
Divorcing Serbia: The Western Balkans in 2006

TIM JUDAH

When the former Serbian leader Slobodan Milosevic died in his cell in The Hague at the Yugoslav war crimes tribunal on March 11, many Western commentators declared that this was the end of an era. In fact, it was nothing of the sort. What these comments show is that—having been out of the news for so long—many otherwise well informed people seem quite unaware of how much the Western Balkans have changed over the last decade.

Slobodan Milosevic fell from power in October 2000 and ever since had had no political power or influence. However, to this day, millions of people across the former Yugoslavia continue to live with the catastrophic consequences of his rule. And not only that: 16 years after the beginning of the dissolution of Yugoslavia, several key issues remain to be resolved.

The most pressing of these questions concern Kosovo and Montenegro. If one were looking for a symbolic punctuation mark, one could say that only when these two problem zones have been sorted, will we truly have marked the end of an era. It is quite possible that this stage will be reached later this year, as both questions are now being addressed. In that sense, 2006 is the most crucial year in the political history of the Western Balkans since the fall of Milosevic.

KOSOVO: FROM CONDITIONAL TO MONITORED INDEPENDENCE?

Officially, Kosovo remains a province of Serbia. This is despite the fact that, since the end of the Kosovo War in 1999, it has been under the jurisdiction of the United Nations and security has been provided by

*Tim Judah is a journalist and Balkans specialist based in London. He is the author of *The Serbs: History, Myth and the Destruction of Yugoslavia* and *Kosovo: War and Revenge*.*

NATO-led forces. Kosovo is home to some two million people, of whom more than 90 percent are ethnic Albanians. They have consistently demanded independence.

At the end of the Kosovo War, as ethnic Albanian refugees returned, tens of thousands of Kosovo Serbs either fled Kosovo or were ethnically cleansed. Now about 100,000 remain. They have either retreated into small enclaves across the province or live in one area of the north, which abuts Serbia. There are virtually no Serbs who remain in any town or city in Kosovo where Albanians also live. Most Serbs do not speak Albanian, and they remain fiercely loyal to Serbia. They continue to use Serbian dinars—the rest of Kosovo uses the euro—and they carry Serbian documents, whereas Kosovo's ethnic Albanians carry ones issued by the UN.

In March 2004, riots in Kosovo left 19 people dead and chased some 4,000 Serbs and Roma from their homes, prompting the major powers dealing with the region to take action. It was then decided that the status quo was no longer sustainable. Thus, on February 20, 2006, talks began on the future status of the province under the auspices of Martti Ahtisaari, the former Finnish president. Mr. Ahtisaari has considerable Balkan experience and was the man who accepted Milosevic's surrender to NATO following its 78-day bombing campaign during the Kosovo War in 1999.

The talks are based in Vienna. Serbs and Albanians meet for short rounds every few weeks while draft agreements are prepared by Ahtisaari's team. To a certain extent, however, there is an air of unreality to the proceedings. In theory, their outcome should not be determined in advance. In fact, Western diplomats are openly saying that Kosovo will soon be independent, a view with which even

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Mr Ahtisaari does not demur. As one diplomat said to me: “The talks are not about the status of Kosovo . . . [but about] negotiating the status of the Serbs in Kosovo.”¹

The major powers that deal with Kosovo come together under the aegis of the Contact Group. They are the United Kingdom, France, the United States, Russia, Germany, and Italy. The European Union (EU) is also represented in the group. Significantly, of course the Contact Group includes four out of five of the permanent members of the Security Council. According to sources close to Mr. Ahtisaari and other diplomatic sources, the main Western powers all agree that there is no way that Kosovo, with its Albanian population deeply hostile to

Serbia, can ever again be put back in some form of formal state relationship with it. They, and Russia, have also agreed that there should be no partition of Kosovo, which would rule out a formal Serbian annexation of the north. They have also ruled out Kosovo's union with any neighboring state, which is code for ruling out union with Albania, i.e. Greater Albania, or a Greater Kosovo, involving an Albanian-dominated Kosovo annexing Albanian-inhabited parts of neighboring Macedonia.²

Serbia regards Kosovo, with its magnificent Serbian churches and monasteries, as the cradle of its civilization, and any Serbian leader who agrees to its loss would probably be branded a traitor by Serbian history forever. On the other hand, Serbian leaders know that there is no way they could reabsorb two million ethnic Albanians into Serbia's body politic. They would prefer to retain Kosovo but at the same time to avoid the costs associated with this. This policy is labeled "more than autonomy, but less than independence." In other words, Serbs would like Kosovo to remain under Serbian sovereignty, but they accept that its people will be self-governing in all respects. What remains unsaid, of course, is that this way Serbia hopes it will not have to pay for Kosovo either.

Kosovo's Albanians would never accept the Serbian vision for the future, making it an unlikely policy to bear fruit. Serbia had hoped for Russia's support in the talks, but the Russians, although periodically taking different stances in the Contact Group, have basically made clear to their Western counterparts that Kosovo is not worth fighting over. In the past, Russia was widely assumed to be opposed to Kosovo's independence for fear of it setting a precedent for Chechnya. Now, however, taking a hard-headed realist look at the issues involved, they have simply turned the precedent argument on its head. Russian diplomats now tell their Western counterparts that Kosovo's independence could be useful for them. If it becomes independent without the permission of Serbia, then the precedent would be useful for threatening countries in the Russian backyard with similar secessionist problems, especially Georgia, which must worry about South Ossetia and Abkhazia.

Until the end of last year, diplomats who worked on the Kosovo issue said they believed that the Ahtisaari talks would lead to some form of what they called "conditional independence." Since the beginning of the talks, however, those words have become politically incorrect. The new terminology is "sovereignty with limitations" or "monitored independence." NATO troops will remain in place, Kosovo may (for the moment) have a "gendarmerie" rather than an army, and it may not get a seat at the UN immediately. Borrowing from the Bosnian model, it is quite possible that

some form of international High Representative may be appointed. But the post is unlikely to come with the sweeping powers that have accompanied that position in Bosnia.³ Rather, the powers given to any High Representative for Kosovo will likely be confined to the field of inter-ethnic relations.

The early part of the talks has focused on one of the most important issues: decentralization. This is code for autonomy for Serbian areas. Serbs

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would like Serbian areas to have close links to Belgrade and nothing much to do with Pristina, the Kosovar capital. How this will play out, of course, remains to be seen.

Since Serbs and Albanians will never, in the end, agree on the sovereign status of Kosovo, it is generally assumed that the talks will conclude later this year with Mr. Ahtisaari making a recommendation to the UN Security Council. Any such recommendation is likely to be based on what the parties have managed to agree, if anything, but also to

include Mr. Ahtisaari's suggestion as to the question of sovereignty. A final decision on the issue would then be placed firmly in the hands of the Council. The optimistic scenario is that the Russians will decide not to oppose Kosovo's independence and that the Chinese will follow Russia's lead on this question. A statement from the Council's president might then invite UN members to recognize Kosovo. By contrast, if the Russians and Chinese were to oppose independence, this could result in a much messier scenario: no Security Council statement, but individual countries recognizing Kosovo while ignoring the furious Russians and Chinese.

Essentially, Kosovo is witnessing the clash of two rights under international law: Kosovo Albanian self-determination and Serbia's territorial integrity. Given the Western powers' clear preference for the former, Serbia's leadership under premier Vojislav Kostunica has argued that recognizing this right over Serbia's would make a travesty of international law. Their argument seems so far to have failed to impress the Contact Group, or at least its Western members. Serbia's second argument is that if Kosovo is lost, then Serbia reserves the right to take it back at some future date. This attitude is illustrated by remarks by Aleksandar Simic, one of the Serbian negotiators and a key advisor to Mr. Kostunica: "The Kosovo

Albanians have to be aware that they will not receive independence from Serbia and that Serbia will retain the right to take back everything which it lost in an illegal manner.”⁴

Such talk has been greeted with dismay by many in Serbia who think the leadership has not given Serbs the full picture. Daniel Sunter, head of the Belgrade think tank The Euro-Atlantic Initiative, says there has been no serious debate in Serbia about the implications that *not* giving Kosovo independence would have for Serbia. Quite apart from the demographic issues involved in trying to live with a young, growing, and hostile Albanian population he asks: “What would it mean for Serbia? That it would take 500,000 soldiers to keep it under control or what?” Kosovo Albanians have consistently said that any renewal of the link to Belgrade would lead to a new war.

Serbian leaders also argue that if Kosovo is lost to them, then the extreme nationalist Serbian Radical Party will come to power. This is possible. The Radicals, whose leader Vojislav Seselj is on trial for war crimes in The Hague, are already the largest party in parliament (although they are not in government) and they are playing a shrewd game. They already talk in terms of Kosovo being “lost,” but prefer to let the current government fight this battle. If Mr. Kostunica is the leader perceived to have “lost” Kosovo, then the Radicals can inherit the government with no obligation to do anything about the situation.

While the prospect of Radical rule horrifies Serbia’s liberal middle classes, what is noteworthy is that it does not bother the diplomats who deal with the area. One close to Mr. Ahtisaari, when asked about the risk of the Radicals coming to power,

says simply “so what?” Another says that Serbia’s path is clear: “Belarus or Brussels,” i.e. isolation or integration. If Serbia, with a population no bigger than London (about 8 million), chooses isolation, then so be it. With NATO troops in Kosovo and Bosnia, Serbia is a threat to no one and isolated would harm only itself.

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MONTENEGRO: THE END OF THE STATE UNION?

The second key issue in the Western Balkans likely to be resolved this year is Montenegro. The situation will come to some form of *denouement* extremely soon, with Montenegrins voting in a referendum on independence on May 21.

Today, Serbia and Montenegro are linked in a very loose federation known as the State Union. Very few powers remain in common, but they include the army and—nominally—foreign affairs, although in reality Montenegro conducts its own foreign policy. Both control their own police forces and economies; Serbia uses the dinar, while Montenegro uses the euro.

Because Montenegro unlike Kosovo, was always a Yugoslav republic, its right to self-determination is undisputed. However, unlike Kosovo, where the overwhelming majority of the population is in favor of independence, Montenegro's mere 672,000 people do not all share this sentiment.

The ethnic make up of Montenegro deserves examination. According to the 2003 census, only 40.6 percent of citizens declared themselves to be Montenegrins that year. Some 30 percent identified themselves as Serbs, 14 percent as Muslims (or Bosniaks, like in Bosnia), 7 percent as Albanians, 1 percent as Croats, and the rest as others. Historically, Serbs and Montenegrins (both being Orthodox and speaking the same language) have been close, and the question of identity is no sure guide as to views on independence. Significantly though, a decade earlier, in 1991, a full 63

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percent had declared themselves to be Montenegrins, while only 9 percent had identified themselves as Serbs. In other words, Montenegro today is far more polarized than ever before.

Given this background and fearing instability in the case of an opposition boycott, Javier Solana, the EU's foreign policy chief, intervened. On December 16, 2006, he appointed the political director of the Slovak foreign ministry Miroslav Lajcak to come up with a proposal on the referendum rules that would be acceptable to both sides.⁵ Lajcak suggested that a 55 percent majority of those voting ought to be required for independence to be declared, with a minimum of 50 percent voter participation. This was instead of the existing law, which would only have required a simple majority, albeit with the same quorum. This suggestion was then endorsed by EU foreign ministers and accepted by the parties in Montenegro, although the pro-independence government of Milo Djukanovic says it was blackmailed into accepting it. Montenegrin sources say they were told that unless they accepted the Lajcak proposal, the EU would not allow the Organization for Security and Cooperation in Europe to monitor the poll—a move that would have undermined the referendum's legitimacy, thus also harming the pro-independence objectives.

According to the most recent opinion poll in January, independence is supported by 41.4 percent of Montenegrins and opposed by 32.3 percent.⁶ The turnout is expected to be around 80 percent. After subtracting absentees and those unwilling to vote, pollsters predict a narrow majority in favor of independence, especially as the polls also show that Albanians and most Muslims will vote in favor.

It is clear that independence will be rejected if the vote for independence is less than 50 percent and that independence will be declared if the vote is more than 55 percent. The question on everyone's lips, however, is what will happen if the results fall within the so-called grey zone, between 50 and 55 percent—an outcome that is quite possible.

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Ambassador Lajcak denies the existence of any grey zone. Since both sides have agreed to his proposal, he argues, a vote of less than 55 percent would simply amount to a rejection of independence. In such a case, he says, the Montenegrins and Serbs would just have to talk again in a bid to make the existing State Union a more functional body. Dragan Koprivica, a spokesman for the pro-union Socialist People's Party with strong links to Serbia's nationalists, says that anything less than 55 percent would deny the government "[any] right to promote an independent country."

Montenegro's Foreign Minister Miodrag Vlahovic disagrees. He says that if there is even a one-vote majority in favor of independence, "it is absolutely clear, the State Union will not exist anymore." He means that in such a case Montenegrins who still participate in the few existing joint institutions with Serbia, such as the army and the foreign ministry, would be recalled. In other words, a crisis would ensue as the state of Serbia and Montenegro would be paralyzed. The Montenegrin calculation here is that the Serbs, to be free of this problem, would then propose a Czechoslovak-style divorce in which the people were not consulted.

The best that can be hoped for is that the referendum will produce a clear result either way. If it does not, the region could be in for a period of extended crisis, something that would be bad for everyone. A crisis would also play into the hands of those in the EU who, despite EU promises of eventual accession for the Western Balkans, would like to see these watered down or postponed *ad nauseam*. A result in the grey zone could also play havoc on the international scene, if some EU countries and the

United States, despite the Lajcak proposal, decided to answer a call to recognize an independent Montenegro, with others refusing to do so. In other words, without a clear result, the reverberations of May 21 could be felt much further afield than in the Balkans themselves.

This year will thus be crucial for the region and not just for Kosovo, Serbia, and Montenegro. If instability ensues as a result of developments on the ground, this will provide welcome ammunition to those in EU member states, for example in France and Germany, who oppose further EU expansion. With the accession, in 2007 or at the latest 2008, of Romania and Bulgaria, the Western Balkans will be completely encircled by EU states, but without a credible prospect of eventual membership, the long feared "Balkan Ghetto" will have been created and consolidated. ■

ENDNOTES

- 1 Tim Judah writes much of the Balkan coverage for *The Economist* and hence is frequently in the region or talking to diplomats involved with it. Thus, quotes that are not footnoted are almost all from interviews he has conducted.
- 2 See Statement by the Contact Group on the Future of Kosovo, January 31, 2006, <www.state.gov/p/eur/rls/or/62459.htm> (accessed April 11, 2006).
- 3 See the website of the Office of the High Representative and EU Special Representative in Bosnia and Herzegovina, <www.ohr.int> (accessed April 11, 2006).
- 4 Quoted in Tim Judah, "Kosovo Talks: Independence or Occupation?" *ISN Security Watch*, February 20, 2006, <www.isn.ethz.ch/news/sw/details.cfm?id=14825> (accessed March 15, 2006).
- 5 "Javier Solana, EU High Representative for CFSP, Appoints Personal Representative to Facilitate Montenegrin Dialogue," EU Press Release, December 16, 2005, <http://ue.eu.int/ueDocs/cms_Data/docs/pressdata/en/declarations/87641.pdf> (accessed April 15, 2006).
- 6 "Montenegro Readies for May Referendum," *Southeast European Times*, March 31, 2006, <www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2006/03/31/feature-01> (accessed April 15, 2006).