Serbian state – has since then become an ongoing problem in Montenegrin history. With every great new historical development, and disregarding other issues that at times have dominated contemporary events, this problem has repeatedly been brought to the surface of Montenegrin issues, with the need to be reconsidered and eventually redefined.

The situation was so when, in the context of the Second World War, the vic-

tory of Tito's anti-fascist and liberation movement signified the restoration of the Montenegrin state, at least in the form of a communist quasi-federation. After the loss of its title during the period between the two wars, Montenegro constitutionally became completely equal with the other five republics in Tito's federal Yugoslavia.

This was also the case when events brought the historical turning point of the break-up of Tito's Yugoslavia at the beginning of the 1990s, and the «eternal» Montenegrin dilemma was again opened. As in all historical moments of change, the Montenegrin political elite had to make up their minds whether they were going to follow the (pan) Serbian nationalist movement led by Slobodan Milosevic, or, like other Yugoslav republics, they were going to strive for state independence. The political leadership, which in the wave of Milosevic's populist movement took over the rule of Montenegro in 1989, decided, not without consideration and vacillation, to remain within the existing two-member federation with Serbia and within the regime dominated by Milosevic, an orientation that was supported by the major part of the population.³ The decision implied not

¹ The annexation was carried out after the Montenegrin supporters of unconditional unification, helped by Serbian forces in Montenegrin territory, organised the dethroning of the last Montenegrin king Nikola I Petrovi-[Njego], who was in exile after surrendering to Austrian troops in 1916. The act concerning the dethroning was adopted by the illegitimate organisation the Great Popular Assembly, which met at the end of November 1918 in Podgorica, and which on this occasion made the decision to unite Montenegro to the Kingdom of Serbia and then to integrate it in the newly formed state of Yugoslavia.

² Centuries-old Montenegrin independence can be observed in the fact that it preserved its freedom through constant fighting with the Turks, while all other territories in the Balkans were under the rule of the Ottoman Empire. The international recognition of Montenegro took place in 1878 at the Berlin Congress, when it was recognised as the twenty-seventh independent state in the world at that time. Serbia was also recognised as an independent state at the Berlin Congress.

³ In the referendum organised on this issue on 1st March 1992, when the war in former Yugoslavia had already started, sixty-two percent of the population turned up at the referendum to support the idea of a continued alliance with Serbia, while the supporters of the pro-independence opposition boycotted the voting.

only that Montenegro remain within Milosevic's new Yugoslavia (FRY), but also, as a result of cooperation with its war policy, that it be included under the regime of UN sanctions, together with Serbia, immediately after the formation of the state union. Several years later, one part of this same political elite was to turn against Milosevic's policy, which gradually, but inevitably, was to outline the way toward independence. Finally, after Milosevic's fall on 5th October 2000, two democratic governments in Belgrade and Podgorica, along with the active support of EU officials, opted for an at least temporary solution to this issue, in the creation of a non-typical state union.

Thus the Montenegrin statehood issue during the twentieth century has been swinging like a pendulum first in one direction and then in the other, from the dissolving of the state in 1918 to its restoration within the communist federation in 1945, and from the repeated submission to Serbian nationalism in the era of the collapse of former Yugoslavia between 1990 and 1992 to the factual state independence in the loose (con)federation with Serbia, established in the Belgrade Agreement. With the fall of Milosevic, the threat to Montenegrin security was removed. However, the regularity with which the «eternal» statehood issue keeps returning to the forefront of the scene in all-turning situations, has yet again proved itself inescapable. During Milosevic's regime, on way in which Montenegro defended itself was by the continual increase of its powers of sovereignty, converting the situation function by function from a federal to a republic. One of the measures with the most far-reaching effects was the cancellation of the Yugoslav dinar in November 1999 and the introduction of German mark as the official currency in Montenegro, which implicitly included the transfer to the Euro at the beginning of 2002. Montenegro also adopted the tax system, as well as the regime of foreign trade, and, besides the formally common army and civil air control, little has remained within a federal capacity. The rise to power of democratic authority in Belgrade did not mean that these issues were going to disappear from the agenda. The statehood issue was not a mere conjectural issue for Mon-

tenegro, connected with defence from Milosevic's regime. It is true that the regime did help the pro-independence option to gain a certain advantage in only a few years during the period from 1999 to 2001, in a turn-around from the predominantly federal orientation of public opinion in the middle of the 19990s. However, the essential and the structural question – whether a Montenegro that is seventeen times smaller than Serbia is really capable of being an equal power in a two-member federation – represents a problem which has not been resolved along with the disappearance of Milosevic, and which has neither been solved automatically by the two democratic governments in Belgrade and Podgorica.

After Milosevic was toppled from power, the Montenegrin government tried to solve this problem by offering its consent to the dissolution of the FR Yugoslavia according to the Czechoslovakian model, with the difference that the two new independent and internationally recognised states of Montenegro and Serbia would sign a document of an association which would resemble, in the capacities included, the Commonwealth of Independent States (CIS) that was formed after the collapse of the Soviet Union, or even the organisation of the EU. The proposal of association was received with certain surprise and disapproval by the main partners and protectors of Montenegro from the Milosevic period – the USA and the EU, and even in Belgrade, to where it was directed, it has not received the expected support. Following the failure of this proposal, Montenegro started to be seen as something of a problem causer, rather than the formerly recognised ally in the region, particularly by the EU, and to a certain extent even by the USA, who did not want a change in the status quo that had been created after the NATO intervention and adoption of the UN Resolution 1244, with which international protectorate was factually established in Kosovo. In this context, potential Montenegrin independence was in the eyes of the leading Western countries seen as a new and unforeseen problem, which should be prevented if possible. Thus, the already mentioned weighty initiative of the EU was fabricated for the re-organisation

of relations between Montenegro and Serbia, starting from completely new foundations, but so that the new union entailed one international subjectivity. After certain pressure on Montenegro, which was demonstrated in different forms, the EU managed to come up with the signing of the Belgrade Agreement on the new Union of Serbia and Montenegro as a union of two semi-independent states.

The new State Union represents an unusual arrangement that is difficult to define. It does not constitute a federation, because in the joint parliament there are no representatives of the citizens, only of the two member-states. A kind of Union government – the six-member Council of Ministers – has been composed, based on the principle of parity, so that it includes three representatives from each of the member-states, and in which one of the Montenegrin representatives is currently President of the Union. This «government authority» does not possess any real power or control in the territory of Serbia and Montenegro, as the power and control is in the hands of each of the two member-states, and the governments of either of the two republics have far greater political strength than the Union «government». International representation is the primary function of the Council of Ministers, as one of the EU's requirements was a single «international address» for Serbia and Montenegro, as well as the promotion of certain coordinative functions between the two member-states of the Union. That Serbia and Montenegro do not represent a federation can also clearly be seen in the fact that the two member-states possess parallel currencies – the dinar in Serbia, and the Euro in Montenegro. The only unified body in the territory of the Union is the army, which has been continuously going through reforms and subordination to civil control over the past years, in order to get rid of the negative heritage left by Milosevic.

The loose Union of Serbia and Montenegro possesses another interesting feature. In the constitutive document of the Union, the Constitutional Charter, there is an integral provision on its potential temporary duration. Namely, that either or both of the member-states will be able to summon its citizens to

a referendum on state independence three years after the establishment of the Union. Technically speaking, there are three realistic scenarios in this regard. A) the two member-states will decide to continue the agreement on the Union, whether based on their own assessments or once again under EU influence; B) the two member-states will agree upon peaceful disintegration (as occurred in the Czech Republic and Slovakia), and will at the same time keep relations at the highest possible level through bilateral arrangements; or C) the two member-states will not reach an agreement on peaceful disintegration, and a referendum on state independence will thus be organised in one of them.

For the time being it is still difficult to tell which one of the three possible scenarios will be the most likely to develop. However, some current facts are quite relevant. Montenegro is ruled by a coalition government that strives for state independence, and opinion polls show that the pro-independence option is still predominant in the country. On the other hand, in the Serbian public opinion there is also a growing determination for state independence. The Union is not simply a functional state, and this is reflected in the public opinion of both member-states. Its efficiency cannot be reached with new centralisation, because the much smaller Montenegro is simply unable to accept such a concept, and

the larger Serbia is not likely to accept in the long-term a Union in which it cannot dominate constitutionally. If the aforementioned trend in public opinion is retained in the coming two years, the politically elite groups of Serbia and Montenegro will simply have to admit the reality and proceed with the idea of state independence. However, even if the disintegration takes place, it is already certain that it would be the first non-violent disintegration in the Balkans. In any case, the two states are foreseen to retain excellent relations and close cooperation in many areas, as well as a common orientation toward association, and in the long run, membership to the EU.