

**Conflict Management in Multi-Ethnic States:
The Role of Elites in the Dissolution of
Czechoslovakia and Serbia and Montenegro**

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INTRODUCTION

This paper will examine the existence of the Czechoslovak Federal Republic after the fall of communism in 1989 and the State Union of Serbia and Montenegro after 2002 and their peaceful break-ups respectively in 1992 and 2006, under the prism of consociational theory. Arend Lijphart, renowned political scientist, developed the consociational formula in the late sixties to explain the stability of divided states, including ethnically divided states. Lijphart argues that social divisions in a plural society can be neutralized at the elite level, where the roots of division can be exploited through power-sharing instruments (a mutual veto right, autonomy, government by grand coalition, proportional representation) to build a stable democracy. In this process, Lijphart admits the positive contribution of several favorable factors, such as segments of equal size or a tradition of elite accommodation, which are however not necessary in the consociation. Most important in Lijphart's theory remain his four basic conditions meant to be conducive to elite cooperation and which elites are expected to exploit in this goal. This implies first that elites have a central soothing impact for deescalating tensions and social divisions. Second it also implies that the Lijphart's power-sharing instruments will be used in a

constructive, positive way by elites and that in fact they have only one possible outcome: cooperation.

Lijphart's theory developed into a broad school of thought. Scholars have applied the consociational model to many different cases from Columbia¹ to Canada², and even to some extent, post-Dayton Bosnia-Herzegovina³. However his theory is challenged by two cases in which, although Lijphart's four basic conditions were present, not only did the common states fail to reach a stable situation, but - and in opposition to the consociational theory's goal - they actually dismantled after a rather short existence marred by instability and political stalemates, much of it sustained by the political elites. The consociational formula was applied in Czechoslovakia from 1989 and in Serbia and Montenegro from 2002. Most European countries are characterized by a more or less high degree of ethnic diversity. Under communism this diversity was hardly expressed, but the fall of the communist rule liberated the ideological arena and created a situation where ethnic identities could freely be expressed - and resorted to as well. In both Czechoslovakia after 1989, and Serbia and Montenegro in the nineties and especially after the fall of Milošević in 2000, the ethnic and national issues, although being rather mild at the beginning, became more salient under the pressure of political leaders and gradually deepened the divisions between Czechs and Slovaks, and Serbs and Montenegrins, thus offering ideal background for the consociational formula to develop. However given that they fulfilled Lijphart's requirements both states should have managed to overcome their internal divisions - but they did not manage to live beyond three short years, after which they peacefully departed, in 1992 for Czechoslovakia, 2006 for Serbia and Montenegro.

¹ Robert H. Dix. Consociational Democracy, the Case of Columbia. *Comparative Politics*. Vol. 12, No 3: 303 - 321, 1980

² Kenneth McRae. Consociational Democracy: Political Accommodation in Segmented Societies. Toronto: McClelland & Stewart Limited, 1974

³ Nina Caspersen. Good Fences Make Good Neighbors? A Comparison of Conflict Regulation Strategies in Post-War Bosnia. *Journal of Peace Research*. Vol. 41, No 5: 569 - 588, 2004

Since both states had then all the features qualifying a consociation, their break-ups seriously challenge his theory and raise the question of the real condition for peaceful and stable plural democracies. Their break-ups also seriously challenge the primary – and thereby contentious responsibility placed by Lijphart in the elites in the prevention of escalation of inter-community tensions and for the preservation of state stability.

The thesis will argue that the motivation of elites is more important than any of the institutional mechanisms for a stable state to exist. In fact, it will be shown that even with Lijphart's four conditions, without a genuine commitment of elites to a common state the leaders can actually easily exploit any circumstance and Lijphart's institutional instruments in particular to create or increase tensions to the point of bringing the country to its complete collapse. Part of the argument is based on the interview with Miroslav Lajčák, which used to work as EU High Representative in Montenegro and as such mediated the negotiations between the Montenegrin government and the opposition prior to the referendum on independence in 2006, where the international community played a critical role at all stages of the process.

The thesis is divided in four parts. The first chapter gives a critical overview of the consociational theory, starting with Lijphart's formula before studying the major critics held against it in relation to the thesis' argument. The second chapter focuses on the historical and institutional background of each country and demonstrates that they held Lijphart's power-sharing instrument - and thus qualified as consociations. The third chapter examines the favorable factors at the same time as it investigates the implementation of the constitutional devices in both Serbia and Montenegro and in Czechoslovakia, to determine the chances the two states held to survive as consociations and the factors that led to their respective demise. It argues that hard inter-community divisions were not pre-existing realities in either Czechoslovakia or Serbia and Montenegro, but that the elites - little committed to the preservation of the common state as they

were - exploited the ethnic argument and utilized Lijphart's recommendations for a stable plural state to the point where the only possible outcome was the divorce of Czechs and Slovaks, and Serbs and Montenegrins - however in a peaceful process. In the last chapter which serves as a conclusion, the elements demonstrated in the two case studies are drawn together and argue that while Lijphart's four conditions may encourage a cooperative attitude among elites, what is really needed for the stability and preservation of plural states is first and foremost the genuine commitment of the elites to a common state.

The thesis relies on a broad range of sources which may be divided in several categories. The theoretical part relies on scholarly works of Lijphart and his contenders, while the Czechoslovak case-study is based primarily on Petr Kopecký's article and supported by additional readings of literature on the Czechoslovak history and its dissolution. The greatest work focused on the Serbia and Montenegro case study, which due to its freshness offered a wide array of sources. Firstly, the personal interview with Slovak Minister of foreign affairs Miroslav Lajčák, who used to monitor the Montenegrin referendum in 2006, provided key insights of the political climate of the state union. The legal and institutional framework was provided by laws and the state union constitutional charter. Reports of international organizations such as the International Crisis Group (ICG) or the European Stability Initiative (ESI) give extensive analyses of the individual states as well as of the union, in the same way as reports and recommendations of international institutions involved in the region such as the European Union or the OSCE. All the knowledge extracted from these sources was seconded by scholarly works on the history of the Balkans and Yugoslavia in particular, as well as relevant articles. Lastly, thanks to the internet the research can also rely on a good amount of media articles published at the time of the State Union and found through the Lexis Nexis search engine.

THEORETICAL BACKGROUND

Consociational democracy

The consociational objective

The consociational democracy theory became a popular theme in the late sixties when Arend Lijphart developed it to explain the stability of deeply divided West European societies. In the 20th century the existence of national minorities in numerous states of Europe was perceived as a threat to peace and stability and sources of violence regionally and in their host countries. And in fact in a world where, as John Paul Lederach states, most conflicts are “intra-state affairs”⁴, ethnicity and national belonging may represent a sensitive issue and play a crucial role in the exacerbation of tensions and the division of societies. In this respect, Arend Lijphart’s contribution to the theory of conflict management and state-building in deeply divided societies is a benchmark. His consociational formula counters the nation-state paradigm and underlines that plural states may overcome the effects of their internal divisions through the development of institutions based on power-sharing mechanisms between their constituent groups. The consociation’s relevance however stretches to elite theory as well. Because inter-community conflicts arise when communities enter in contact, the logical remedy is to separate them and let only the leaders of the rival groups - assumed to be wiser and have more reasonable insight - deal between each other at the governmental level to achieve the groups’ interests. Lijphart developed his theory of consociationalism as domination by elites or, in his words, a “government by elite cartel”⁵, where the elite is, according to classical approaches,

a minority which rules over the rest of the society; this minority – the ‘political class’ or ‘governing elite’ [is] composed of those who occupy the post of political command and (...) those who can directly influence political decisions⁶.

⁴ John Paul Lederach. *Building Peace: Sustainable Reconciliation in Divided Societies*. Washington, DC: US Institute of Peace, 1997

⁵ Arend Lijphart. *Consociational Democracy*. *World Politics*. Vol. 21, No 2: 207 - 225, 1969.

⁶ Tom Bottomore. *Elites and Society*. Second edition. London: Routledge, 1964

By definition, plural societies are characterized by a constant tension between groups, which is according to Lijphart exactly what stimulates elites to adopt cooperative behaviors and consensus decision-making - in order to prevent the escalation of tensions into open conflict. This circumstance distinguishes the consociational democracy from other types of democracies such as the majoritarian, or the ethnic democracies. In the majoritarian democracy, the opposition is in constant competition with the government unless serious dangers such as a war threaten the state and encourage the two sides to cooperate. On the other hand, the ethnic democracy is characterized by the political prevalence of the largest ethnic group over the entire spectrum of the population, and the exclusion of all other significant ethnic groups from the spheres of power. In both of these schemes one (or more) segment of the population is generally excluded from power – although unlike in the ethnic democracy where other groups are excluded from power permanently, in the majoritarian democracy the groups' exclusion is supposed to be only temporary and (at least theoretically) the different groups are expected to access to power on a rotation basis. Lijphart's contribution to conflict management theory is that the social heterogeneity can be corrected at the elite level by a cooperation induced by specific institutional mechanisms and which, in the longer run would lead to ethnic integration better than a majoritarian system, and obviously more than in an ethnic democracy.

The elements of consociational democracies

Lijphart determined four elements which, combined, are expected to catalyze the cooperation of elites. 1) The government by grand coalition is perhaps the most important condition. It requires that all significant minorities in the state participate in the state's administration and in decisions affecting each of them. As a consequence, it requires that elites abandon competitive

behaviors and take decisions on a consensus basis. 2) The proportional representation guarantees the participation of all (significant) minorities in the public administration. 3) The mutual veto right ensures that no decision harmful to the interests of a minority can be taken above a minority's will. 4) Lastly, autonomy, territorial or cultural, satisfies the minorities' desire for self-determination and grants them the control of an agreed set of domains – such as language or education - in their region. Together, Lijphart argues these elements create a feeling of security among ethnic groups who, as a consequence, do not fear to be dominated by other segments at the state level. The inclusion of all significant groups in the process would appease secessionist tensions and reduce the risks of one group breaking away. The feeling of security generates a climate of trust, itself encouraging cooperation among elites.

These are the fundamental elements forming a consociational system, however Lijphart admitted through times the positive impact other elements may have and he underlined a series of factors which may support a consociation. For example a small total population may be favorable to a consociation in that it infers that the elites of the different groups are likely to be acquainted to each other and thus more prone to adopt cooperative behaviors than if they were total strangers. By limiting the number of representatives involved in the negotiations, a small number of segments may also reduce the number of competing claims and thus stimulate constructive work. The geographical concentration of ethnic groups may suppress the feeling of insecurity and domination that minorities may feel when living in a region dominated by another group, and thus facilitate consensual and peaceful relations between groups. In relation to this element, the territorial and demographic balance of groups and the absence of a prevalent group also would likely reduce the risk of one group feeling dominated by the other, creating a situation in which “the costs of competition outweigh its benefits while the benefits of cooperation outweigh its

costs”⁷. Mild or inexistent socio-economic differences would reduce the risk that the groups have different – diverging – economic interests and encourage the development of policies going in the same direction and benefiting all sides. Additionally, an overarching loyalty to a common state shared by the population can positively contribute to the consociation. Lijphart also underlined the benefits of external threats which, when perceived by all segments, may encourage them to join against their enemy. It must be stressed however that while recognizing their potential, Lijphart trivialized these favorable factors and emphasized they are neither absolute prerequisites, nor all necessarily needed at the same time or even, at all. This led Van Schendelen to sum up quite clearly that “the conditions may be present and absent, necessary or unnecessary, in short conditions or no conditions at all”⁸.

Proponents of consociationalism argue that in deeply divided societies, the only real choice before the decision-makers is between a consociational democracy and no democracy at all, i.e. war, genocide, forced partition, external supervision and the like. In defense of the theory, consociationalists are also concerned about a potential “tyranny of the majority” in majoritarian systems⁹ and argue the latter tend to create a zero-sum game atmosphere, where a favorable outcome won by a party is perceived as a defeat by the other. These situations would likely entrench the segments in their differences and throttle constructive cooperation. By contrast, a consociational model would be more inclusive since it creates “majorities” where all including a potential opposition hold effective power. It is more likely to provoke cooperation and,

⁷ Rudy Andeweg. Consociational Democracy. *Annual Review of Political Science*. Vol. 3: 509-536, 2000.

⁸ MPCM Van Schendelen. The Views of Arend Lijphart and Collected Criticisms. *Acta Politica*. Vol.19: 19 – 55, 1984

⁹ John Stuart Mill. Considerations on Representative Governments. In H.B. Acton (ed) *Utilitarianism, On Liberty and Considerations on Representative Government*. London: J.M. Dent, 1988.

consequently, positive interactions between communities¹⁰. However, while supporting it many proponents of consociationalism do also hold critiques over Lijphart's model, many of which built on its favorable factors. As Lijphart was never clear himself on those (he developed fourteen such factors over time but defended only seven to nine in either of his books on consociationalism, making it difficult later for scholars to assess which he really found most important or simply valid), many scholars consider the nine factors he developed in his last work, while others simply select a set of factors according to personal choices. Some even define new factors: Adriano Pappalardo¹¹ argues that in the Netherlands, Belgium and Austria, only two elements really supported the consociations – stable subcultures and elite predominance (absent from Lijphart's factors), both of which he reduces to pluralism which he later concludes is in fact the single required condition in consociationalism. Robert Dix¹², analyzing Columbia in the fifties, finds Lijphart's factors to be too static and defines instead two elements at the core of the Columbian consociation: the vital interest for political elites to cooperate first to regain political power from which they had been excluded by the military rule, second to reduce the socio-economic disparities. More generally, Jürg Steiner¹³ criticizes the favorable factors for their lack of theoretical coherence and their case-to-case, improvised character. However, along with the other previous researches, Steiner doesn't deny the relevance of the favorable factors in principle and of the whole consociational theory.

¹⁰ Sid Noel. Canadian Responses to Ethnic Conflict: Consociationalism, Federalism and Control. In John McGarry and Brendan O'Leary (ed), *The Politics of Ethnic Regulation: Case Studies of Protracted Ethnic Conflicts*. London: Routledge, 1993.

¹¹ Adriano Pappalardo *The Conditions For Consociational Democracy: A Logical and Empirical Critique*. *European Journal of Political Research*. Vol. 9, No 4: 365 – 390, 1981.

¹² Dix 1980.

¹³ Jürg Steiner. Research Strategies Beyond Consociational Theory. *The Journal of Politics*. Vol. 43, No 4: 1241 - 1250, 1981

Debating consociationalism

The consociational theory has raised debates worldwide, and by stating that “consociational democracy is not only the optimal form of democracy in deeply divided societies, but also for the most deeply divided countries, the only feasible solution”¹⁴, Lijphart certainly managed to raise waves of harsh criticism both over the relevance of the theory in general and over its applicability in ethnically divided societies. Proponents of consociationalism have been variously accused of racism, promoting the apartheid, or even ethnic cleansing¹⁵. Without being exhaustive, it is perhaps good to present some critics that are relevant for Czechoslovakia and Serbia and Montenegro.

“Segmented societies”? “Deeply divided societies”?

The element that even predates Lijphart’s four conditions for a consociation is the presence of a ‘deeply divided society’ or a ‘segmented society’. What exactly constitutes a ‘deeply divided society’ however is a matter of debate and various interpretations worldwide because Lijphart left this issue unaddressed in his theory. Scholars such as Hans Daalder criticized the fact that the theory does not address the specific nature of cleavages (class, religion, ethnicity...) but treated them all as equal and equally prone to conduct to conflict¹⁶. Van Schendelen, Nordlinger or Nils Butenschen¹⁷ for instance also questioned Lijphart about the possibility to measure the segmentation of a society and the degree of pluralism required for a society to be considered as a

¹⁴ Arend Lijphart. *Patterns of Democracy: Government Forms and Performance in Thirty-six Countries*. New Haven, CT: Yale University Press, 1999. p.1

¹⁵ Brendan O’Leary. *Debating Consociational Politics: Normative and Explanatory Arguments*. In *From Power-Sharing to Democracy: Post-Conflict Institutions in Ethnically Divided Societies*. Sid Noel (ed.). Montréal: McGill-Queen’s University Press, 2005

¹⁶ Hans Daalder. The Consociational Democracy Theme. *World Politics*. Vol. 26, No 4: 604 – 621, 1974

¹⁷ Nils Butenschen. Conflict Management in Plural Societies: The Consociational Democracy Formula. *Scandinavian Political Studies*. Vol. 8, No 1-2: 85 - 103, 1985. Van Schendelen 1984. Eric Nordlinger. *Conflict Regulation in Divided Societies*. Cambridge, MA: Center for International Affairs UP, 1972.

consociation. In response Lijphart somewhat narrowed his concept, and defined a ‘segmented society’ as a society with clearly identifiable segments and where segmental boundaries correspond to the boundaries of economic, political and social organizations. In spite of his clarification however, the subject remains a matter of controversy.

A counter-productive theory?

Another group of critics argues that the consociational democracy fails as a conflict management formula. By granting minorities a segmental autonomy, Nordlinger argued that consociations exacerbate rather than appease separatist tendencies and encourage groups to seek independence and break away from the joint state. Among the most critical of Lijphart’s theory, Donald Horowitz underlines that in such a system where the party system is divided along ethnic lines, elites are encouraged to appeal to ethnic extremism rather than moderation¹⁸. Paul Brass argued that this system reinforces divisions instead of rendering them less confrontational, and prolong the conflict by reproducing divisions in the institutional settings¹⁹. For these reasons Brian Barry argues that consociational democracies are not appropriate for ethnically divided societies²⁰. A little less critical, Pierre Van der Berghe admits consociations may work in ethnically divided societies – to the extent however that they are mildly divided, nourish cross-cutting ties and are territorially mixed²¹.

¹⁸ Donald Horowitz. *Ethnic Groups in Conflict*. Berkeley: University of California Press, 1985.

¹⁹ Paul Brass. *Ethnicity and Nationalism. Theory and Comparison*. New Delhi and Newbury Park, CA: Sage, 1991

²⁰ Brian Barry. Political Accommodation and Consociational Democracy. *British Journal of Political Science*. Vol. 5, No 4: 477 – 505, 1975.

²¹ Pierre Van den Berghe. *The Ethnic Phenomenon*. New York: Elsevier, 1981

Undemocratic democracy

A third set of critics considers that the consociational system is actually undemocratic. Brian Barry for example emphasized the fact that a consociational system does not permit any opposition since all groups are supposed to participate in the government. In the same line of thought, these critics tend to accuse the consociational system to be elitist and, by encouraging decisions to be taken behind closed doors, to be opaque and contestable²². By allowing one representation per group, consociational democracy also ignores the potential divisions within groups and holds the risk that a leader does not actually represent the entire ‘group’, and in this respect Dix accused Lijphart’s favorable factors to be too static²³. Brass hence argued that the consociational formula does not respect the democratic right to equality, because it violates the rights of unrecognized groups and of individuals and through the proportional principle, tends to ignore basic values by rewarding groups on the basis of their ‘groupness’ rather than on the basis of individual merit. Horowitz also underlined that the requirement that the population be politically inert can hardly be said to characterize a democracy.

The problem of elite cooperation

However the most severe criticism of consociationalism pertains to the role granted to elites and to the theory’s dependence on elite cooperation. In developing his theory, Lijphart took for granted the elites’ ability to contain divisions at the level of population with the mentioned power-sharing mechanisms and accommodative decisions at the governmental level. From this perspective, elites have a critical role in regulating conflicts and transforming “a democracy with a fragmented political culture into a stable democracy”²⁴. Their moderation, Lijphart argues, is

²² Daalder 1974.

²³ Dix 1980.

²⁴ Lijphart 1969

motivated by a fear of open conflict and the desire to avoid situations which have led to violence in the past and, by way of consequence, could generate it again: this “self-denying prophecy” would lead elites to choose moderation rather than aggression. In the absence of this particular factor, Eric Nordlinger asserts that a consociation may be working if elites have a desire to promote the state’s prosperity²⁵. Lijphart suggests furthermore that elites would be encouraged in this decision by the population’s political inertia. Later Adriano Pappalardo²⁶ turned the political apathy of the population into actually one of only two conditions crucial to consociationalism according to him. Several other scholars such as Nordlinger²⁷ have later supported this premise: Nordlinger argues that consociations require elites to feel free to cooperate with other groups without fearing to be electorally excluded. To enjoy this freedom, elites must have a certain degree of electoral security, which implies that the masses would be politically disengaged. In short, a politically apathetic population favors consociations and by stating it more or less explicitly Lijphart and his supporters in this stand assume that populations are inherently more radical than elites. The presumption of the centrality of elites in conflict regulation is far from absurd since in times of crisis, they can be more informed and most apt at seeing the negative potentials of continued or increased conflict. However, and as will be argued later in the thesis, it is not self-evident that the “mere” fear of future violence or instability will necessarily lead elites toward moderation. Additionally, the responsibility placed on populations in holding its leaders from compromising attitudes, and more generally the assumption that populations are inherently more radical than their elites is rather debatable, as several critics of the consociational theory advanced.

²⁵ In O’Leary in Noel 2005

²⁶ Pappalardo 1981.

²⁷ Nordlinger 1972

In fact, Hans Daalder²⁸ argued that the “self-denying hypothesis” was insufficient to explain cooperation between elites. Analyzing the Dutch and Swiss cases, Daalder argues that what actually premised the consociations as considered by Lijphart was a tradition of accommodation among elites rather than the elites’ prudent attitudes in fear of potentially devastating future crisis. Lijphart later recognized the importance of an old-time practice of compromise between elites and added Daalder’s contribution as an element to his theory. However he did not go as far as Daalder in considering it an actual condition for the establishment of a consociation, but only a factor that if present, could influence favorably the establishment of a consociation. Therefore cooperation between elites in a consociation could be brought by fear of future violence, and could also be stimulated by a historical habit of compromise. That a history of accommodation between elites would further motivate them to moderation seems almost theoretically self-evident, however if we confront it to the reality, it is not obvious anymore and tends to neglect temporality and the evolution of situations and interests.

Another critic focusing on the role of elites, somewhat more skeptical than Daalder, Ronald Kieve²⁹ argued that Lijphart’s concept is basically flawed in that it lacks the fundamental element. According to Kieve, the first and final variable determining segmental divisions, elite behavior, political stability and their mutual influences is the society’s class structure. In fact, Kieve does not see any fundamental difference between elites bargaining in a consociational system, and elites competing in a majoritarian system: what it is all about anyway - for elites – is exchanging (bargaining) or winning power, and retaining a leadership position. Only, a consociational system tends to maintain segmental divisions – which secure their ruling position. This stand has interesting aspects, especially in offering alternative motivations for elites to

²⁸ Daalder 1974.

²⁹ Ronald Kieve. Pillars of Sand. A Marxist of Consociational Democracy in the Netherlands. *Comparative Politics*. Vol. 13, No 3: 313 - 337, 1981.

moderation. At the same time however, reducing the debate to that of a class struggle is grossly simplifying the issue and denying the impact of identity (ethnic, religious ...) in the organization of society and the relations between groups.

But perhaps the most critical challengers of Lijphart's theory, Horowitz³⁰ questioned the pertinence of the focus on elites at all for regulating conflicts. Although there is no doubt inter-segmental cleavages may be historically / socially rooted, they are not necessarily "pre-existing social realities that political elites find on their paths"³¹. Rather, Horowitz, Rudy Andeweg and others pointed to the fact that elites themselves are rather talented in fostering and encouraging tensions between groups, which they then exploit to mobilize the population for political or other purposes. Given their relation to social divisions - not in that they reduce cleavages as Lijphart puts it in his theory, but in that they can actually fuel tensions -, attributing to those fomenting inter-group segmentation the task and responsibility to sooth them is quite questionable. Indeed, Lijphart neglects – or even does not address at all the fact that motivations for violence may be stronger than any incentive for moderation. Horowitz considers the consociational model as a myth because it requires elites to cooperate without providing them the incentives to do so. Additionally, being dependent on the inclusion of all parties in the coalition, Horowitz also pointed out that consociations do not motivate elites to construct strong majority parties but instead gives all the incentives for the multiplication of ethnic parties and the further fragmentation of the political arena. In this respect, he underlined that the bargaining of elites strong of a veto right in grand coalitions is more likely to slow down the political process and lead to deadlocks rather than solutions. Eventually Horowitz argues that majoritarian systems can actually be more successful than consociational democracies in bridging cleavages and

³⁰ Horowitz 1985

³¹ Andeweg p.519

integrating groups and he rather advocates for a preferential system in which parties in order to gain popular support will need to reach out to groups outside of their ethnic groups.

CASE STUDIES BACKGROUND

Czechoslovakia

Historical Background

The Czech lands and Slovakia were first united in a common state in 1918, on a determined decision from both the Czech and the Slovak representatives. Although the two nations are very close and although both were under the Austro-Hungarian rule, from 1867 the transformation of the empire into an ‘eagle with two heads’ meant that Slovakia and the Czech lands increasingly grew apart: while the Czech lands were governed by Austria, from then on Slovakia came under Hungarian rule. Technically they remained part of the same empire, however the line between the two parts of the empire was a real one and deeply separated Slovakia and the Czech lands. In addition, as they were ruled by different ‘heads’, the political and economic development of Slovakia and the Czech lands diverged as well and contributed to distance them only more. The Czechs were then concerned by the claim to create a Czech unified state enjoying a broad autonomy and self-rule from the Austrian center. By way of contrast the Slovaks, subject to heavy magyarization policies, were desperate to achieve their right to self-determination and obtain some sort of recognition from the Hungarians. Prior to the First World War the Czech-Slovak relations were more or less reduced to business and cultural relations. The situation completely changed during the First World War as both Czech and Slovak leaders realized their people could never free themselves on their own from the imperial force, but needed to form an alliance. Under the leadership of Tomas G. Masaryk, Czech and Slovak elites

joined into resistance movements abroad with the aim of freeing their nations from their imperial dominators. Doing so, they generated new political bonds between their nations, and one year before the end of the world conflict, Slovak and Czech resisters would actually call for the creation of a common state of Czechs and Slovaks. This became reality in 1918 when the Slovaks went through with their long-claimed right to self-determination by cutting ties with their former Hungarian rulers and joining with the Czechs in a joint Czech and Slovak state.

The Slovak endured the union during the inter-war period out of fear of the Hungarian domination and because they realized at this point that they had not yet reached the level of development – economic and political – necessary to sustain an independent Slovak state. However “serious political dispute [over] the extent of decentralization, autonomy or federalism for Slovakia”³² already opposed Czech and Slovak elites, and the feeling of a Czech domination started to grow among the Slovaks. During the Second World War, relations between the two peoples faded again, while the Slovaks experienced for their first time an ‘independent’ statehood – although in reality their republic was more a puppet state of the Nazi. After the conflict, Czechoslovakia was reformed and the communists newly arrived in the spheres of power implemented a new constitution reestablishing the unitary state. However the Slovakian experience of independence during the previous conflict not only had encouraged and strengthened the feeling of Slovak nationhood but also provided Slovakia with its own governmental institutions. In these circumstances the new constitution created in reality an asymmetric state, with the state government managing the entire country, and the Slovak National Council in charge of Slovakia. The situation changed with the political liberalization

³² The Czechoslovak case study is directly based on the article by Petr Kopecký and serves as the basis for the comparison with the Serbo-Montenegrin case study which is an original research. Unless stated otherwise, quotes in the Czechoslovak case study are directly taken from Kopecký’s article. Petr Kopecký. *From Velvet Revolution to Velvet Split. In Irreconcilable Differences?: Explaining Czechoslovakia's Dissolution.* Michael Kraus & Allison K. Stanger (eds). Lanham, Md. : Rowman & Littlefield, c2000

that culminated with the 1968 Prague Spring. While Czechs called for a broad democratization, the Slovaks called more specifically for fair federalism and an equitable participation of Slovakia in the state. Eventually their claim was enshrined in the new 1969 constitution which transformed the state into a binational federation. However in reality from then on Czechoslovakia continued to function in a centralized way and the 1969 constitution was never really implemented before the fall of communism.

The 1989-1992 Consociational Arrangement

The post-communist Czechoslovak consociational system was directly inherited from the communist era, as the 1969 Czechoslovak constitution was implemented for the first time after the fall of communism in 1989. However as Kopecký stresses, it was also the result of intense negotiations between Slovak and Czech leaders between 1989 and 1992. This arrangement organized Czechoslovakia as a federation uniting two geographically and linguistically determined units: Slovakia on the one hand, and Bohemia and Moravia on the other, each of which enjoyed broad autonomy and owned its own national assembly, national government and national council. The two units were reconvened under a ‘federal hat’ consisting of a federal government and a federal assembly. As a principle, the powers that were not explicitly granted to the federal institutions belonged to the republics. According to the constitution, the federal government was in charge of foreign policy, defense, federal legislation and currency. The republics had complete control of education and culture. Until constitutional arrangements canceled it, the two levels – republican and federal – also shared a number of responsibilities such as agriculture, industry, foreign economic relations, or state security³³. The federal assembly

³³ Václav Žák. *The Velvet Divorce – Institutional Foundations*. In *The End of Czechoslovakia*. Jiří Musil (ed). Budapest: CEU press, 1995. p. 246.

was bicameral and constituted of the Chamber of the Nations – formed of 75 PM for each republic, and the Chamber of the People with representatives elected directly and on a proportional basis – giving the Czechs 101 MPs and the Slovaks 49.

The demographic imbalance between Slovak and Czechs was somewhat corrected by the Slovaks overrepresentation in the Chamber of the Nations in which they were granted the same number (75) of representatives as the Czechs. According to the electoral law representation in the federal assembly was open for parties passing a 5% threshold in either republic, thus allowing in effect an ethnopolitical representation. In addition, an informal principle of alternation of nationality ruled, if only informally, the highest positions and called that the president and the prime minister were of different republics. In other high institutions such as the supreme council Slovaks and Czechs were represented on a parity principle.

Each of the member republics enjoyed also a veto right in the form of a double majority requirement at the federal assembly. Major decisions at the federal level were to be taken with a majority both in the Chamber of Nations and in the Chamber of the People. Constitutional decisions were to be taken with a qualified majority of 3/5, thereby giving 31 representatives an actual veto right in the entire federal assembly.

Last consociational condition, the federation was ruled by a broad coalition government. Given that no one party in either Slovakia or the Czech lands was strong enough to form a clear majority; they were brought to form alliances. From 1989 until 1991, the (Czech) Civic Forum (OF) and the Public Against Violence (VPN), two mass movements originating from the revolutionary period and which actually represented roughly the entire Czechoslovak population, held the majority in the federal assembly, with 98 out of 150 seats in the Chamber of People and 102 out of 150 in the Chamber of the Nations. The most extremist parties – such as the communist party and the Slovak nationalists – remained outside of the parliament. After the 1992

elections the government was a simpler majority cabinet, but still included major parties from both republics. In addition to this institutional setting, informal talks between, often mediated by the much appreciated figure of Vaclav Havel, were held leaders from 1989 to 1992 in the hope to help the two sides to find a consensus on the terms of their coexistence. With his last condition, the Czechoslovak arrangement thus completed all the conditions necessary for a consociation.

Serbia and Montenegro

Pre-1990' History

Unlike in Czechoslovakia, the union of Montenegro and Serbia did not proceed without resistance in 1918. Although they had allied against common enemies in the past, by the end of the First World War conflicting ideas about a common future stimulated much tension between the two states. Montenegro had enjoyed a quasi sovereign status for centuries³⁴, and when the unconditioned unification of Montenegro and Serbia within the Kingdom of Serbs, Croats and Slovenes was proclaimed in 1918 the Montenegrin independentists could hardly be contended with what really was an annexation of Montenegro making it only a marginal sub-unit of the kingdom. They joined in a resistance movement, however due to a lack of support their efforts eventually failed to revert the situation. The Second World War saw a revival of separatist aspirations in Montenegro and the opposition between Serbian nationalists and Montenegrin

³⁴ Montenegro had been enjoying a sovereign status much longer than its neighbors and especially than Serbia, as it was only shortly under Ottoman rule in the 15th century, after which it allied to various western powers and even with Serbia against the Ottomans. Its independence was recognized by major international powers and Serbia at the Congress of Berlin in 1878.

independentists resurfaced especially after the Partisans mobilized the resistance against the Axis' invasion, calling for "a society of equal peoples and a state that would be restructured on a federal basis"³⁵.

After the defeat of the Axis, the Montenegrin sovereignty was restored within communist Yugoslavia where Montenegro became a republic at the same level and with equal rights as Serbia and the other four republics. In this context the relations between Serbia and Montenegro evolved smoothly. Already before, Montenegrins had been traveling to Serbia and Serbs to Montenegro and the two people maintained close relations with each other. In addition the Montenegrin elites frequently gained power positions in Serbian institutions. This tendency pervaded through the communist era, and in fact Montenegro was the home to some of the closest and most loyal followers of Milošević, such as Momir Bulatović, and today several significant political figures in Serbia such as President Boris Tadić have Montenegrin origins. Given this proximity the republic sided with Serbia through the Yugoslav crisis, and after Yugoslavia's dissolution it chose to remain Serbia's only partner in the Federal Republic of Yugoslavia (FRY).

The FRY era

As close as they were however, Serbia and Montenegro's relations were already slightly on the break. The 1992 FRY Constitution announced a democratic rebranding of the rump Socialist Federative Republic of Yugoslavia (SFRY), however it rather installed a semi-

³⁵ Serbo Rastoder. A short review of the history of Montenegro. In Florian Bieber (ed.). *Transition: Problems of Identity and Statehood*. Baden-Baden: Nomos Verlagsgesellschaft, 2003, p.135.

authoritarian regime dominated by Serbia³⁶. The democratically elected Federal president and prime minister had to be of different republics - in reality however this principle has hardly ever been respected. In the federal assembly, the Chamber of Citizens secured 30 out of 138 seats to Montenegro, the Chamber of Republics represented both partners on an equal stand (twenty seats each) and federal decisions were subject to a double majority in the federal parliament before adoption. Practically however, republican parliaments – which supplied the federal body of deputies - were dominated in Serbia by the SPS and in Montenegro by its counterpart the Democratic Party of Socialists (DPS): the federal Assembly reflected a limited political platform assuring the Serbian domination. The federal president had a mere ceremonial function, and Milošević as the president of Serbia dominated the entire federation.

Loyal partisans of Milošević the two leaders of the DPS, Milo Đukanović and Momir Bulatović, enjoyed a broad popular support in Montenegro as leaders in the eighties of the “anti-bureaucratic revolution”. Their party was aligned on the SPS and faced little serious political opposition in Montenegro. Yet the Serbian domination did not fall smoothly, and as Serbia’s policies isolated FRY at the international level, the Montenegrins - affected by side effect - felt that their “interests were insufficiently protected” in the union³⁷. By 1997 emboldened by strong international support (ready to go wherever Milošević could be challenged), Đukanović openly broke with Milošević and unfolded a new, pro-western speech with the ambition to protect Montenegro’s economic development through democratization and the normalization of relations with the West. By then he did not call outright for independence, but developed a “Slovenian

³⁶ The constitution was adopted by deputies of the Yugoslav-era. WRITENET, Federal Republic of Yugoslavia: Persistent Crisis Challenges the UN System, 1 August 1998. UNHCR Refworld, available at: <http://www.unhcr.org/refworld/docid/3ae6a6be4.html/>. Last accessed April 2009

³⁷ In fact the European Union refused to recognize FRY until 1996 and the USA or the United Nations refused so until as late as 2000. Nina Caspersen. Elites Interests and the Serbian-Montenegrin Conflict. *Southeast European Politics*. Vol. IV, No 2-3: 104-121, 2003, p.107

syndrome”³⁸ i.e. called for greater autonomy for Montenegro within Yugoslavia, for to him FRY was “not being threatened by Montenegrin or any other separatism” but “by long-term economic and social neglect and hopelessness”³⁹. At this stage the rift between Serbia and Montenegro reflected a strictly political divergence and did not involve “Montenegro’s position in the Yugoslav federation, or separatism, or any kind of nationalism”⁴⁰.

Đukanović’s break had major consequences on relations both within and between republics. In Montenegro his political shift led to the DPS’ implosion between Đukanović’s reformist wing, and Bulatović who, loyal to Milošević broke off with the DPS to found his own Socialist People’s Party (SNP). The intra-Montenegrin division between pro-Montenegrin and pro-Serbian forces reflected the larger inter-republican break which grew steadier by the end of the nineties as unilateral decisions on both sides practically severed the remaining relations and fueled the feeling that the Yugoslav “Federation [wa]s a joke”⁴¹. By 2000 the relations between the two republics froze when Milošević, by then FRY president, engaged unilateral constitutional amendments⁴² which, together with the federal organs and newly elected federal representatives, Montenegro refused to recognize.

In such a context the tensions developed into a constitutional crisis in which the two sides nurtured two mutually exclusive visions of their coexistence. While Đukanović proposed to

³⁸ WRITENET.

³⁹ Caspersen p.108

⁴⁰ Stojan Cerović. “Serbia and Montenegro: Reintegration, Divorce or Something Else?” Special Report, United States Institute for Peace, 2001, Available at www.usip.org, p.3

⁴¹ Slavko Perović, Chairman of the Liberal Party of Montenegro, quoted in <http://www.unhcr.org/refworld/country,,WRITENET,,MNE,,3ae6a6be4,0.html>. In 1998, the federal government refused to recognize Montenegro’s new DPS deputies in the federal parliament and the Montenegrin members of the central bank. In response the Montenegrin government considered the federal organs – in which the old SNP deputies already in place remained - unrepresentative and ignored further federal decisions.

⁴² These amendments allowed him to run for a second term and secured Serbia’s domination by reducing Montenegro’s competences in the federation and canceling its veto right.

transform the federation into an alliance of two independent and internationally recognized states working in close cooperation towards European Union (EU) integration (in effect preempting a Montenegrin declaration of independence), Serbia's President Vojislav Koštunica and the Democratic Opposition of Serbia (DOS) emphasized in their own plan the historical relation between Serbia and Montenegro and insisted on the preservation of a single state. The very bases of both plans – a two-state alliance versus a single-state - being non-negotiable to the leaders, the constitutional deadlock had no passageway, which led the Montenegrin and Serbian leaders to agree in 2001 to hold a referendum over Montenegro's statehood. This announced a coming dismantling of the federation, however this decision did not correspond to the plan international powers had in mind. Fearing that the Montenegrin independence would destabilize the whole Balkan region, the USA and the EU swiftly reacted to the referendum decision and in 2002 EU High Representative for Common Foreign and Security Policy Javier Solana was sent to Belgrade to resuscitate the union. Following his intervention Montenegro and Serbia signed the Belgrade Agreement transforming FRY into the State Union of Serbia and Montenegro.

The 2002 – 2006 Consociational arrangement in Serbia and Montenegro

On March 14th 2002 under the supervision of Javier Solana, Serbian and Montenegrin representatives⁴³ signed an agreement with “Proceeding points for the restructuring of relations between Serbia and Montenegro”, better known afterwards as the Belgrade Agreement. After much negotiating all through the year, Serbian and Montenegrin leaders eventually came to a common understanding on a Constitutional Charter and the State Union was proclaimed on

⁴³ The Agreement was signed by FYR President Vojislav Kostunica, Deputy FRY Prime Minister Miroslav Labuš, Montenegrin president Milo Đukanović, Montenegrin Prime minister Filip Vujanović, Serbian Prime minister Zoran Đinđić, and witnessed by EU High Representative Javier Solana.

February 4th 2003. The contract transformed the former Federal Yugoslav Republic into a new “State Union of Serbia and Montenegro” uniting, like in Czechoslovakia, two entities. Trying to find a middle way between the Montenegrin platform for a union of independent states on the one hand, and the Serbian proposal for a centralized federation on the other, the agreement created a loose confederation.

The text provided for the four conditions qualifying a consociation. First it granting a wide autonomy to the republics, each of which owned its respective national government and national assembly. Federal institutions consisted of the titular president, the federal assembly, the constitutional court and the Council of Ministers. The federal government offered a common platform for the two republics, and was formed of five ministers: Defense, Foreign Affairs, Internal and International Economic Relations; and Human and Minority Rights. Hence, in effect its powers were outright limited to security and foreign policy. Moreover Montenegro retained its own Minister of Foreign Affairs, and according to the Constitutional Charter each republic had the capacity to establish its own representative offices in foreign states and maintain foreign relations to the extent that it did not harm the other member state or conflict with the State Union’s competencies⁴⁴. All the other domains remained in the responsibility of the national governments. In particular, the Belgrade agreement provided for an extended autonomy in economy and monetary domains. Montenegro obtained the right to retain its own separate currency, and the state union functioned on a dual monetary system based on the ‘Montenegrin Euro’ and the Serbian Dinar. Additionally, both republics also retained their sovereignty on border customs and trade. Each state thus sustained its own national market; and the agreement projected their harmonization into a common market through the harmonization on EU standards

⁴⁴ Constitutional Charter of the State Union of Serbia and Montenegro. Available at <http://www.unhcr.org/refworld/country,,NATLEGBOD,,SRB,,43e7547d4,0.html>. Last accessed April 2009. Van Meurs.

in the prospect of Serbia and Montenegro's integration into the EU. The Union's member states thus enjoyed a large capacity to manage their internal affairs under the new agreement, which in fact remained rather ambiguous as to the actual status of the union, commonly and interchangeably referred to as a federation, confederation, union, when not simply as Serbia and Montenegro.

Proportionality and the veto right – second and third of the consociational conditions – were also embedded in the Union's structures by the Belgrade agreement. The Union's assembly was formed of a single chamber composed of 126 seats, 91 of which went to the Serbian deputies with the 35 remaining going to the Montenegrin deputies. Representing roughly 6% of the Union's population, Montenegro was thus overrepresented in the Union's assembly. This provision addressed the concern to restore some balance in power between the otherwise very uneven republics – Serbia being fifteen times bigger than Montenegro both demographically and territorially. With this system only however, Montenegrins were still likely to be outvoted in federal decisions, but on the other giving them a simple veto right would have given them an immoderate power to block each and every decision and immobilize the entire federal system. Hence, to preserve the Montenegrins' representation and secure the smooth functioning of the assembly at the same time, a double majority mechanism was instated: a majority of the total number of deputies of the Assembly, combined to a majority of each of the republican – Serbian and Montenegrin – body of deputies was required for decisions to be adopted.

In parallel to the Assembly, proportionality was also instated through a principle of rotation at the highest positions in the federal structures. Federal president and president of the Assembly could not come from the same republic nor be of the same nationality two terms in a row. In the council of ministers, only two out of the five ministers could be from the same republic as the Federal president. In addition, after two years the federal ministers of Foreign

Affairs and Defense had to “*exchanged [their] role*”⁴⁵ with their deputy minister (of the different republic) for the remaining two years. The court of Justice was governed by the parity principle, and both republics had equal number of judges. Similarly, at the international level and in international organizations, Serbia and Montenegro were represented on a parity principle. As a single state they owned a single seat at the UN, the OSCE, the EU and the Council of Europe, however they occupied it on a rotating principle. Regarding international financial institutions representation was left unclear by both the Belgrade agreement and the charter. Additionally, decisions in the Supreme Command Council – formed of the three presidents of the Union, Serbia and Montenegro – had to be taken on the basis of consensus, and unilateral secession by referendum by either republic was rendered unconstitutional before the end of a three-year trial period.

Last consociational condition of all, the federal government of Serbia and Montenegro was formed on successive party coalitions. In its first form in 2003, the government of Serbia and Montenegro was composed of the eighteen parties which had allied in 2000 across Serbo-Montenegrin borders in their common opposition to Milosevic and in the goal to oust him from power. At this period, radical SRS still retained a third of Serbia’s seats and together with the ambiguous DSS, it controlled 50 of the 91 Serbian seats. On the Montenegrin side, the DPS secured fourteen seats in comparison to the growingly popular SNP which obtained nine seats. In 2004, the federal assembly was re-formed to reflect the changes in the Serbian parliament after the December 2003 parliamentary elections in the republic; however the distribution of seats hardly changed. The federal government was thus a grand coalition government representing the two republics through the most representative parties of either state.

⁴⁵ Constitutional Charter of the State Union of Serbia and Montenegro.

EXPERIENCES OF CONSOCIATIONALISM: WHAT WENT WRONG?

Czechoslovakia's dissolution

The consociational mechanisms in post-communist Czechoslovakia were unable to bridge the two sides' differences and in fact encouraged the elites to appeal to the national identity as a political instrument. In addition, the context did not offer the appropriate conditions to stimulate a wholehearted commitment to consensus among the political elites. Stuck in a constitutional deadlock, the elites were unable to emerge from protracted negotiations that underlined the two republics' divergence as they proceeded. Eventually the elites' misinformation led them to the only possible outcome and, although the population seemed at first to support the preservation of the federation, they decided to end their joint existence. Three major elements explain this crisis situation and the elites' complete inability to compromise according to Kopecký, and pertain to the voter volatility, the elites' lack of tradition of accommodation and eventually the role of the socio-economic imbalance between the two republics.

Voter volatility

After 1989, the majority of the Czechoslovak society identified rather reluctantly – if at all - with political parties. The fall of communism – of the order that had channeled their lives until then – disoriented the population and generated a deep feeling of uncertainty. Moreover, forty years of more or less forced communist partisanship had turned them into sceptics as to politics, and for this reason a great many in 1991 did not sympathize with any political party⁴⁶. The post-communist political liberalization induced a political repluralization and the reemergence of political parties like mushrooms under rain, but consequently the actual support

⁴⁶ Sharon Wolchik. The Politics of Transition and the Breakup of Czechoslovakia. In Jiří Musil p.226

for these fairly recent factions was yet to be built and in any case, movements with federation-wide ambitions failed to cut accross republican borders. After 1989, only the communist parties in either Slovakia or the Czech lands retained the loyalty of the genuine communists, but so did parties representing ethnic minorities and the Czech Christian-Democrats (KDU-CSL). Otherwise, the majority of the population „was an available electorate with one pervasive identity – national identity“. Given that in addition few institutional mechanisms linked the Czechs and the Slovaks across the inter-republican border, when no other mobilizing element was at hand the political leaders – especially in Slovakia – easily channeled the population’s dissatisfaction and fear about the future into support for ethnic arguments. In fact later in the crisis, many Czechoslovaks believed actually that their leaders had a great responsibility in exacerbating the ethnic tensions that eventually blocked the negotiations on the federal rearrangements⁴⁷. This situation built the circumstances for the rapid segmentation of the Czech and Slovak societies, underlined during the 1992 elections which opposed mostly national/republican parties but lacked the presence of any strong federation-wide party⁴⁸. In addition, Kopecký notes that the constitutional crisis itself offered the ground for political competition rather than cooperation, as the two sides were struggling to impose state reforms that would grant either with favorable conditions in the post-crisis state. As a result in Slovakia parties engaged into “perpetual[ly] shifting [...] positions on the national issue, paving the way for the conflicts with the Czech political elite, who often reacted in only an ad hoc manner”. In essence the sudden shift of position, in 1991, of Vladimir Mečiar (VPN), one of the most trusted politician in Slovakia and until then committed to the federation, dramatically changed the situation as he raised his voice for an independent Slovakia. His new stand not only severed links within the Slovak bloc, but it

⁴⁷ Wolchik in Musil, p.232

⁴⁸ Carol Skalník-Leff. *Inevitability, Probability, Possibility: The Legacies of the Czech-Slovak Relationship, 1918-1989, and the Disintegration of the State*. In Kraus & Stanger.

also widened the gap with the Czech leaders and nurtured the growing distrust between the Czech and Slovak elites, whose final aims grew increasingly and openly divergent. Indeed, the Slovaks focused on the statehood issue and put their efforts on gaining a better “visibility of Slovakia”⁴⁹ in the federation – or in clearer words, quasi independence. By way of contrast, the Czechs’ primary objectives were democratic reforms, decommunization and the “return to Europe”⁵⁰. As a consequence of this misunderstanding of each other’s interests, the Czechs started to perceive the Slovak efforts as obstacles to their goals while the Slovaks considered the Czechs’ insistence on democratic reforms as the archetype of the Czechs’ negation of the Slovaks’ identity. Eventually, the mismatch of objectives created the climate for tensions to grow to a point of no return.

Lack of elite tradition of accommodation

The situation in Czechoslovakia was also hampered from the start by a weak experience of mutual exchange, which decades of communism had drastically reduced and which the closeness of the two peoples could not alone manage to neutralize. As Kopecký notes, the only case in which Slovaks and Czechs cooperated before 1989 was against the communist regime in the dissident movement – which mobilized however only few individuals. Therefore the pre-1989 segmentation continued after 1989 and translated into an institutional segmentation. In the Czech lands the elite aimed at attaining the federal institutions, covering the entire state and for this reason perceived as more powerful than the ‘lower’ rated Czech institutions. On the contrary in Slovakia the Slovak National Council was the most trusted institution and as a consequence, the Slovak elite concentrated in the Slovak governmental institutions while ignoring the federal ones.

⁴⁹ Žák, p.251

⁵⁰ Carol Skalnik-Leff. *The Czech and Slovak Republics: Nation versus State*. Boulder, Colo.: Westview Press, 1997.

Negotiations at the federal level, already in unfavorable circumstances, were rendered all the more difficult by the fact that Slovak politicians active in the federal government were perceived with great reservation by the Slovak elite. This lack of trust was heightened by the elites' unfamiliarity of their counterpart colleagues in the other republic, and the crucial and urgent character of the issues they had to deal with – the economic transition, the political liberalization, the division of powers between the republics and the federation – simply did not give them the time for a gradual accommodation but built the ground for confrontational attitudes. In these circumstances the elites on both sides engaged in the negotiations with predetermined (limited) levels of open-mindedness. The Czechs were ready to some concessions; however their upper limit corresponded for the Slovaks to the limit under which they refused to go. When the meeting point was reached, the two sides developed defensive attitudes which hindered the negotiations and led to the only outcome possible - the separation. Doing so, both the Slovaks and the Czechs kept the international community informed and “therefore the international community had no problem to accept the outcome”⁵¹.

Socio-economic imbalance

In this ethno-politically segmented climate, the disparity between the Czech and Slovak economies only nurtured the divide. The Czech-Slovak economic differences had nurtured the disputes from historical times. Under the modern Austrian rule, the Czech lands developed an industrial economy and due to their economic advancement considerably supplied the Austrian center. By contrast Hungary was less advanced, and in addition Slovakia was subject to laminating policies which limited its development: at the turn of the 20th century Slovakia had a

⁵¹ Miroslav Lajčák. Personal interview with Emanuela Macková. Ministry of Foreign Affairs, Bratislava, Slovakia. 19, May 2009.

primarily agrarian economy. The difference persisted through the 20th century, although the communists tried to equalize the two states and reduce the economic differences by engaging modernization policies in Slovakia. However, while it did encourage Slovakia's economic development and actually reduced drastically the gap with the Czech lands, these developments were only superficial. The fact that the economic policies were not inscribed into the Slovak system but remained centralized particularly hindered the process and its sustainability after communism. As no special institution was created in Slovakia for this purpose, the Slovak development relied on funds transferred from the Czech lands and functioned very much as an offshoot of the Czech center. When the redistributive policies stopped after communism, the Slovak economic development protracted, the economic disparity between the Czech lands and Slovakia reemerged and "reinforc[ed] national identities". The negative results of the redistributive policies appeared really after the transition to a market economy. The transition policies, while benefiting the Czech economy, proved maladapted to the Slovak economy which emerged rather negatively affected. Consequently the Slovaks started to demand the distinction of the policies between the republics. These claims were accompanied by mutually accusing statements in both the Czech Republic and Slovakia, which had developed under the communist policies and continued to affect the inter-republican economic relations after 1989. In the Czech Republic resentment grew against the preferential treatment granted to the Slovaks by which the Czechs felt they were paying the Slovaks for their development without benefiting themselves. On the other hand the Slovaks tended to perceive the Czechs' assistance as some new-era colonialism by which the Slovaks were deprived of their resources. As a consequence the economic imbalance exacerbated the national segmentation, and the Slovaks' feeling of economic exploitation contributed to their raising motivation for independence.

Additional factors

The capacity of the Czech and Slovak elites to compromise and work out a solution to the state's crisis was thus undermined by the absence of two of Lijphart's favorable factors – namely a tradition of elite to compromise and mild socio-economic imbalance. However as Kopecký shows, the Czechoslovak consociation lacked the support of four other factors. Most significant, Czechoslovakia lacked the ideological cement that could have united the Czechs and the Slovaks under common identification. Due to their demographic, economic and political advantage, the Czech elites always effectively dominated the Czechoslovak state, very much perceived by the Czechs as their own state – and by the Slovaks as the Czechs' state. The frequent reduction, abroad, of the state's name to 'Czech', alluding to the perceived predominance of the Czechs in the federation, also inferred their actual ascendancy. This situation pertained to the fact that "Czechoslovakism" was very much in essence a form of Czech nationalism – and considered as such in Slovakia where the federation's policies were felt as negating the Slovak identity. Since 1918 no sustained effort was developed to create a Czechoslovak identity, on the other hand the 1939-1945 Slovak experience of 'independent' statehood strengthened the idea of a Slovak nation and later the communist structure only encouraged the Slovak nationalism, which the Czechs considered merely as a "childhood disease"⁵². In 1989 as tensions in Europe faded, no external danger could reconvene Czechs and Slovaks against mutual threats. As a result of these elements, in 1990 the two peoples developed two diverging priorities and diverging aims. While the Czechs concentrated on political and economic reform, much of the Slovak attention remained mobilized by the efforts to obtain international recognition and thus, sovereignty. The Czechs thus favored a "strong federation", while the Slovaks struggled for a confederal state

⁵² Skalník-Leff (2000)

implying “strong republics, and competent republican governments and parliaments”⁵³. In addition, the federation was not the union of two equal units but was characterized by a demographic imbalance. The Czechs represented roughly two thirds of the total population, and were mostly resentful of the Slovaks’ overrepresentation in the political institutions. The total population of Czechoslovakia, although small, did not even manage to bridge the gap as communism left a legacy of elite segmentation rather than mutual exchange between republics.

Conclusion

Hence, all things considered, only three out of Lijphart’s nine favorable factors supported the consociation – but they were insufficient to uphold it. Interestingly however, Kopecký demonstrates that together they eased the peaceful separation of the two republics. The demographic disproportion was corrected – to the Czechs’ dissatisfaction – by the Slovaks’ overrepresentation. Neither Klaus nor Mečiar had an absolute majority in the federal assembly that could have permitted them to engage a unilateral secession, and thus they needed to rely on consensus with other parties. Although the requirement of consensus in a climate closed to consensus favored partition solution, Kopecký argues it contributed positively to find a negotiated separation in an “impressively legalistic manner”. Additionally, the fact that the negotiations involved only few parties limited the “politicking” and reduced the potential tensions following the dissolution as only the decision impacted only the Czechs and the Slovaks. The informal talks also contributed to the peaceful divorce. Lastly, the two nations’ concentration in the limits of their republic eased the concrete separation as it implied only a “division of common material assets”.

⁵³ Žák. p.247

The Serbo-Montenegrin partition

Ethnicization of Politics

In FRY since the nineties the climate had increasingly been impregnated by the Montenegrin status issue. The polarization of the debates over Montenegro's independence built on the issue of the Montenegrin identity, a matter of debate over its true distinctiveness from a broader Serbian ethnic core⁵⁴. Many claim they constitute a distinct Montenegrin ethnic branch; while others claim Montenegrins are a sub-group of Serbs, and as a result the Montenegrin identity is both unstable and dual – capable to reflect various identifications at the same time. Unlike in other former Yugoslav republics where ethnic affiliations were more deeply embedded, in the nineties this volatility made ethnicity an unreliable element in Montenegrin politics, as there was no fixated group. In addition, minorities in Montenegro represented a quarter of the population, they formed a serious political force in that it was said that “Montenegro's future will not be decided by ethnic Montenegrins but by the republic's minority Muslim, Croat and Albanian population according to survey results”⁵⁵. Therefore in the struggle opposing Bulatović and Đukanović and in the Montenegro's independence issue political parties simply needed and competed for the minorities' support. As a consequence, “political affiliations [did] not follow ethnic lines”⁵⁶ and most parties or coalitions were multiethnic. The DPS especially called the Montenegrin emancipation on the need to sever links with authoritarian Serbia in order to survive, and in this context it sought to attract people irrespective of their ethnic affiliations.

The fall of Milošević in 2000 was expected to bring a decrease of both inter- and intra republican tensions as the crisis built primarily on Milošević's authoritarian rule. On the contrary however, “the result of the fall of Milošević was increased polarization within Montenegro over

⁵⁴ Caspersen p.116

⁵⁵ Florian Bieber. The Instrumentalization of Minorities in the Montenegrin dispute over Independence. ECMI Brief report 8, p.4. March 2002. Available at http://www.ecmi.de/download/brief_8.pdf. Last accessed may 2009.

⁵⁶ Bieber quoted in Caspersen p.116, Bieber 2002.

the issue of statehood”⁵⁷, which necessarily held consequences in Serbia. In this context the relations between the ruling elite in Montenegro and Serbia pursued on a far less cordial level than expected in the West. From the late nineties, the distinction between Serbs and Montenegrins sharpened and translated into politics as the debate shifted towards Montenegro’s independence. After the fall of Milošević the political division had to shift to another line of arguments. To pursue his political ambitions Đukanović shifted from anti-Milošević to pro-independence, “constrained in his pro-independence stand” by the political developments despite the falling popular support and the resistance of Western powers to independence⁵⁸. Hence, while under Milošević independence was not called for⁵⁹, after his fall “the Montenegrin government increasingly started to emphasize the right to independent statehood” as a nationality distinct from the Serbian nationality⁶⁰. This new focus fueled Montenegrin nationalism, until then hardly distinguishable from Serbian nationalism, and by the 2000’ the political conflict in Montenegro had turned increasingly ethnic (although never as dramatically as in the other former Yugoslav republics). This was underlined by the 2003 census: while in 1991 only 9.3% identified as Serbs in Montenegro and 61.8% as Montenegrins, in 2003 32% identified as Serbs and 43.2% as Montenegrins⁶¹.

This means that the ethnic identification grew also political in essence: the way one identified determined quite surely which party – pro- union or pro-independence – one would vote for. However, as Caspersen notes, the conflict was not the classic inter-ethnic one but rather

⁵⁷ Caspersen p.112

⁵⁸ Caspersen p.112, Van Meurs, Wim. The Belgrade Agreement: Robust mediation between Serbia and Montenegro. In Florian Bieber (ed.). Transition: Problems of Identity and Statehood. Baden-Baden: Nomos Verlagsgesellschaft, 2003, p.64

⁵⁹ Apart from the somewhat marginal Liberal Alliance.

⁶⁰ Caspersen p.116

⁶¹ The census however should be taken with caution as Kenneth Morrison notes it was not exempt from pressure as to the population’s answer. Morrison, Kenneth. Montenegro: A Modern History. I B Tauris & Co Ltd: 2009.

an intra-ethnic dispute over the essence of the Montenegrin identity⁶². In this context, the instability of the population over the independence issue⁶³ encouraged competition between the Montenegrin elites. All through the state union, competing parties in each side attempted to tighten ranks and rally in coalitions in order to gather the broadest popular support in a campaign where – given the close lead of the pro-independence support - each and every vote would be crucial. In this fight, all parties developed a position on the status issue, either supporting the union's preservation or advocating its dissolution, and it was practically impossible for a party retain a neutral stand⁶⁴, let alone for cooperating across the status issue position. The two sides developed their campaigns on different levels; however they both (although most the pro-independence side) resorted to populism in order to create a sense of belonging and common identification either to a Montenegrin identity requiring independence, or to a “Montenegrin Serbdom” i.e. union with Serbia⁶⁵. The issue over the Montenegrin independence polarized the Montenegrin domestic politics and radicalized the elites around mutually exclusive goals –

⁶² Caspersen p.117.

⁶³ Until 2006 support to independence kept fluctuating. While many saw the Belgrade agreement as a back step, after its adoption 61,6% of the population supported it against 23% who rejected it. ICG. Still Buying Time: Montenegro, Serbia and the European Union. Balkans Report No. 129. Podgorica/Belgrade/Brussels: 2002. From its adoption, support for independence followed a decreasing trend until June 2004 when it actually hardly overmatched support for the union: support for independence lowered down to 39.2% as opposed to support for the union which reached 39.1%. Beginning from then, it rose again while the support for the union continued to fluctuate between 32.1% and 40.5%. CEDEM, Department for Empirical Research. Public Opinion in Montenegro. Annual nb 2 (May 2005-April 2006). Podgorica June 2006. Available at http://www.cedem.cg.yu/publications/files/Godisnjak_2_eng.pdf. Last accessed May 2009.

⁶⁴ The only significant one which did, the Group for Change (GZP), eventually disbanded because of it. Nebojsa Medojević, leader of the GZP, publicly favored independence while the GZP itself never cleared its position on it in the hope to attract voters from both sides. This ambiguous strategy eventually brought the group to split as the referendum approached in 2006 after its leaders couldn't agree on which position actually adopt. Morrison p.201

⁶⁵ The pro-independence campaign insisted on the right of the Montenegrins to have their own state as a people distinct from the Serbs and developed on the benefit independence would bring to Montenegro primarily in accelerating the state's accession to the European Union. On the other side, the pro-union bloc mostly avoided resorting too much to a nationalist pro-Serb campaign that would have run the risk to frighten off the potential pro-union voters. Instead it focused on the social, cultural and economic benefits of the union with Serbia, and built a great deal of its campaign on attacks against the pro-independence blocs – and against Đukanović in particular, regularly accused of being ‘anti-Serbian’. Morrison. ICG. Montenegro's Referendum. Europe Briefing N°42. Podgorica/Belgrade/Brussels: 2006, p.4.

independence or the union. This climate only nurtured the elites' mutual distrust and encouraged competition rather than dialogue between pro-Serbian and pro-Montenegrin forces.

While Montenegro started to integrate western democratic values, Serbia's politics remained embedded in Milošević's nationalistic perspectives least open to cooperation. Despite his fall in 2000 much of the Serbian political arena remained occupied by the old nationalist corrupt guard. Popular dissatisfaction, only exacerbated by the ruling DOS' internal struggles, reached such a level by 2003 as to bring conservatives back to power. Milošević's own party, the SPS, had easily surmounted the leader's death and remained popular, but the strongest was Šešelj's virulent SRS which together with the SPS controlled 104 of 250 seats in the Serbian parliament in 2003, and fifty (of which the SRS controlled thirty) out of 91 reserved to Serbia at the Union level. These two parties were far from being isolated: in fact Koštunica's government, which had only a tight majority, rested on the support of the SPS⁶⁶ which took advantage of it to "extract concessions from Koštunica in exchange for its support"⁶⁷ and remained influential in the governmental decisions. The ruling elites' concern to preserve their interests dampened reforms much awaited by foreign powers in particular with regards to cooperation with the Hague, the rule of law, justice and the fight against corruption⁶⁸, and in 2005 the ICG deplored a "u-turn [to] the Milošević era without Milošević"⁶⁹. Salient national issues – Kosovo, Vojvodina,

⁶⁶ Koštunica has a rather ambiguous political face: once an anti-Milošević ally of Đinđić in the DOS, at the same time he more or less openly flirted with the SPS and the SRS and consistently refused to cooperate with the Hague. In 2004 he called for a "concentration government" including the SPS and SRS, but couldn't carry his project out. He formed a coalition government excluding the DS, but needed the support of the SPS because he held a very thin majority. Brusić Martin. Serbia and Montenegro: Democratic Consensus Susceptible to Populist Actors. *Southeast European and Black Sea Studies*. Vol. 6, No 1: 103 – 123, 2006. EIU Country Profile Serbia and Montenegro, main report. April 06. Available at http://www.eiu.com/report_dl.asp?issue_id=1630225348&mode=pdf.

⁶⁷ Id.

⁶⁸ After Milošević's fall, Đinđić, concentrated on pleasing the EU, was unable to conduct the necessary reform relative to the decriminalization of the state – a default which led to his murder by the state's security forces in March 2003.

⁶⁹ ICG. Serbia's U-Turn. Europe Report N°154. Belgrade/Brussels: 2004.

ethnic Serbs in Bosnia and Croatia – were exploited by politicians in their quest to preserve their power positions. The ethnic cleansing of ethnic Serbs in Kosovo in 2004 matched in remaining Serbia by destructions of mosques, as well as upsurges of nationalist hooliganism in Vojvodina, radicalized the population and opened it to populist speeches. In a context already receptive to nationalist and emotional arguments, the Montenegrin issue as yet another issue challenging Serbia exacerbated the political conflict within the DOS⁷⁰, and it strengthened the conservatives' hold of power and the position of Koštunica, "much more a nationalist than a democrat, [...] and an instrumentalist nationalist"⁷¹, and it hardened their position against the ruling Montenegrin elites.

In the two republics politics were marked by an intensification of the ethnic and national issue, which favored the resort to populism and encouraged political confrontation between the Serbian and Montenegrin elites. Moreover, the murder in March 2003 of Zoran Đinđić, who was perhaps the strongest partisan of the Belgrade agreement, deprived the agreement of its strongest supporter in Serbia, and cut off Serbia's strongest link with the ruling elite in Montenegro. Like in Czechoslovakia, the competition between Serbia and Montenegro's elites was encouraged by the constitutional setting. The fact that in 2002 the elites were left with the task to draft a constitution practically from nothing – the Belgrade agreement having left unaddressed most of the way the union would function practically – meant that the elites were not only competing to get popular support, but also to impose mechanisms that would favor them in the new union. This was most salient within Montenegro with the appointment of the Montenegrin delegates for the

⁷⁰ Caspersen. Cerović. The Montenegrin issue struggle internal to the DOS. Because he was threatened in his position as the federal president by the Montenegrin lust for independence, Koštunica struggled to find a solution to the crisis while preserving the union at the same time. On the other hand, the continuation of the Serbo-Montenegrin crisis only benefited Đinđić, then Serbia Prime minister, against Koštunica.

⁷¹ Morrison p.183

constitutional commission charged with the drafting of the union's Charter. Pro-union and pro-independence parties sought to predetermine the constitutional commission's conclusions even prior to the debate with the Serbian delegates, and competed in the parliament to impose their respective interpretations of the agreement on the Montenegrin delegates⁷². In this context, each and every issue became a matter of bitter opposition and sharp competition, from the debate over national symbols to the representation in international organizations⁷³.

Lack of elite tradition of accommodation

Historically

Smooth relations between Serbia and Montenegro were not even encouraged by a history of mutual exchange. Despite some tensions, the coexistence of Serbs and Montenegrins had previously been marked mostly by cordiality. Practically however, their relations were more characteristic of a (Serbian) domination over a (Montenegrin) junior brother rather than of cooperation. While under communism protest against Serbia's domination was but little expressed, from the late eighties Serbia's hegemonic attitude grew intolerable in Montenegro. After the break with Milošević in 1997 - which for the first time since 1918 not only stressed Montenegro's distinct interests but also the intention to protect them from Serbia -, resentment against the Serbian ascendancy mounted and claims for greater autonomy were regularly voiced. As Serbo-Montenegrin relations drastically deteriorated, so did their leaders' capacity to engage a dialogue. In the nineties Milošević divided the political spectrum between his supporters and his

⁷² ICG. Balkans Report No. 129.

⁷³ The constitution stated that the union adopts a new flag - a compromise between the Serbian and Montenegrin flags - within sixty days of the union's implementation. The Montenegrin and Serbian flags were almost identical, differing only by their shade of blue. But the deputies were unable to find a middle way. Montenegro adopted its own flag in 2004, drastically different from its previous one to distinguish itself from Serbia, while the union remained without a flag at all. The same fate met the anthem. In the end, the union never adopted state symbols but continued to use Yugoslavia's, issuing passports with the name of "Yugoslavia" or using Yugoslavia's official stamp.

opponents, but it also provided grounds for the cooperation between respectively pro and anti-Milošević parties in Serbia and Montenegro. In the mid nineties Serbian democratic parties joined in the coalition Zajedno against Milošević and established relations with Montenegrin DPS. Again in 2000 supported by massive international assistance, eighteen parties joined in the DOS with the support of the Montenegrin DPS with the aim to oust Milošević from power. However these alliances were only based on short-term objectives (the downfall of Milošević), but had competing views on practically every other issue and on the status issue in particular. Consequently when their short-term goal was reached (when Milošević fell in 2000) their unifying element eroded. Hence the pro-independence DPS increasingly departed from the DOS – majority supporting the union. In addition because the DPS boycotted the federal parliamentary elections in 2000 after the unilateral constitutional amendments, the DOS was brought to rally in the federal assembly with the SNP, winner by default and only Montenegrin representative - this further deepened the gap between Serbia and Montenegro's ruling elites⁷⁴. Competition between elites also contributed to divide them even more, and the shaky unions gradually lost popular support⁷⁵. Elite interests prevented leading politicians primarily in the anti-Milošević side from uniting against their ideological opponents, but forced them instead to harden their position on independence. This in turn drastically reduced the capacity of the leaderships in Serbia and Montenegro to compromise.

⁷⁴ Florian Bieber. *Montenegrin Politics Since the Disintegration of Yugoslavia* In Florian Bieber (ed.). *Transition: Problems of Identity and Statehood*. Baden-Baden: Nomos Verlagsgesellschaft, 2003. ICG. *Montenegro's Independence Drive*. Europe Report N°169. Podgorica/Belgrade/Brussels: 2005

⁷⁵ In Montenegro the DPS engaged into a harsh struggle against the LSCG to win the title of the leading pro-independence party. The LSCG was the strongest pro-independence party and had a similar platform to the DPS to which it represented a serious competitor all the more that it had the memory of the DPS policies and repression prior to its reformist shift in 1997. Eventually, accusing the DPS of not moving swiftly enough for independence the LSCG broke its alliance with the DPS and SDP and refused to participate in the governing coalition in 2001. In Serbia, the DOS was marred by an internal power struggle between its two prominent members, DSS' Koštunica and DS' Đinđić. DOS' politicians added to the coalition's erosion by petty struggles to preserve their interests and position after Milošević's fall, and their association with corrupt Milošević's milieus. By 2003 the coalition fell to internal divisions.

The State Union

The elites in Serbia and Montenegro thus had no experience in longstanding mutual exchange, and the climate at the time offered little incentives to compromise and make the union function. Serbia and Montenegro were ruled by two diverging sets of leaders, mostly conservatives and pro-union in Serbia, more reformist and pro-western in Montenegro, and their interests were incompatible. Precisely because of the difficulties to bring the two sides together, the Belgrade agreement remained ambivalent and failed to specify how the state union was to function practically, leaving it for the two partners to decide. However, the latter were not likely to be more able to negotiate in this framework as they had been in the former FRY, and in fact they weren't.

Two circumstances augured from the start an uncertain future for the union. First the fact that the agreement did not solve Montenegro's status issue (but only delayed it by three years) made it a salient question all through the union's existence. The EU and Serbia probably believed that by the three years the referendum would not be an issue anymore – quite the contrary however the issue was even more urgent in 2005 than it was three years before. Second the fact that each side stood firm in its own vision of the Serbo-Montenegrin union limited from the start the potential for negotiation, and instead created situations in which no side would yield to the other. In Montenegro Đukanović had won the 2002 presidential elections on the promise that he would hold a referendum on independence. He signed the Belgrade agreement much as a strategic move to gain three additional years to strengthen the basis for independence in Montenegro⁷⁶, and never hid his intention to hold it as soon as possible - in fact he agreed to the

⁷⁶ By the time of Solana's intervention, the population was evenly divided between supporters and opponents of independence. The outcome of a referendum, were it held, could not be secured either way and would have satisfied as many as it would have disappointed. ICG. Balkans Report No. 129, p.16. Sharyl Cross and Pauline Komnenich. Ethnonational Identity, Security and the Implosion of Yugoslavia: the Case of Montenegro and the Relationship With Serbia. *Nationalities Papers*. Vol. 33, No 1: 1 – 27, 2005..

Belgrade agreement on the condition that it permitted such a referendum. As his proposal for a “Benelux type of union” in 2005 underlines, Đukanović and the Montenegrin leaders really never abandoned their plans to achieve independence “one way or another”⁷⁷. Similarly as in 2000, Đukanović proposed to transform the union into a looser alliance of independent and sovereign states only “governed by a defense council with representatives from both states”⁷⁸. This proposal was welcomed with much reservation in Serbia – as in 2000. The Serbian nationalism had started to weaken the commitment to the Serbo-Montenegrin marriage as the prospect of joining the EU looked direr, and for some “Serbia's priority task [wa]s not to preserve the state union of Serbia-Montenegro” anymore, but the “membership of the EU”⁷⁹. However, Koštunica remained more “committed to what [they] signed” in 2003 than ever and condemned the Montenegrin proposal as “a serious breach of the Belgrade accord of 2003”⁸⁰. The Serbian pro-unionist considered the Montenegrin proposal unrealistic and somewhat foolish. One major argument advanced related to the EU accession process, for which Vladeta Janković, advisor to the Serbian prime minister for foreign policy issues, was “convinced that [they] stand better chances as a state-union Serbia and Montenegro”⁸¹. The unionists were supported in their position by the attitude of the EU and the US who, standing their ground, consistently disapproved of Montenegro’s drive for independence. In fact representatives of individual European states were

⁷⁷ Article 9.

⁷⁸ Articles 1, 7.

⁷⁹ In fact Serbia’s president Boris Tadić claimed to be ready to “discuss and listen to Montenegrin Prime Minister Milo Đukanović’s arguments in favor of his proposal that Montenegro and Serbia form a union of independent states based on the Benelux model”. Articles 4, 5.

⁸⁰ In Montenegro the opposition to Đukanović condemned it as a “violation of the Constitutional Charter”. Articles 1 and 7.

⁸¹ Another argument against the proposal was that it would require much effort as “independent states would once again have to ask to be internationally recognized as such” - although in reality Serbia would not have much effort to make as the Montenegrin leaders offered that “Serbia inherit the current Serbia-Montenegro seats in international organizations, while Montenegro would seek membership as a new country”. More pondering in the Serb refusal was the unresolved status of Kosovo: an independent Montenegro was typically feared likely to encourage tensions in the Kosovo issue. Articles 7, 8, 10.

advised [at the EU level] to encourage and promote bilateral contacts with the State Union and representatives, and to discourage to contact republican authorities⁸².

On the other side, the EU also directly suggested the Montenegrin ruling leaders that

before [their] union is consigned to history, perhaps it would be better to think well and twice about this, because in the eyes of the international community and Italy, the union has given positive results⁸³.

Neither Serbian nor Montenegrin unionists seemed to take the Montenegrin Benelux proposition too much as a threat, since the belief was strong that the Montenegrin separatists would soon and significantly lose their power - to the point that “the referendum [on independence in 2006] will probably not even be necessary”⁸⁴. This attitude was the expression of a common contempt towards Montenegro from the Serbian side, who did not take Montenegro seriously, which limited the scope for good relations between the two partners. Koštunica never paid once a single official or working visit to Podgorica during the State union’s existence. Also, Montenegro was represented at the state union parliament by the Montenegrin opposition, which was Kostunica’s coalition partner. The fact that Serbia was not treating Montenegro as an equal partner certainly did not contribute to make relations with the Montenegrins easy. In reality, “fearing it would lead to Serbian domination”⁸⁵ Montenegro was never committed to build working federal institutions, but consistently tried to prove the dysfunction of the state union in a quiet way, by tacitly blocking the union’s institutions. In fact the federal institutions remained very much distrusted by Serbian and Montenegrin elites, who focused primarily on their respective state institutions. Thus federal institutions remained mostly vague and installed a “central government and parliament

⁸² Interview with Miroslav Lajčák.

⁸³ Article 7.

⁸⁴ On the other hand, pro-western parties such as the G17+ opposed to the Montenegrin proposition, arguing that were the two partners to transform their union into a loose alliance, “Montenegrin independence would only be formal, all payments would still be made by Belgrade, while Serbia would not have real autonomy from Montenegro”. Articles 1, 6, 10.

⁸⁵ ICG. Montenegro’s Independence Drive. Europe Report N°169. Podgorica/Belgrade/Brussels: 2005, p.5

lacking any real authority and at the mercy of the republic governments”⁸⁶. The strong and unmovable commitment to independence on the one side, and the equally strong attachment to the federation on the other annihilated any opening for dialogue, rather it installed a situation in which neither of the two sides would think much over finding a compromise. The weakness of the federal institutions surely did not provide incentive to compromise, but rather a firm ground to exploit for the elites. Hence protracted negotiations characterized much more than cooperation the political behavior on both sides. All the work at the federal level was almost automatically blocked by never-ending debates, from the negotiations over the union’s Charter which adoption (expected in the summer 2002) was dragged to December 2002, to the constitutional court not established before 2004⁸⁷. Apart from the pro-Serbia deputies, frequently the Montenegrin deputies would not even show up at the federal assembly, thereby rendering impossible to take decisions as the required quorum was not attained. The near collapse of the union in 2005 underlined that it was “dysfunctional as a negotiating framework”⁸⁸, as the incapacity of the federal assembly to either punish the Montenegrins⁸⁹ or find a solution⁹⁰ showed the weakness of the federal institutions and their complete impotence.

In such a context, it is little surprising that none of the side bothered much about respecting the Charter, but frequently broke the rules, from the violation of the principle of alternation governing appointments at the top federal functions⁹¹ to the refusal of Montenegrins

⁸⁶ ICG. Report N°169.

⁸⁷ Dragan Đurić. Montenegro’s Prospects For European Integration: On a Twin Track. *South-East Europe Reviews*. Vol. 4: 79 – 106, 2004.

⁸⁸ Branko Lukovać, former ambassador of Serbia-Montenegro to Italy, quoted in article 2.

⁸⁹ The SPS, the SRS and the Montenegrin opposition parties attempted to engage a vote of no-confidence on the union’s president for not having called the elections and thus breached the Constitutional Charter. However the vote of no-confidence failed to take place for a lack of support among the federal deputies. Articles 11, 12.

⁹⁰ Eventually, Belgrade and Podgorica endorsed the constitutional amendments proposed by the EU – again thanks to the intervention of Solana - and the mandate of federal deputies was prolonged until the next parliamentary elections in the republics

⁹¹ The ministers of Defense and Foreign Affairs, supposed to be of different republics, were both Serbs.

to hold the parliamentary elections scheduled by the Belgrade Agreement for 2005⁹², the Benelux proposal or the referendum issue. Most probably the Montenegrin government never expected Serbia to agree on the Benelux model, but made the offer only to have the “excuse that it has tried to reach an agreement with Belgrade prior to organizing a referendum”⁹³. The Montenegrins’ real aim was not to engage a dialogue but rather to “present Koštunica, not Đukanović, as the problematic element in the equation”⁹⁴ and give an excuse to Podgorica to hold the referendum with the crucial EU support.

The referendum issue, which proved highly litigious, also underlined the two sides’ capacity to create deadlocks. When the Montenegrin government first approached the Montenegrin opposition in 2005 to engage a debate over the referendum procedures, the latter (backed by Serbia) refused to engage in talks about the referendum - in fact it refused to have direct talks with the government altogether⁹⁵. Instead of dialogue it threatened to boycott the referendum were the government to call it⁹⁶ - surely supported in its stand by the EU’s own resistance to Montenegro’s independence⁹⁷. Eventually to unblock the situation, the EU had to send High representative Miroslav Lajčák as a mediator with the task of bringing the opposition and the government to the negotiation table and find an acceptable compromise to both sides on

⁹² According to the agreement, the Union’s deputies were elected indirectly and proportionately from the national assemblies, but after two years – in 2005 – direct parliamentary elections had to take place. However, federal institutions scored rather low on confidence among Montenegrins, and as it feared it could not motivate the population to go to the polls to vote for an unpopular institution the Montenegrin government simply ignored the elections scheduled by the 2003 agreement, and the deadline passed without the elections taking place in Montenegro. Article 1, 13.

⁹³ IWPR. Montenegro Launches New Divorce Bid. Balkan Crisis Report No 544. Podgorica: 2005, p.1

⁹⁴ Id. p.3

⁹⁵ It insisted on the fact that according to the union’s Charter, the referendum was only “a possibility, not an obligation” and considering Podgorica’s initiatives ‘unnecessarily hasty’ and mostly, unilateral moves made without its consultation. Article 1.

⁹⁶ The existing law on referendum stated the threshold needed to reach 50% for the referendum to be acknowledged, and by boycotting it the pro-unionists hoped to bring the turnout under 50% and thus actually impede the referendum at all. ICG. Briefing N°42.

⁹⁷ It issued a “non-paper” threatening the mini-state that its independence would have “severely negative consequences for Montenegro’s future aspirations for European integration”. ICG. Report N°169., p.10

the referendum procedures, and to supervise the entire process. The appointment of Miroslav Lajčák was not accidental. A Slovak diplomat, Lajčák has an extensive experience of the Balkans, to which he was committed since 1998. First appointed as the Special assistant of the UN Special envoy for the Balkans Eduard Kukan, in 2001 he took office for five years in Belgrade as Slovakia's ambassador to FRY, the republic of Albania and Macedonia. Hence Miroslav Lajčák's experience made him not only knowledgeable and adapted to the situation, but also personally sensitive to the region and its leaders, and therefore able to see the possibilities and the impossibilities of the situation in which he was sent. His role in Montenegro in 2006 was crucial. All the time however, the negotiations remained conditioned on Lajčák's mediation as the opposition constantly refused to have direct talks with the government⁹⁸. In addition even in Lajčák's presence the opposition kept setting conditions to the negotiations, in effect impossible to meet for the Montenegrin government (and for this reason rejected by Lajčák)⁹⁹, and the more or less open intrusion of Serbia in the debates, primarily over the population eligible to vote, also strengthened tensions. On the other side, the ruling elites also displayed attitudes which infuriated the opposition. After much negotiating over the most crucial issue in the debates – the threshold

⁹⁸ All the time the talks were held separately, Lajčák meeting the ruling leaders and the opposition in separate meetings. The opposition had agreed to the referendum only to the extent that it would be monitored by the EU. On the other hand, the EU's support of the referendum was also crucial for the government as unlike in Serbia the majority of the Montenegrin population – including minorities – was pro-European. In case the referendum procedures - and thus the referendum - would not be acknowledged by the EU, many would have chosen either to vote for the union or not to participate in the referendum.

⁹⁹ For example it requested the formation of a coalition government in order to stay in power until new parliamentary elections, or the sacking of key figures in the police whom it suspected of being involved in elections. But the pro-union bloc was divided. According to Lajčák, Bulatović – leader of the SNP – was “the most responsible towards the process and most able to work towards compromise, while the rest [the other pro-union parties] were proposing different unacceptable propositions. They wanted us to remove, abolish completely the legal system, to declare all the laws invalid, and number of other steps which were impossible because it would have meant we would renounce our own international dispositions”. Similarly, the pro-independence bloc was divided, “Đukanović was more realistic, while its coalition partner Krivokapić [speaker of the government and leader of the SDP] was more extremist, and less ready to find a compromise”. Interview with Lajčák. Lajčák eventually managed to bring the opposition to abandon these requirements and was thus content with the smooth evolution of the negotiations in January. However the opposition started to call again for a coalition government in February 2006, which led Lajčák to claim that he is “no longer an optimist as far as a possible consensus [on the referendum procedures] is concerned”. Article 14. At this time Lajčák deplored that “the degree of distrust between the government and opposition which exists in Montenegro is unparalleled anywhere in Europe”. Article 15.

required for the referendum's outcome to be recognized¹⁰⁰ - eventually Lajčák had managed to bring the two sides to agree on a 55% threshold¹⁰¹. Lajčák came up with this limit with two aims in mind, to give legitimacy to the process and to make sure the turnout would be as high as possible to insure the referendum's credibility: the 55% threshold assured that because according to previous referenda "56% would be unachievable [for the pro-independence bloc] while 53% would be very easy for them. So 55% was really the breaking point¹⁰²". This in effect left a so-called "grey zone" between 50% and 54.9%, which again nurtured tensions between pro-union and pro-independence forces. For the Serbs this "grey zone" presented no issue because any result short of 55% would mean failure and a strengthening of the union, and the EU was also very clear on that. But for the pro-independence Montenegrins, any result above 50% was perceived as a signal, and during the referendum campaign, some leading Montenegrin members of the pro-independence bloc claimed nevertheless that "as far as they are concerned 51% percent would be taken as a signal that the state union no longer exists"¹⁰³. This effectively heightened tensions between the two sides.

Similarly as the Slovaks in Czechoslovakia, the elites made demands or offered plans in effect impossible for the other side to accept, in the only goal of making the latter look like the sole responsible for the crisis and demonstrate that the state union was dysfunctional to justify further decisions affecting the union.

¹⁰⁰ Given the tight lead of the pro-independence support, every vote was crucial and the pro-independence bloc could not afford to lose any. The Montenegrin government wished to keep the current law on referendum so that a simple majority determines the referendum. By contrast the opposition demanded a new law requiring the majority of the entire electorate. Other confrontational issues involved the use of state resources in the referendum campaign, the population of eligible voters.

¹⁰¹ The threshold was set to 55%, with a 50% turnout of the voters at the least. This however was perceived as a clear sign that the EU was backing the union as it gave a lead to the pro-unionist bloc. ICG. Briefing N°42, Morrison.

¹⁰² Interview with Lajčák.

¹⁰³ Morrison p.208.

Socio-economic differences

Historically

Similarly as in Czechoslovakia, the state union of Serbia and Montenegro was far from being a marriage of equals in terms of size and demography: Serbia is fifteen times bigger than Montenegro both territorially and demographically. This disproportion was matched by an equally great imbalance in socio-economic terms¹⁰⁴. Serbia and Montenegro as a state was the second poorest successor state after Bosnia and Herzegovina, however this label did not apply equally to the two member republics nor in the sense one would await from the geographical disproportion: in relative terms Serbia was far behind Montenegro. This difference was partly due to different political choices and trajectories. It constituted a major – if not primary - obstacle to the union and eventually contributed to its demise.

After the dissolution of SFRY Milošević remained in power in the successor FRY and managed to install his semi-authoritarian rule and a communist type of economy. The Serbian economy was oriented on agriculture and production, and its interest was to protect its industries. Corruption, political interference and the high level of closure to international markets then circumscribed the development of the Serbian economy. After his dethronement in 2000, the DOS reached power positions claiming its commitment to democratization and economic liberalization - and in fact the ICG could be pleased by a “remarkable” pace of reforms in the first months¹⁰⁵. In middle-term however the reality was quite different and the ICG could not but admit that in fact the pace was not so remarkable after all and that “on the ground deadlock and stagnation dominated”¹⁰⁶. After Milošević’s fall the DOS started to crumble under the competition between its politicians, many of whom resorting to support from followers of

¹⁰⁴ Montenegro accounted for 2-3 percentage points of SFRY and was referred to as a “statistical error” by Yugoslav planning experts. Durić p.94

¹⁰⁵ Some privatization had taken place, prices were liberalized and inflation muzzled. Brusis p.111

¹⁰⁶ ICG. Europe Report N°154, p.16

Milošević who by funding them could avoid criminal indictments. As a consequence the democratic forces “never actually got around to restructuring the economy”¹⁰⁷ and the much awaited transition towards a market economy did not happen. Serbia maintained a protectionist policy, “stagflation” dampened the Serbian household confidence, unemployment remained high and the privatization process slow with crucial enterprises still owned by the state.

By contrast Montenegro had taken quite a different path since the mid nineties and had a completely open economy based on services and tourism¹⁰⁸. From the 1997 break, the junior republic enjoyed heavy international support that helped it gain its de facto economic autonomy from Serbia¹⁰⁹. Steady developing tourism also profited the country’s economy, unemployment regularly decreased while foreign investment reached peaks in contrast to Serbia. The Montenegrin economic picture was obviously not perfect: the small state remained impoverished, and much of the international aid had not been actually used for reforms. However it was dynamic and hopeful and by 2002, Montenegro fared much better than its big brother. The two republics had different rates and types of economic development, but also separate economies within the FRY, and it actually became a joke among businessmen to say that internal customs barriers were tighter between the two republics than with foreign states¹¹⁰.

¹⁰⁷ Id. p.8

¹⁰⁸ As long as Milošević controlled the federation with his party, Montenegro could be subdued at all levels. In fact as the other member of FRY it had even borne with no rebellion then the side-effects of the “outer-wall” of sanctions established by the UN Security Council against Serbia in 1992, although without holding any criminal responsibility. The sanctions were maintained for several years and prevented FRY from establishing contacts with crucial international financial organizations. Durić p.82. But as soon as Montenegro broke with the autocratic leader and eyed towards western liberalism, it could not bare the Serbian yoke anymore.

¹⁰⁹ It had its own currency (the Deutsch Mark in 1999, the Euro in 2001), took over customs at the Serbian borders and even refused to contribute to the Federal fund.

¹¹⁰ ICG. Report N°154, p.1

The State Union

The prerequisite for EU accession for Serbia and Montenegro was that they develop a joint economy, and this objective was enshrined in the Belgrade agreement. Due to the two republics' divergent and separate economies, this could practically speaking not be implemented overnight – in fact it was “objectively impossible to harmonize” the two economies but this belief did not dominate the European offices back then¹¹¹. Montenegro consistently refused to give up its economic autonomy anyway. The Belgrade agreement thus stated that the union's two markets would be harmonized into a single one within two years through the harmonization on the European standards, and it maintained Montenegro's economic autonomy as a temporary situation. However the agreement never cleared how the two partners were to actually harmonize their markets. In reality the economic harmonization never happened, and resistance developed on two related levels. First, Montenegro consistently and successfully blocked the functioning of the federal financial institutions to the point that even Serbia's president started to talk about separation. Second, building on the previous and on the economic discrepancies of the two member states, the EU started to talk about a “twin-track” process to integrate the EU, which meant the recognition of the segmentation of the union - practically speaking the end of the union.

From the very start Đukanović claimed the referendum on independence would be called as soon as possible, and the preservation of Montenegro's economic autonomy ranked top among his conditions for signing the Belgrade agreement. According to the latter Montenegro retained its own currency, managed its own market and customs. Montenegro's economic autonomy was matched by a quasi inexistent federal financial system. The state union relied on the funding by

¹¹¹ Interview with Lajčák.

the republics and did not have its own source of funding – it even “d[id] not have its own bank account”¹¹². Federal financial institutions in Serbia functioned in effect as the Serbian institutions, and were taken over by Serbia to “end the duplication between Serbian and federal level institutions”¹¹³. Not only had the union no common market but it had no common financial constituency either, which quite obviously augured rather ill for the future of the union. The divided economic environment limited from the start the cooperation needed to harmonize the two economic units. Regular disputes over the funding of the general budget opposed the elites in both states. Montenegro only reluctantly and barely bailed out for the federal budget while on the other side Serbia resented having to provide up to 94% of the federal budget for institutions that were not even working¹¹⁴, and accused Montenegro of financing its future independence on the union i.e. on Serbia.

The Belgrade agreement planned the harmonization of the two national markets within two years, however it took six months for Serbia and Montenegro to adopt the Law on the Action Plan for Harmonization of the economic system. Montenegro resisted because it believed that the partnership with Serbia slowed down its economic development but also its chances to integrate the EU and NATO. Serbia too, blamed Montenegro for the union’s incapacity to enter the EU, and participants in preliminary meetings for the preparation of negotiations for the union’s EU accession have stated that they “were held in an unpleasant atmosphere in which the representatives of the two member states constantly blamed the other side for the non-fulfillment of the obligations defined regarding internal economic harmonization”¹¹⁵. These claims were actually supported by convincing elements. The engagement of negotiations on a Stabilization

¹¹² ICG. Report N°154, p.1

¹¹³ ICG. Report N° 129.

¹¹⁴ ICG. Report N°169, p.4

¹¹⁵ Durić p.83.

and Association Agreement (SAA) in the prospect for EU integration, and on a Partnership for Peace (PfP) for NATO accession depended on cooperation with The Hague. But Serbia's cooperation was then at most symbolical, and for this reason NATO refused to engage the much awaited PfP with the latter country in September 2004. Montenegro then was convinced that "had [Montenegro] been independent at the time of the NATO summit, it surely would have been admitted"¹¹⁶. Second, Serbia's thin economic development after Milošević's fall remained fragile in the union as well. The G17+¹¹⁷ which controlled key economic positions¹¹⁸ engaged a few economic reforms and some positive trends could be noticed. However mostly, crucial reforms were delayed by anti-western parties which still controlled over two thirds of the seats in the Serbian parliament, the democratic forces which remained concerned primarily by preserving their power positions, and by the political instability as well¹¹⁹. In general the Serbian economy remained far below that of the more dynamic Montenegro, for which Serbia represented more of an economic burden than a boost: the expected harmonization would have meant for the latter an economic slow down in order to adjust to the Serbian pace – and this it was not ready to consent to do. The ICG itself noted later that had Montenegro harmonized with Serbia "its economy would almost certainly be in worse shape"¹²⁰.

This situation led the EU to "recognize that this kind of Solana state was a kind of failure"¹²¹ and that the integration of Serbia and Montenegro as a union was practically all but possible. In September 2004, the EU engaged a "twin-track" process which allowed it to launch separate negotiations on a SAA with Serbia and Montenegro. The twin-track idea was accepted

¹¹⁶ Article 16.

¹¹⁷ A former pro-western and democratic non governmental organization turned political in 2005.

¹¹⁸ It controlled the Ministries of Finance, Health care and Agriculture ICG. Serbia: Spinning its Wheels. Europe Briefing N°39. Belgrade/Brussels: 2005, p.6

¹¹⁹ Especially the vacancy of the presidency for almost two years between 2002 and 2004. ICG. Report N°154, p.8

¹²⁰ ICG. Report N°169, p.7

¹²¹ Id. House of Commons - Committee on Foreign Affairs. Third Report: Montenegro. February 2005. Available at <http://www.publications.parliament.uk/pa/cm200405/cmselect/cmfaaff/87/8707.htm>. Last accessed April 2009.

by both sides and especially by the Serbs because they “wanted to move ahead, they wanted to unblock the process, there was blockage and it was no way impossible to unblock it”¹²² in any other way. However this twin-track process - which really was an acknowledgement by the EU of the fundamental discrepancies between Serbia and Montenegro – emboldened Montenegro which started to claim for an extension of the approach to other organizations. Arguing that unlike Serbia it had a proven record of governmental stability and multiethnic and multi-confessional peace, Montenegrin leaders called in late 2004 for a twin-track process as well for the accession to the World Trade Organization (WTO). The WTO almost immediately accepted Montenegro’s demand¹²³ while on the other side it reckoned Serbia could “definitely not become a member until 2008 at the earliest, due to reforms that still need to be carried out”¹²⁴.

The EU decision to engage a twin-track process, and later on Montenegro’s accession to the WTO had serious political and strategic implications for the common state. It strengthened the perception that Montenegro was viable as an independent state and seriously damaged the common state’s chances to survive because “it [wa]s impossible to take a state seriously and to have a dual process of negotiations with different parts of the state”¹²⁵. With the parallel refusal of Serbia’s WTO candidacy, the Montenegrin WTO accession underlined only more the discrepancy between the two republics at the economic level, and the ill-adapted character of the state union in general. By recognizing the legitimacy of engaging specific negotiating processes with each of the union’s members and abandoning the harmonization project, the EU contributed to the deeper segmentation between Serbia and Montenegro. With no federal economic constituency of its own, the state union could practically speaking not exist.

¹²² Interview with Lajčák.

¹²³ It argued that “members of the WTO do not have to be countries, rather customs territories that have their own economic regimes”. Articles 3, 17.

¹²⁴ Article 3

¹²⁵ Interview with Lajčák.

Further Factors

‘The Prize of European integration’

The political instability and lack of a tradition of compromise between the elites were not even compensated by an overarching loyalty to Serbia and Montenegro as a union. The proximity of identity of the two peoples could have been expected to facilitate the union, but in fact it divided them as much as it related them. Historically “Yugoslavism” was never a prevalent identity but was rather a politically correct version of “Serbianism” as “only the Serbs were ready to give up their ethnic identity to become ‘Yugoslavs’”¹²⁶. Although the abandonment of the term “Yugoslav” in the Union’s name in 2003 was a relief for many, still the existence of such a common history could have provided unifying grounds – but it was already weak by then. Additionally, in the post-Cold War era characterized by the development of the new ideology (at least in the West) of Human rights and democracy, the climate was not likely to create an external threat could have stimulated Serbia and Montenegro to tighten their relation.

As mentioned, Serbia and Montenegro agreed on a peaceful divorce by referendum in 2001. The Belgrade agreement had been adopted only under the pressure of the EU, and on the condition that a referendum be held three years after. The real motivation (and threat at the same time) behind the union was not the union itself but the prospect of the European integration, enshrined in the State Union’s charter. Hoping that the prospect of integration in key international organizations (EU, OSCE, Council of Europe) would hasten the two states to engage economic and political reforms, the EU conditioned the two states’ accession to these clubs to their staying together. The survival of the union was perceived crucial for a number of reasons: because Montenegro’s independence was presented as likely to destabilize the Balkans –

¹²⁶ Jasna Dragović-Soso. *Saviours of the Nation?: Serbia’s intellectual Opposition and the Revival of Nationalism*. London: Hurst and Co., 2002. Lenard Cohen. *Broken Bonds: The Disintegration of Yugoslavia*. Boulder: Westview Press, 1993.

encourage Bosnian Serbs or Kosovo Albanians to seek independence –, because an independent Montenegro was deemed unviable, or because the Montenegrins themselves were divided over the issue. In its aim to preserve the union, the EU developed a dual strategy. Good cooperation with the EU and respect of the union would favor the engagement of crucial steps towards the accession of Serbia and Montenegro in the EU - namely the EU promised the opening of the SAA and other negotiation processes¹²⁷. On the other hand, the EU threatened that were Montenegro to gain independence it would not recognize the independent state, and international assistance to the small republic would be seriously hampered. Given that especially since the 1997 break Montenegro has relied heavily on international financial assistance, this threat was not a small one, and in any case an existence as an unrecognized state in Europe was in fact truly unviable. In addition, the EU informed the Montenegrins in several occasions that “in a way separation would be a slower train to the EU”¹²⁸, but also that too loose a federation would not do either. After the adoption of the Belgrade agreement, with the union dragging along and the constant blockades by Montenegro, the latter was accused to have agreed to the union primarily to obtain international aid at a time it badly needed it. In Serbia, resentment grew against the junior republic as it was becoming obvious that the Montenegrin government was only waiting for the three-year moratorium to end to call independence and was actually financing its independence (to get economically viable) on Serbia’s budget¹²⁹. In such a context, the parity established to counterbalance the immense disproportion between the two member states, instead of favoring the union played in reality rather counter-effectively. Much of the Serbian population

¹²⁷ Julie Kim. Serbia and Montenegro Union: Background and Pending Dissolution. CRS Report for Congress, may 24th 2006, Van Meurs p.65

¹²⁸ ICG. Balkans Report N° 129, p.6,8

¹²⁹ Van Meurs p.66

in fact did not understand how Montenegro could weigh equally as Serbia and enjoy the same rights and the same power in the union.

The lack of geographical concentration

Like in Czechoslovakia, the total population of Serbia and Montenegro was relatively small and barely exceeded ten million inhabitants. However – like in Czechoslovakia - even this fact could not prevent eventually major clashes between formerly close allies such as Đukanović on the one hand and Milošević and Bulatović on the other, as diverging interests led them on diverging paths. Moreover, unlike in Czechoslovakia where Czechs and Slovaks were concentrated in their respective republics, Serbia and Montenegro was characterized by a high level of inter-republican ethnic penetration. Although eventually it did not represent a factor for violence, the interminglement of the two communities contributed to the heightening of tensions between the two sides. In fact it fueled a whole issue during the debates over the referendum procedures, during which attempts were made especially on the Serbian side to exploit the circumstance to influence the referendum results.

At the time of the Union, Montenegro hosted over 30% individuals identifying as Serbs and no minority held a clear majority¹³⁰. In Serbia the Montenegrin minority was strong of over 260 000 members – which was an insignificant percentage of the ten million big Serbia but represented half of Montenegro's electorate. Young Montenegrins frequently traveled to Serbia to study, while Serbs traveled to Montenegro to enjoy the sea resorts. Many Montenegrins in Serbia and Serbs in Montenegro had relatives or owned properties in the other republic. The debate over Montenegro's independence raised the issue of their property workers' and

¹³⁰ The Montenegrins represented about 43% of the population. Montenegro's total population numbered to 620,145 inhabitants, 43.16% of which Montenegrins (267,669), 32% Serbs (198,414), 7.77% Bosniaks (48,184), 5.03% Albanians (45,163), 3.97% ethnic Muslims (24,625), 1.1% Croats (6,811), and 6.71% others. Bieber 2002.

citizenship rights, of the free educational system and healthcare they benefited, and of their freedom of movement. Depending on how the two republics would pursue their existence – within a union or separately, cordially or with tensions – their entire situation could change. At the same time they represented a crucial target population for separatists and unionists alike. Serbs in Montenegro favored the union and in Serbia, the Serbian leaders expected the Montenegrin minority to be more likely to oppose Montenegro's independence¹³¹. Belgrade gave them actually the proper 'incentives' to support the union by stating regularly that "the moment Montenegro becomes independent there will be a wall on the border and [the Montenegrins in Serbia] will lose all the privileges which [they] are now profiting"¹³², while on the other side the Montenegrin government was giving all signs that it would preserve the Serbs' rights in an independent Montenegro. The Montenegrin electorate in Serbia represented almost half of the total electorate in Montenegro: if they voted they could drastically influence the referendum outcome in a way that could have served Serbia and the Montenegrin opposition's aims. Conscious of the force they could represent, Koštunica diligently promoted Serbia's Montenegrins' right to vote before the EU in June 2005¹³³ - and he was then accused of stirring up ethnic tensions and hardening the ethnic conflict. Moreover, it was not clear that expatriated Montenegrins were in fact automatically pro-union. In Serbia, those living outside Belgrade claimed that only the "Belgrade Diaspora" was pro-unionist, but that in other parts of Serbia, and in Vojvodina in particular, the Montenegrins supported independence as "the only way [they] can gain minority status" because within the Serbo-Montenegrin union they "are unable to put forward any demands for certain minority rights and are exposed to assimilation"¹³⁴. Eventually,

¹³¹ Because of the change their rights would be subject to in case of Montenegro's independence.

¹³² Interview with Lajčák

¹³³ ICG. Report N°169, p.13

¹³⁴ Article 18.

the Venice commission refused Koštunica's demand, and the Serb unionists focused their efforts on a campaign in and across Serbia's borders to motivate the Montenegrin Diaspora around the world to vote in support of the union in the referendum¹³⁵. In the opposite camp as well, leading members traveled around the world to raise the expatriated Montenegrins' awareness and get them to vote in the referendum. Hence the dispersion of the Montenegrin population outside Montenegro created unclear situations which further divided the groups within each other, and this was exploited by the unionist camp in Serbia. As this section underlines, the situation in Serbia and Montenegro lacked the geographical concentration of the population that existed in Czechoslovakia. However, although it was exploited for political ends, it did not encourage a violent breakup.

The minority issue

This issue leads to the issue of minorities in Serbia and Montenegro. The fact that, like in Czechoslovakia, the Serbo-Montenegrin arrangement concerned only two segments undoubtedly favored the situation as negotiations involved a limited number of participants, moreover facilitated by the external intervention of Miroslav Lajčák. However, it also had downfalls. In Czechoslovakia the minorities' and especially the Hungarian minority's claim for autonomy in Slovakia were not strong enough to represent challenges to the state's territorial integrity, and so the fact that they were not involved in the constitutional arrangement governing the Czech-Slovak relations had no direct consequences. In Serbia and Montenegro however the situation was quite different, for two reasons.

¹³⁵ Goehring, Jeannette (ed.). Nations in Transit. Democratization from Central Europe to Eurasia. New York/Washington/Budapest: Freedom House, 2007, p.606, Morrison p.216-217

First, it is remarkable enough to note that one quarter of the Montenegrin population are minorities (mostly Muslims/Bosniaks and Albanians). Albanians and Bosniaks mostly supported independence: their rights as minorities were better defended in a democratic and multi-ethnic state - as opposed to the union with a conservative, nationalist Serbia¹³⁶. Given that in the union's time Serbs represented over 30% and Montenegrins slightly over 40%, minorities had a real capacity to influence politics in Montenegro: in fact they detained the power to determine the outcome of the competition over the status issue. For this reason they were intensely solicited by the leading parties already in 2001, and even more in the run-up to the 2006 referendum by the pro-independence parties. While defending the Montenegrins' right to sovereignty, the DPS-led pro-independence coalition sought to attract the crucial support of minority parties, using more or less fair strategies¹³⁷.

Second, while Montenegro was a unitary state, Serbia was composed of two autonomous provinces, one of which (Kosovo) had been in effect suspended from the Serbian direct rule and transformed into a UN Protectorate after the 1999 conflict, but luring for independence it regularly presented serious challenges to Belgrade¹³⁸. Kosovo was excluded from the Serbo-Montenegrin arrangement on the ground that it was a strictly Serbian, domestic affair. However an unresolved Kosovo issue was not likely to support the union – the Kosovo Albanians¹³⁹ refused to recognize the state union institutions. The Kosovo issue was regularly advanced - by

¹³⁶ On the other hand, Sandzak Bosniaks in Serbia for example supported the union, for reasons of group preservation: the cultural, economic, political center of their community relied around Podgorica and the Montenegrin independence would have implied that they would be cut off from it – and even more vulnerable in the nationalist Serbia. Article 19.

¹³⁷ Quite 'timely' the parliament scheduled for early May 2006 a debate on a new law on National Minorities – a law in preparation for several months already and which could obviously have waited a few more months were it not to its capacity to motivate minorities in the pro-independence bloc. ICG. Briefing N°42, p.4, Morrison.

¹³⁸ In Vojvodina, the other autonomous region, the Hungarian minority voiced for increased autonomy. The situation remained unresolved during the union's existence, and also posed serious issues to Belgrade - especially in 2004 when violence increased. However the tension was not as intense as in Kosovo.

¹³⁹ They numbered to approximately two million (2002 estimate) – which was over 16% of the total population of the state union of Serbia and Montenegro, compared to 5% of Montenegrins and 60% of Serbs.

Serbia as well as the EU - as a key argument to oppose the Montenegrin demands for the union's revision and delay the referendum.

As a short conclusion

Hence, while Lijphart's four conditions were present, the climate lacked all the elements that could have given the elites incentives to cooperate and make the union function. In fact it appears from this short analysis that really none of the favorable factors advocated by Lijphart was present in Serbia and Montenegro. Instead, they reinforced the pro-Montenegrin and pro-Serbian forces in their respective positions to the point that respecting the power-sharing mechanisms of the union became their last concern. Although the agreement involved only two segments, in reality the presence of significant minorities and the fact that the Montenegrin and Serb populations were not concentrated in their respective republics only nourished mutual distrust. Combined to the absence of an overarching loyalty to the union, the lack of an experience in mutual exchange among elites did not provide the climate to develop cooperative attitudes, especially at a time when no external threat could reunite them. In such a context, the immense disproportion between Serbia and Montenegro only contributed to strengthen the two sides in their respective positions, and the overrepresentation of Montenegro became a matter of resentment. The disproportion between Serbia and Montenegro was simply too important for the union to function without the genuine desire of the elites.

CONCLUSION

The application of power-sharing principles in Serbia and Montenegro, and in Czechoslovakia to regulate the inter-community conflict failed to maintain the two sets of entities together. Lijphart's conviction that the initial recognition and institutionalization of ethnic divisions constitute the strength of a plural state and eventually leads to the peaceful cooperation of the elites who take on the responsibility to regulate the conflict, is somewhat contradicted by the two states' break-ups - Lijphart's most dreaded outcome and what he perceives as the solution of last resort. Czechoslovakia and Serbia and Montenegro had all of Lijphart's four conditions for the opposing sides to find a durable solution to their coexistence in a single state: a coalition government, a mutual veto right, proportional representation in public administration and a large autonomy. However as this thesis has shown the environment offered little incentives for elites to maintain relations. Without the commitment of the leaders to sustain the common state from the beginning, the unfavorable conditions provided the ground for the continued political instability and the final collapse of the two states, which Lijphart's power-sharing mechanisms failed to avoid.

Both the Czech and Slovak, and the Serb and Montenegrin populations were what Van der Berghe would call "mildly divided ethnic groups", characterized by a high degree of cultural, ethnic, linguistic proximity. Moreover in Czechoslovakia in the late eighties and in Serbia and Montenegro in the late nineties and early 2000', none of these societies was severely or violently divided along ethnic lines, and their positions on the future of the common state were uncertain and flexible. Yet the political climate in both states was increasingly impregnated by ethnicity and the status issue, which elites successfully instrumentalized for political purposes. For both Milo Đukanović in Montenegro and Vladimir Mečiar in Slovakia independence simply was the

most effective argument for them to remain in power. As a consequence the political competition to remain in power positions pushed the elites to radicalize their positions around mutually exclusive objectives – the union versus independence. In Czechoslovakia the political vacancy left by the fall of communism in 1989 provided little ground for the leaders of new parties on which to hold to attract the population, and the ethnic question and particularly the defense of the Slovak identity proved to be for the elites a solid element on which to build their legitimacy and gain support. As the situation evolved, the argument for the protection of the Slovak nation gradually transformed into an outright call for independence. In Serbia and Montenegro, after the fall of Milošević the Montenegrin ruling elites needed to find new supporting arguments to retain their position. The issue of Montenegro's independence, which had been considerably supported by the western international community, provided all the elements for success. Referring to their respective experiences of independent statehood, the two secessionist republics – Slovakia and Montenegro – called for their right to self-determination to justify their demands, while on the other side, the Czech Republic and Serbia insisted on preserving the territorial integrity of the unions. In both cases, instead of serving to pacify the plural states as Lijphart's theory intends, the institutional setup and the need to re-design the constitution actually exacerbated inter-community tensions, deepened the segmentation and the antagonism between elites as they competed for high stakes in the future. Between 1989 and 1992 in Czechoslovakia, and 2002 and 2006 in Serbia and Montenegro, the status issue streamed all political debates, practically all political parties had (and had to have) a position on the question and no party cutting across republican borders in either country could exist.

In this context economic issues only strengthened the segmentation for the discrepancies between republics underlined diverging interests and different objectives, exploited by the elites – uncommitted to the common states as they were – to dig the inter-republican gap. In both cases,

the ambitions of one side – Montenegro and the Czech Republic – to rapidly develop its economy on a market model and the policies it requested for this purpose proved to be maladapted to the other side – Slovakia and Serbia – which economies were less developed and required slower paces of reforms. Mutually accusatory attitudes for (more or less) lagging economic developments raised distrust, and eventually the economic differences contributed to reinforce the national awareness especially in Slovakia and Montenegro, further digging the segmentation. In addition in Serbia and Montenegro specifically, the decision by the EU to engage in a twin-track process for the union's EU accession also greatly undermined the elites' relations for it was perceived – and simply was a recognition that the republics' economies and thereby interests were irreconcilable. Thereby the proponents of Montenegro's independence held a decisive argument, for a state without its own economy is hardly sustainable.

The development of diverging objectives and the requirement for consensus decision-making slowed down and eventually led into constitutional dead-ends, both in Czechoslovakia and in Serbia and Montenegro. In Czechoslovakia the frequent use of the veto right by the Slovaks prevented crucial constitutional decisions. In Serbia and Montenegro, the Montenegrin absence from the state union's parliament and the frequent breaks of the rules on both sides undermined the working of the union's institutions. In both cases, one or the other side worked to turn the other into the uncompromising one and the one responsible for the crisis, to further justify either independence or a strengthening of the central powers. However while in Czechoslovakia the Czechs eventually admitted the Slovaks' right to self-determination – which enabled them eventually to find a compromise on a peaceful separation without direct international intervention (although the international community's silence about the divorce can be interpreted as a tacit agreement) –, in the State Union Serbia consistently refused to recognize Montenegro's right to self-determination and insisted on the union's territorial integrity. The

unreleasable tension between the two claims eventually required the European Union to intervene and develop a ‘preventive diplomacy’. Miroslav Lajčák as EU High representative had a crucial role and his mediation between the Montenegrin government and the opposition (and with Serbia as well, with which he remained in contact at all times) enabled the two sides to find a solution and avoid the escalation of the crisis. As the Serbian-Montenegrin case shows, the international community can have a crucial role in managing tensions in plural states – which is a dimension Lijphart leaves completely unaddressed in his theory. At the same time the case points out to the sensitive character of international involvement in conflict management, for as it underlines, power-sharing mechanisms imposed by a third party are unlikely to succeed and may even dramatically influence the inter-segmental climate. In Serbia and Montenegro the Belgrade Agreement was forced by the European Union onto the two republics, although the latter had previously managed – after much hardship – to agree on a peaceful separation. However not only did the agreement fail to maintain them together, but by the end of the three years deadline for the referendum, the relations between the two had worsened in such a way that they could not even agree on how to separate anymore and needed the intervention of the international community once again. The break-up of Serbia and Montenegro went on smoothly and peacefully only thanks to the ability of the two sides to recognize their incapacity to resolve the problem on their own and to accept a higher authority – which “in comparison to other post-Yugoslav republics this was a big step forward”¹⁴⁰ and for this reason will never be too great to praise.

Simply put, the four conditions in both states were weighed down by the unfavorable factors. Without the elites’ commitment to make the common states function, the unfavorable factors hindered the implementation of the consociational formula and were actually exploited by elites to develop the crisis and bring the common states to their collapse. The cases analyzed

¹⁴⁰ Interview with Lajčák.

show that without the genuine commitment of the elites to make the common state function, the consociational formula in its institutional terms is simply incapable to amend divisions between groups but may in fact counter-productively exacerbate segmentations – and more precisely be purposefully used to exacerbate divisions. This seriously challenges Lijphart’s assumption that populations are inherently more radical than elites, for both the Czechoslovak and Serbo-Montenegrin divorces occurred under the will of the leaders rather than that of the populations, initially only mildly divided. Lijphart is right in his assumption that elites hold a paramount role for the preservation of a peaceful and stable plural state (as they are from the reversed angle in fostering divisions as the thesis has underlined), and he is also right in assuming that institutions may in some circumstances encourage cooperation. However the real condition for this to happen is the elites’ unquestionable dedication to a common state, without which any institutional mechanism, even the best, will fail to bridge the oppositions. This is supported by the “failure” of Lijphart’s “self-denying prophecy” to prevent the leaders from competing during the Czechoslovak crisis: while the crisis occurred at the same time as the deadly Yugoslav wars, the violence in the Balkans did not provide strong enough incentives for the Czech and Slovak elites to compromise – but on the other hand, it certainly gave them incentives to compromise on finding amicable solutions to their divorce. Eventually, it could be argued that when elites are committed to a common state, the institutional setup is rather secondary and it is the elites’ function to agree on the mechanisms which will make it work, be they based on power-sharing principles such as a proportional representation, autonomy, a veto right, a government by grand coalition, or on majoritarian or other principles.

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