

Constitutional Crisis in the Federal Republic of Yugoslavia (FRY)

(1998-2001)

Original paper
UDC 342.4:323(497.1:497.16)
Received in December 2000

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The new FRY president, Vojislav Kostunica adopted a policy aimed at integrating the FRY into international organisations and particularly into the United Nations. The international recognition of the FRY and its integration into international organisations after the downfall of Milosevic does not guarantee the stability or longevity of the "Third Yugoslavia." The FRY has in fact been in the process of disintegration since 1998, and the new president Vojislav Kostunica has not reversed this trend. The FRY is presently in the same political situation as was the SFRY between June and December 1991—namely in the process of internal dissolution. The question remains whether Montenegro and Kosovo will agree with this role for Kostunica. If there is no explicit commitment by the Serbs and Montenegrins to live in one state, then the FRY cannot be a viable federal state.

Keywords: Yugoslavia, international community, political stability.

1. Introduction

From 1918 until 1991 the South Slaves lived in two states, commonly known as the "first" and "second" Yugoslavia. These two states experienced three distinct forms of government—a constitutional monarchy, an absolute monarchy, and a socialist republic. The name of this state, counting all slight modifications, changed eight times. In 1918-1928 it was the Kingdom of Serbs, Croats and Slovenes. In 1929 it became the Kingdom of Yugoslavia. On 29 November 1943 the communist-led resistance, led by Communist Party of Yugoslavia (CPY) General Secretary Josip Broz Tito, proclaimed the Democratic Federal Yugoslavia (DFY). Following liberation, the Federal People's Republic of Yugoslavia (FPRY) was established on 29 November 1945. The creation of the FPRY coincided with formal abolition of the monarchy and the interdiction to the royal family (the Karadjordjević

dynasty) to return to Yugoslavia from the exile in Great Britain, where they had spent the Second World War. With the adoption of a new constitutional law in 1963, the state again changed its name to the Socialist Federal Republic of Yugoslavia (SFRY). In 1987-88, jolted by Serbian nationalism as personified by Slobodan Milošević, the SFRY began the process of disintegration, which came to a close by the end of 1991.¹ On 4 July 1992 the Arbitration Commission of the EC (known as the Badinter Commission) found that the SFRY had ceased to exist.

2. The Formation of the FRY, historic background

When in December 1991 the European Community announced its intention to recognize Slovenia and Croatia by 15 January of the next year, the Serbian government quickly declared (on 26 December 1991) that "a 'third Yugoslavia' had been formed with Serbia, Montenegro, and the Serbian Krajina in Croatia."² The territory of Krajina was seized by force from Croatia in June/December 1991, and it was ready to be

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annexed to the new emerging Yugoslavia. Serbia and Montenegro did not submit a formal request to the European Community for international recognition of this so-called "third Yugoslavia." The Republic of Serbian Krajina did submit an application for recognition, but it was turned down. The Badinter Commission decided that only the former republics of the SFRY (Croatia, Slovenia, Bosnia-Herzegovina, Serbia, Montenegro and Macedonia) were entitled to statehood. On 12 February 1992 Serbia and Montenegro agreed to stay in the same state, which claimed continuity with the SFRY. Montenegro, one of two federal entities, then hastily organized a referendum on 1 March 1992. Of the 66 percent of the population that voted (the Montenegrin Albanian and Muslim populations refused to participate), 96 percent answered "yes" to the following question: "Do you agree that Montenegro, as a sovereign republic, should continue to live within a common state- Yugoslavia, totally equal in rights with other republics that might wish the same?"³ Serbia did not organize a similar referendum and none of four remaining Yugoslav's republics ever expressed any intention to join this Yugoslavia.

The final step in forming the new state was made on 27 April 1992, when the republican parliaments of Serbia and Montenegro and the rump Yugoslavia Federal Assembly issued a "Declaration on the Formation of the Federal Republic of Yugoslavia," which proclaimed the transformation of the SFRY into the FRY. Since then, the FRY has celebrated 27 April as a state holiday, the "Day of Statehood." The Badinter Commission, in its Opinion No 11, has also recognized 27 April 1992, as the date of succession for the FRY.

The international community rejected the Belgrade government's efforts to achieve for the FRY the same successor status *vis-à-vis* the SFRY as the Russian Federation achieved *vis-à-vis* the USSR. On 19 September 1992, UN Security Council Resolution 777 declared that the FRY could not automatically assume UN membership as the successor state to the former Socialist Federal Republic of Yugoslavia. The General Assembly was asked to require the FRY to apply for UN membership and in the meantime exclude it from the work of the General Assembly. On 16 July 1993 The Badinter Commission ruled that none of the six successor states of the SFRY (Slovenia, Croatia, Bosnia- Herzegovina, Serbia, Montenegro, and Macedonia) could claim for itself alone the membership rights previously enjoyed by the former SFRY. The Badinter Commission also decided the dates of succession for each recognized successor state of the SFRY. Slovenia and Croatia became independent on 8 October 1991, when their declarations of independence of 25 June 1991 came into effect. Macedonia became independent on 17 November 1991, when it adopted its new constitution. Bosnia-Herzegovina became independent on 6 March 1992, when the results

of the 29 February-1 March 1992, referendum were officially recognized.

The four former SFRY republics—Slovenia, Croatia, Bosnia and Herzegovina, and Macedonia - decided to apply for membership in international organizations and since have been recognized by the international community and have been admitted as members of the United Nations. But while President Milosevic was in power, first as the President of Serbia (1989-1997), then as the President of the FRY (1997-2000), the FRY refused to apply for membership in international organizations. The FRY considered itself the sole successor state of the SFRY, and therefore believed that it was automatically entitled to positions in international organizations previously occupied by the SFRY. The result was partial exclusion from the activities of the UN and suspension from other international organizations (including the CSCE, now OSCE).

For eight years the FRY was in legal limbo. The flag of the defunct Socialist Federal Republic of Yugoslavia continued to fly outside UN headquarters in New York, since it was the last Yugoslav flag used by the UN Secretariat, but this was not a flag of the FRY. This absurd situation of perpetrating the memory of the non-existing state had repercussions in the FRY. In 1992-1997 the state holiday of the FRY was 29 November, in reference the founding day of the Tito's Yugoslavia in 1943. In 1997 the FRY decided to celebrate 29 November, but in reference to the year 1945, when the monarchy was abolished and replaced by the Republic.

After Milosevic's ouster, the new FRY president, Vojislav Kostunica adopted a policy aimed at integrating the FRY into international organizations and particularly into the United Nations. On 27 October 2000, Kostunica wrote to UN Secretary-General Kofi Annan and formally applied for UN membership. Kostunica had been encouraged in this matter by Russia⁴ and France⁵, Serbia's historic allies, which promised him support.⁶ The FRY's request was processed very rapidly with no country raising any objection, and on 1 November it became a member of the UN.

In this article we will argue that international recognition of the FRY and its integration into international organizations after the downfall of Milosevic does not guarantee the stability or longevity of the "Third Yugoslavia." My central contention is that the FRY has in fact been in the process of disintegration since 1998, and that new president Vojislav Kostunica has not reversed this trend. Using recent historical analogies to define the current state of the FRY, we would argue it is presently in the same political situation as was the SFRY between June and December 1991—namely in the process of internal dissolution.

3. The Constitution of the FRY

The constitution of the FRY was adopted on 27 April 1992, together with the "Declaration on the Formation of the Federal Republic of Yugoslavia." According to the new constitution, the FRY is a federal state composed of citizens and member republics. In Serbia and Montenegro, the new FRY constitution was adopted without any public debate. Only 73 of 220 deputies from Serbia and Montenegro in the last SFRY parliament (*savezna skupstina*) voted for it. In effect, as Nebojsa Cagorovic, a political analyst from Montenegro, wrote, "the constitution was adopted illegally, without a quorum, by the dead legislature of a dead state"⁷. As in 1918, Montenegro was once again annexed by Serbia. If the new constitution was to establish legal continuity between the SFRY and FRY it had to be adopted by 147 deputies of the Federal Chamber of the SFRY; only in this case could the transfer of authority from the SFRY to the FRY be considered legal.

The constitution of the FRY was adopted after the constitution of Serbia (September 1990) and before that of Montenegro (October 1992). A cumbersome document (144 Articles) with many overlapping clauses, it attempts to reconcile two competing claims for sovereignty—one claimed by the federal units (republics), the other by the federal state. In this regard, the FRY constitution contains the same contradictions and tensions, as had the 1974 Yugoslav constitution, oscillating between a federation and a confederation. Despite these tensions, the FRY did function as a federal state, the absence of clarity over the respective jurisdictions of the federal units and the federal state being balanced until March of 1997 by the close similarity of the interests between political elites in Serbia and Montenegro. The Montenegrin constitution (1992) was adjusted with the federal constitution, but the Serbian constitution (1990) never was. In fact, the constitution of the FRY was an urgent response to the political vacuum created by the disintegration of the SFRY and was adopted in the aftermath of the diplomatic recognition of Slovenia and Croatia in January 1992.

Legislative power in the FRY is exercised by a bicameral parliament (Federal Assembly) representing the citizens (Chamber of Citizens) and the member republics (Chamber of Republics). According to the federal electoral law, 108 deputies to the Chamber of Citizens are elected from the Republic of Serbia. The Republic of Montenegro (with about 5 percent of the population of the FRY) has safeguarded its interests through a constitutional clause (Article 80), providing it at least 30 federal deputies. The Chamber of Republics consists of 40 deputies, 20 from each republic. This power-sharing agreement was created to avoid the complete domination by Serbia of its junior partner Montenegro. In both republics, federal deputies to the Chamber of Re-

publics were elected by the respective parliaments, taking into consideration the parliamentary representation of political parties as well as independent deputies. In reality, the political party that controls the national parliament also controls the federal parliament. Until the 24 September 2000 elections, the power base of former FRY president Slobodan Milosevic was the Socialist Party of Serbia (SPS). Similarly, Momir Bulatovic's Democratic Party of Socialists (DPS) had a majority in the national parliament of Montenegro until the May 1998 elections. Thus, the federal assembly reflected the balance of political forces in the national assemblies of Serbia and Montenegro. The federal deputies were delegated by the parliaments of their respective republics and were responsible to them.

Federal political power in the FRY is exercised through the relationship between the federal assembly and the federal government, whereby the federal assembly elects the federal government. The Federal Prime Minister is the central figure in the federal government and personifies it. The candidate for this post is proposed by the president of the FRY and has a free hand in selecting the members of the federal government. However, a parliamentary majority in both chambers of the federal assembly must approve the programme of the government and the composition of the federal government.

4. The Role of the Presidency in the Federal Constitution.

The president of the republic exercises executive power in the FRY jointly with the federal government, and the federal assembly elects both. Although the constitution holds that the president of the FRY and the federal prime minister should not be from the same republic (Article 97), Serbia has not always respected this rule. The first president, Dobrica Cosic, and the first federal Prime Minister, Milan Panic, were both from Serbia. Zoran Lilic, the president until 15 July 1997 was from Serbia, while Prime Minister Radoje Kontic was from Montenegro. Slobodan Milosevic, who engineered their elections through the SPS and its Montenegrin counterpart, placed all four in power. When Cosic and Panic went beyond limits defined by Milosevic, they were immediately deposed by the federal assembly, which, at that time was controlled by the Socialist Party of Serbia and its allies. On 18 May 1998, Milosevic orchestrated the dismissal of the Prime Minister Radoje Kontic and the federal government, which lost a vote of confidence in the upper house of the Yugoslav parliament. Mr. Kontic had fallen out of favor with Mr. Milosevic by opposing his plan to impose a state of emergency in Montenegro as a way of blocking the inauguration of the new president Milo Djukanovic, a Milosevic critic.⁸

Milosevic then picked up Momir Bulatovic as a Federal Prime Minister. The latter had just lost the presidential elections to Milo Djukanovic and was eager to work with his old ally Milosevic to keep Djukanovic in check. During his tenure as a Federal Prime Minister (May 1998- October 2000), Bulatovic with Milosevic used all means available short of military intervention to undermine Djukanovic and his government. Bulatovic's political loyalty to president Milosevic did not waver through out of Milosevic's presidency. In February 2000 Bulatovic deemed that "president Milosevic was in this moment the best choice to defend state and national interests of the FRY. Due to the hostility of the international community toward the FRY we do not have any other road to take than that chosen by the president Milosevic."⁹

Constitutionally, the president of the FRY has rather limited state power in comparison to the classical presidential political systems such as the American and the French (not to mention the Russian). Article 96 of the constitution regulates the president's prerogatives. The most important functions of the president are: representing the FRY at home and abroad, calling elections for the Federal Assembly, nominating a candidate for prime minister of the federal government and issuing instruments of ratification for international treaties. Article 136 gives the president of the federation the power to "promote and dismiss officers of the Army of Yugoslavia." Milosevic has used this right very often to purge the Army of allegedly unloyal high-ranking officers. In 1998 Milosevic dismissed Chief of Staff General Momcilo Perisic, who had opposed open confrontation with NATO during the Kosovo crisis. Milosevic conducted a spectacular purge of the federal army in the 1991/1992, when he was the president of Serbia. According to retired admiral Branko Mamula, himself purged by Milosevic, 130 generals and high-ranking military officers were sacked from the army in 1991/1992.¹⁰ Milosevic's control over the army was assured through the promotion of officers loyal to him (e.g., Generals Nebojsa Pavkovic and Dragoljub Ojdanic), and by control over the defense budget. Milosevic deliberately reduced the influence and strength of the army and built powerful police forces (the Sluzba drzavne bezbednosti, SDZ). Personal authority, however, was the most important building block in Milosevic's pyramid of power, and rested on the formal and informal networks he had built since 1997. As Attila Agh wrote, in the FRY "the real power is concentrated in the hands of an omnipotent president without any 'checks and balances' "¹¹

It is important to bear in mind that Milosevic deliberately tailored the constitution of the FRY to fit his personal needs. As long as he was the president of Serbia he wanted the Yugoslav Federation to have a constitutionally and politically weak president. A balanced relationship between the two was not in the autocratic

Milosevic's interest. But the situation changed after Milosevic completed his second mandate as president of Serbia in June 1997 and was elected as president of the FRY on 15 July 1997. Barred by the Serbian constitution from seeking a third term as president of Serbia, Milosevic succeeded in getting elected by the federal parliament as president of the FRY, with a four-year mandate. The 138-member Chamber of Citizens of the federal parliament elected Milosevic by 88 votes to 10; the vote in the Chamber of Republics was 29 to 2.

In preparation for assuming the position of president of the FRY, Milosevic had already transferred a group of his most trusted aides from Serbian to federal institutions in spring 1997. These included Zoran Sokolovic (Minister of Internal Affairs) and Nikola Sainovic (Deputy Prime Minister). These appointments show that Milosevic had already reinforced the power of federal institutions without actually changing them.

For Milosevic, the Serbian and FRY presidency became interchangeable institutions. When Milosevic was elected the president of the FRY, political power shifted from the Serbian presidency to the Federal presidency without any institutional changes on the federal level. Milosevic's proxies, directly accountable to him, controlled the Serbian presidency and deprived the parliament of its political autonomy. Thus Milosevic preserved the façade of federalism while assuming de facto dictatorial powers.

Milosevic's federal presidency lasted from 15 July 1997 until 6 October 2000. Under his tenure the FRY de facto lost Kosovo, which became an UN protectorate for an indefinite period of time when the Security Council adopted Resolution 1244 in 1999. As the president of the FRY, Milosevic strained relations with Montenegro to the breaking point. By summer of 2000, when Milosevic decided to seek a second term as a president of FRY, the Yugoslav federation was completely dysfunctional. In a constitutional "coup" engineered by Milosevic on 6 July 2000, the parliament hastily changed the federal constitution (Articles, 97, 98), and adopted a constitutional amendment regarding the procedure of the election of the president. The Montenegrin government rejected the constitutional amendments and its Parliament declared them null and void. The parliament resolution provided the Montenegrin government with a legal base for refusing to participate in the federal presidential elections held on 24 September 2000. This is the reason that the Montenegrin government does not consider Kostunica the legal president of the FRY.

Milosevic opted for the election of the federal president by direct popular vote, in general elections scheduled for 24 September 2000. His intention was to enhance the legitimacy and visibility of the post. A new mandate would allow Milosevic to stay in power for another eight years. The United Nations War Crimes Tribunal in The Hague had indicted Milosevic on 27

May 1999, following the campaign of ethnic cleansing in Kosovo, which he had orchestrated. Staying in power was the safest way for him to avoid extradition and trial in The Hague.

5. Supreme and Constitutional Courts

Two other relevant institutions established by the federal constitution are the Supreme and Constitutional Courts. The control of the Constitutional Court by Milosevic was revealed on 4 October 2000, when in an apparent attempt to keep Milosevic in power, the Court annulled parts of the contested Yugoslav elections of 24 September 2000. The Court invalidated presidential elections and ordered a re-run. Court president Milutin Srdic said, "a new election should be held before the president's mandate expires"¹². This meant that Milosevic should serve out his last year in office and call new presidential election before July 2001. The popular revolt of 5 October 2000 in Belgrade forced the Federal Electoral Commission, who previously falsified the results of the presidential elections, to recognize Vojislav Kostunica as a winner of the elections. Thus, the decision of the Constitutional Court of 4 October 2000 became null and void. The constitutional manipulations engineered by Milosevic and his stooges demonstrated that the separation of power between the executive, legislative and judiciary was in fact nonexistent in the FRY.

6. The Conflict and Cooperation between Serbia and Montenegro

Because of the ethnic, religious and linguistic similarities between Serbs and Montenegrins, one would expect that the new federation would be more harmonious than the previous one, which included six different nations. But as Elizabeth Roberts wrote, "the distinguishing feature of Montenegrin history is the way it has engendered a dual sense of identity - both Serb and Montenegrin - giving rise to bitter divisions that erupted into civil war previously in this century and continue to cast their shadow today"¹³. The cultural closeness between the Serbs and Montenegrins makes relations between these two political communities (federal units) very delicate. The political interests of two are not necessarily or always compatible with their cultural and religious closeness. After WWII many Montenegrins moved to Serbia, particularly to Belgrade, where they have occupied high positions in the federal administration. Because of its similarities with the Serbs and its complete integration into Serbian society, the Montenegrin community in Serbia (140,000 according to the census of 1991) is categorically op-

posed to the independence of Montenegro. It goes the same for the Serbian community living in Montenegro (57,000 people according to the census of 1991). This community is also well integrated into Montenegrin society. It is the author's view that although Serbians and Montenegrins share many commonalities they are two distinct nations, like for example, the British and American nations.

Milosevic's family reflects well this dual identity of many Montenegrins. Milosevic's father was Montenegrin, but Milosevic himself was born in Serbia and it has made his entire political carrier in Serbia. His brother Branislav, FRY former ambassador to Russia,¹⁴ declared himself Montenegrin and has made his diplomatic career as a cadre from Montenegro, climbing the ranks of League of the Communists of Yugoslavia (LCY).

The conflict of interest between Serbia and Montenegro was preceded by a conflict within the Montenegrin leadership. From 1988 to 1996, two politicians, Momir Bulatovic and Milo Djukanovic dominated Montenegrin politics. They came to power in Montenegro by staging an internal "coup" in the League of Communist of Montenegro (LCM) in 1989. In January 1989, Milosevic's supporters in Montenegro organized demonstrations against the local communist leadership, which resigned under pressure from the streets and yielded to those politicians (Bulatovic and Djukanovic) who supported Milosevic's policy of reshaping Yugoslavia along the lines of a tightly centralized federation. Both men were associated with Milosevic's "anti-bureaucratic revolution" and closely cooperated with the Serbian leadership during the disintegration of Yugoslavia. In 1990, the LCM changed its name into the Party of Democratic Socialist (DPS). Momir Bulatovic became the chairman of the party and later the president of Montenegro. Djukanovic was picked up by Bulatovic to be his prime minister. On 12 February 1991, at age of 29, Djukanovic became the youngest prime minister in Europe. As a prime minister Djukanovic served two terms. In 1998 he became the president of Montenegro. The DPS under the leadership of Bulatovic and Djukanovic became a loyal satellite of Socialist Party of Serbia, led by Milosevic.

Cracks between Belgrade and Podgorica that had been carefully hidden during the war in Croatia and Bosnia-Herzegovina appeared during 1996. The new, fragile peace in the Balkans has revealed differences between the national interests of Montenegro and Serbia. With war-time solidarity gone, Montenegro realized that Serbia ruled by Milosevic remains a pariah state within the international community despite the Dayton agreement. Montenegro felt that the "outer wall" of international sanctions imposed on FRY, banning it from membership in international financial organizations, was harming its own economy and international standing. In response, Montenegro began to

display a "Slovenian syndrome" —to use an analogy from the previous Yugoslav Federation— in its relations with Serbia, namely, to press for greater political autonomy from its senior partner. Like Slovenia and Croatia in 1990/1991, Montenegro initiated a process of dissociation from the federal institutions in 1997. Slovenian President Milan Kucan has recently acknowledged the legitimacy of Montenegro's right to the self-government when he declared that Slovenia "will respect the democratically expressed will of Montenegro." In November 2000, while receiving President Djukanovic, Kucan underlined, that "10 years ago Slovenia used the right to the self-determination," and that therefore this same right should be recognized for Montenegro.¹⁵

In 1996 a pro-western faction of the political elite within the Montenegrin ruling party, the DPS, under the leadership of Prime Minister Milo Djukanovic, began openly propounding a different economic and foreign policy from that of the federal government led by the Milosevic puppet, Radoje Kontic. Djukanovic suddenly broke politically and ideologically with Milosevic and Bulatovic to lead the reform-oriented wing within the socialist party. In contrast to Bulatovic (then DPS chairman and Montenegrin president and Milosevic's closest ally), Djukanovic almost overnight adopted western values and led a new generation of young technocrats. Their prime objective is the economic development of Montenegro through cooperation with and eventually integration within Western European international organizations such as the European Union, the Council of Europe and others. While Bulatovic supported Milosevic's hard-line policy towards neighbors even after the signing of the Dayton agreement, Djukanovic advocated speedy normalization of diplomatic relations with former Yugoslav republics, now independent states. Between 1998 and 2000, the Montenegro's government has considerably improved relations with Croatia (opening the border crossing at Debeli Brijeg and the Croatian Council in the town of Kotor) and also with Slovenia. The latter represented informally the interests of Montenegro at the Security Council of UN. During the June 2000 Security Council session that discussed the situation in the Balkans, the Slovenian mission in the Security Council distributed to the other members a document entitled, "Montenegro and Balkan crisis." The document was presented as a "non-paper" (i.e., it does not have the status of an official document but the Security Council chairman brings it to the attention of other members at the beginning of the session). In this document, the Montenegrin government denied the legitimacy of the FRY providing diplomatic representation for the interests of Montenegro in the UN and other international organizations.

At the end of 1996 Djukanovic argued that Montenegro should distance itself from Serbia in both

foreign and economic policy. In December 1996 the Serbian government, in an apparent attempt to mute unrest caused by its cancellation of election results, decided to pay pensions, salaries, student grants and social welfare that had been in arrears. Prime Minister Djukanovic and his economic advisers feared that such payments could be made only by printing more money without reserves to back it. This in turn could trigger a disastrous hyperinflation, as in 1993. Should hyperinflation return, Djukanovic threatened the Serbian government that Montenegro would introduce its own national currency the *perper*. However, Djukanovic's main offence was that he dared to express open criticism of Milosevic. According to Djukanovic, the international image of Milosevic was so bad that his election as president of the FRY could only further damage the interests of the Yugoslav federation, and thus of Montenegro. Djukanovic and his economic advisers realized that Milosevic's alliance with the hardliners in *Republika Srpska* in Bosnia-Herzegovina and growing violence in Kosovo fueled by Milosevic's entourage, threatened to keep the FRY excluded from support of western financial institutions such as the International Monetary Fund and the World Bank for the indefinite future.

The long-simmering conflict over politics and personalities between Djukanovic and Bulatovic and Milosevic came to a head in March 1997. Djukanovic made this rift public after he realized that his faction within the DPS could not impose its views over those of Bulatovic's wing, which still dominated the party's upper echelons. By going public, Djukanovic took a considerable political risk. As expected, he immediately became a target of the Milosevic-controlled Belgrade media. Surprisingly, he survived the first attempt by Milosevic and Bulatovic to eliminate him politically. During his protracted battle with Milosevic and Bulatovic, Djukanovic won significant support within the DPS and even among the opposition Liberal Party led by Slavko Perovic and the Popular Party of Novak Kilibarda. Djukanovic's resistance was supported by independent media in Belgrade and also by the Serbian opposition organized in the *Zajedno* coalition. On 24 June 1997, at a meeting of the Main Board of the DPS, 56 of 97 members supported Milosevic's candidacy for the presidency of FRY; 10 abstained and 31, led by Prime Minister Djukanovic, voted against Milosevic. Although Djukanovic lost this political battle with Bulatovic and Milosevic, he kept a high profile in Montenegro. In the summer of 1997 Djukanovic decided to challenge Bulatovic in presidential elections scheduled for October 1997.

The first round of the presidential elections in Montenegro took place on 6 October 1997. The rate of participation was 67.38 percent. According to the official results released by the Republic Election Board, the incumbent president Momir Bulatovic received the

plurality of votes: 147,615 or 47.45 percent. Bulatovic's challenger, Djukanovic, received 143,348 or 46.72 percent. As neither candidate won an absolute majority, a second round of voting was held on 21 October. In the second round Djukanovic won 174,176 votes and Bulatovic 168,864. A victory based on such a slim majority foretold a difficult presidency for Djukanovic.¹⁶

7. Djukanovic versus Milosevic (1998-2000)

After becoming president of Montenegro Milo Djukanovic sought to consolidate his power. Between January and May 1998, his main task was to mobilize his supporters for the forthcoming parliamentary elections in Montenegro, scheduled for 31 May. Meanwhile, a split occurred within the Democratic Party of Socialists. Bulatovic created the new Socialist People's Party (SNP), while Djukanovic's wing retained the party name. Later, in preparation for the parliamentary elections Djukanovic formed a coalition named "For a Better Life" (DZB). It was a coalition of three parties: The Democratic Party of Socialists (DPS), People's Party (NS) and Social Democratic Party (SDP). In order to increase Bulatovic's visibility and that of his new party in Montenegro, Milosevic appointed Bulatovic to the post of federal Prime Minister in May 1998.

In the parliamentary elections held on 31 May, the "For a Better Life" coalition won 42 of 78 seats in the National Assembly of Montenegro, while the Socialist People's Party won 29. After having won the parliamentary elections the DPS candidate should have held the post of federal prime minister. Instead, as we mentioned earlier, president Milosevic took the loser, Momir Bulatovic for this post whose party SNP went into opposition. The DPS considered Bulatovic appointment unconstitutional. From that moment on, the Montenegrin government and president Djukanovic refused to acknowledge the legitimacy of the federal institutions. This is the root of the conflict between the coalition "For a Better Life" and president Milosevic.

Djukanovic's double victory represented the most serious challenge to Milosevic's rule since he had become president of the FRY. When asked what he thought about the FRY president, Djukanovic stated that:

There are two opposing concepts in Yugoslavia. There is the one that I stand for—full democratization—which undermines the other concept, that of the charismatic leader. I stand for radical economic change and privatization, an open state toward the world. As opposed to this, Milosevic's option is marked by the strong autocratic personality, quite counterproductive. Time is on my side.¹⁷

Under Djukanovic's leadership, Montenegro wanted to assume important state competencies at the

expenses of the federal institutions. This political strategy was forced upon Montenegro by the openly hostile attitude of Milosevic and the Montenegrin elite led by Bulatovic. Milosevic considered the federal state to be in the service of Serbian state interest. He simply ignored Montenegro's attempt to carve out a separate interests, to which it was entitled as an equal member of the federation.

The "cohabitation" between Milosevic and Djukanovic was uneasy, particularly after the Montenegrin government submitted to the federal government a "Platform Proposal for Relations with Serbia," the aim of which was to restructure the FRY and radically transform it into an asymmetric federation with elements of confederation. The FRY, the document suggested, should be renamed the "Association of the States of Serbia and Montenegro". The Platform was presented on 5 August 1999, after NATO's occupation of Kosovo. At this moment the FRY was in complete international isolation and the Montenegrin initiative was a desperate attempt to escape the sinking ship. The Platform contained many legal provisions similar to the proposal submitted by Croatia and Slovenia in October 1990.¹⁸ The federal government and Milosevic completely ignored this document and did not bother to reply.

From that moment, the Montenegrin government has accentuated its strategy of dissociation with regard to the federal institutions. Learning from Croatian and Slovenian experiences, the Montenegrin government and parliament decided not to adopt a formal Declaration of Sovereignty or to proclaim outright independence, since these legal steps would have triggered open military intervention by VJ (Vojaska Jugoslavije). Instead, the Montenegrin leadership opted for an indirect approach, or as some analysts have called 'creeping independence'. The aim of this strategy was a gradual build-up of a nation-state. In two years Montenegro has succeeded in taking over most of the functions of federal institutions and according to president Djukanovic the federal state is now present on the territory of Montenegro only through the presence of VJ and air-control.¹⁹ President Kostunica recognized this reality when he stated that Montenegro is practically not under the sovereignty of the FRY²⁰. The Montenegrin government has taken over the monetary and banking system, foreign trade, customs and taxation. Montenegro did not introduce its own currency *perper*, as it threatened in 1996, but it introduced on 2 November 1999 the German *Mark* as a parallel currency, to the Yugoslav *dinar*, thus reducing the influence of the Yugoslav Central Bank on its economy. On 13 November 2000 the *dinar* was completely withdrawn from circulation in Montenegro, and the DM is now used for all payments and transactions and thus serves as an official

currency. This means that a Yugoslav unified market and monetary union has ceased to exist. Other attributes of sovereign polity have been taken as well, such as control of the customs regime, creation of a distinct visa regime, and internal security. In order to neutralize the intimidations coming from the federal army, the Montenegrin government has built-up a police and paramilitary force of some 20,000 men to counter the 14,000 federal army troops who are based in Montenegro along with 900 Milosevic and Bulatovic loyalists in the 7th Military Police Battalion.

On 2 October 1999 the Montenegrin parliament passed a Law on Citizenship creating a new legal category of citizenship distinct from that of FRY. The law grants Montenegrin citizenship to individuals either on the basis of parental citizenship (*jus sanguinis*) or place of birth (*jus soli*). The gradual take over of the functions of the federal state on the territory of Montenegro has created a situation of Montenegrin semi-independence, which the current leadership is not willing to concede. These are, as Montenegrin politicians used to say, the "acquis" of sovereignty that the new leadership in FRY and in Serbia has to accept. While building a democratic polity Montenegro has made real progress in the area of human rights, protecting the rights of minorities—both ethnic and religious—and in building a civil society. It would be fair to say that Montenegrin society to its credit has become in the last three years a distinct society from that of Serbia, which is after 13 years of Milosevic's rule at the very beginning of the process of democratization.

To defend acquired attributes of sovereignty threatened by the federal government, Montenegro has also relied heavily on the support of the international community (European Union, UN, NATO and US). In the document entitled "Montenegro and the Balkan Crisis", presented to the members of the UN Security Council by Slovenia; which offered diplomatic help to Montenegro, in June 2000, the Montenegrin government argued that Montenegro should have access to "International political and financial institutions in order that it can achieve positive change without the existing barriers. In this way, Montenegro could represent a positive model for democratic struggle and forces in Serbia, and, when the conditions are ready, for an agreement to be made with democratic Serbia on the shape and content of future relations which would be most acceptable for the peoples of these two countries, for peace, stability of the region and the whole Europe"²¹.

It is rather ironic that after Serbia voted Milosevic and his cronies out of power, the international community deems that the Montenegro 'way' should now end, and merge with Serbian road to democratic polity, in order to build together new federal state.

8. The Relations between Montenegro, Serbia and the Federal Authorities after the Ouster of Milosevic

President Kostunica has stated on many occasions that one of his main priorities is to restructure the federal state and accommodate Montenegro. In his interview with the Serbian daily *Politika* Kostunica said that Serbia and Montenegro should stay together because "every link that connects Serbia and Montenegro historically, spiritually and culturally, is stronger and deeper than what divides them"²². Kostunica envisages adoption of a new federal constitution to get rid of the current bogus federalism and, in more general terms, of Milosevic's political legacy. In Kostunica's view, the new constitution will give a clean slate to the federal state and will enshrine a new federal arrangement between Montenegro, Serbia and the federal government. According to Kostunica, the Union between Serbia and Montenegro should have a single legal personality in international relations and one seat in the UN. The Union should also have a joint federal government and the president, a single army, a single currency and common foreign policy. These are, in Kostunica's words, "the minimal standards of a federal state". These views were expressed in the 'Platform', authored by Kostunica and Djindjic and formally approved by the DOS. The 'Platform' thus represents the official view of the federal government and the Serbian government in the negotiations with Montenegro. Kostunica wants to build a strong federal state (*Bundesstaat*), reminiscent of American or German federalism. The question is whether Montenegro with its strong state tradition, is ready to accept this brand of federalism. Kostunica's vision of the federal state, in its ideal version may look like Canadian federalism with Montenegro playing the role of Quebec or British Columbia. The new federal state should change its name and abandon any reference to Yugoslavia. Kostunica deems, and on this point he is in agreement with president Djukanovic, that the "Yugoslav idea" is dead, and that it lost any meaning when two constitutive nations, Slovenes and Croats, succeeded from the "second Yugoslavia."²³ The new name of the federal state should make explicit reference to the Union or Commonwealth of Serbia and Montenegro. If the citizens of Montenegro accept Kostunica's vision of the federal state that Yugoslav president offers them, a big carrot, namely a quick entry into European international organizations, and the place in the European Union awaits them. These promises were in turn made to Kostunica at the Zagreb summit of the European Union in November 2000 in Croatian capital Zagreb. Kostunica went on say "if we stay together, all doors in Europe will be open to us"²⁴. If not, and Kostunica brands a stick, "if we sepa-

rate in an ugly way, with enormous problems, many new questions will be open and the whole region will be jeopardized. I am sure that neither Europe nor the world will look favorably upon such decision. Nobody wants a potential fire or fires on its doorstep and nobody wants border changes in the Balkans"²⁵.

The positions of President Djukanovic and Montenegrin government about a new union are quite different in content and in form from those of Kostunica and the DOS (Democratic Opposition of Serbia). They initially favored direct negotiations between Serbia and Montenegro, thus bypassing the federal president and the federal government. The Montenegrin government wants Serbia and Montenegro to constitute themselves into two independent sovereign states subject to international law before entering into negotiations on restructuring the federal state. In addition, Serbia and Montenegro should have two seats in the UN (as Ukraine and Belarus had during the existence of the Soviet Union) and separate memberships in international organizations. Kostunica and Djindjic received these two demands, separate statehood and a separate membership in the international organizations; with hostility. In reality; Montenegro wants a *Staatenbund* with Serbia; i.e., a confederation with some elements of federation. President Djukanovic wants the new Union between Serbia and Montenegro to have only three functions in common: defence, monetary policy and foreign affairs. These demands were presented to the citizens of both federal units, by the Montenegrin government, on 28 December 2000. The new platform of the Montenegrin government is entitled "The platform concerning the essence of the new relations between Montenegro and Serbia,"²⁶ represents the official position of the Montenegrin government for the forthcoming negotiations with Serbian government and the federal presidency. At the end of the negotiation process between the two federal units, Montenegro will organize the referendum to seek approval for an agreed solution, or, if the negotiations fail, to seek independence. President Djukanovic has promised to hold the referendum by June 2001.

The first casualty of the 'Platform' was the coalition 'For a Better Life' and the Montenegrin coalition government. The Peoples Party (NS), which was a member of the coalition 'For a Better Life', from its inception, left the government and joined the opposition. The People's Party refused to support the 'Platform' and has boycotted work on drafting a new legislation for a referendum to be organized, after the agreement on constitutional restructure of FRY is signed, between Belgrade and Podgorica. Dragan Soc, the chairman of the People's Party and the former Minister of Justice, wanted the government to cling to the 'old Platform', which was submitted to the federal government and to Milosevic on 5 August 1999. With the People's Party out of government, the polarization

of political parties in the Montenegrin parliament over future ties with Serbia and the federal government was complete. Two of them, the People's Party and the Socialist People's Party (SNP), rejected the 'Platform' of the Montenegrin government, and now both of them support the 'Platform' that President Kostunica and DOS offered to Montenegro. Three political parties: the Democratic Party of Socialists (DPS), the Social Democratic Party (SDP), and the Liberal Party (LSCG), have all accepted the 'Platform' of the Montenegrin government as a basis for negotiations with Serbia and the federal government. On the other hand Serbia and the federal government are afraid that independence for Montenegro will open the way to independence for Kosovo. The UN Security Council resolution 1244 refers to Kosovo as part of the FRY, and not of Serbia. Thus Kostunica and Djindjic deem that the international recognition of Montenegro will lead to the formal disintegration of the FRY and the subsequent loss of Kosovo. Serbian political parties in power and in opposition want to avoid at any cost a situation whereby Albanians from Kosovo could find themselves able to convince the international community into terminating the UN protectorate over Kosovo. To accommodate Montenegro and other players in the present constitutional crisis Miodrag Isakov, the chairman of the Reformist party of Vojvodina (a member of the DOS), has suggested that Serbia and the federal government accept the Montenegrin 'Platform'. Isakov proposes that the constitutional changes requested by the Montenegrin government should be met by Serbia and the federal government and should be codified in the new federal constitution. However, he insists that Montenegro should wait 2-3 years, (with international recognition), hoping that during these years Kosovo's legal status could be sorted out. Isakov went on to say "at this moment Serbia does not fulfill the conditions for international recognition, because no one knows what the borders of Serbia are today, and because of the unsettled legal status of Kosovo"²⁷. Veton Surroi, the editor of the Kosovo daily Koha Ditore, proposed a similar idea. Surroi wrote "I've suggested before that the final act in the disintegration of former Yugoslavia could be played out in 'a Taiwan scenario', in which all three states, going through a process of internal consolidation, will necessarily focus more on the function of the state then on its international recognition."²⁸

There is presently in Montenegro a significant portion of the population which wishes legal changes between Serbia and Montenegro. According to the recent opinion polls (November 2000), 52.3 percent of the population of Montenegro favors complete independence for its republic²⁹. The formal negotiations about restructuring the federal state have started on 17 January 2001. The first negotiating session between Kostunica, Djukanovic and Djindjic was inconclusive.

Both sides clung to their respective 'Platforms'.³⁰ In the view of Srdjan Dermanovic, director of the Center for Democracy in Podgorica (CEDEM), "It is unrealistic to expect the federation between Montenegro and Serbia to survive. It is increasingly likely that, either through negotiations with Serbia or by referendum, Montenegro will become an independent state."³¹

Until December 2000 it looked that the two -parts- negotiations, between Montenegro and Serbia (the Djukanovic approach), or three -parts- negotiations, Montenegro, Serbia and federal government (Kostunica's approach) will decide the future of the federal state. Since a new actor has emerged, namely the UN. Kofi Annan whose main concern is how to resolve the status of Kosovo, suggested on December 21, 2000 holding a UN sponsored conference, in the year 2001, about constitutional restructuring of the FRY. Mr. Annan suggested that the FRY should be transformed into a confederation, encompassing Serbia, Kosovo and Montenegro³². A similar proposal has been put forward, a few weeks ago, by Carl Bildt, Mr. Annan's special appointees for the Balkans.

President Kostunica and Branko Lukovac, in charge of Montenegrin diplomacy, have both rejected, out of hand Mr. Annan's proposal, though for different reasons. Kostunica wants to preserve Milosevic's legacy with regard to Kosovo. In 1989 Milosevic abolished Kosovo's constitutional autonomy as defined in the 1974 Yugoslav constitution. He then created a unitary Serbian state enshrined in Serbian constitution of 1990. Kostunica does not want a new federalization of Serbia. In March 2000, few months before becoming the president of the FRY Kostunica stated, "The idea about federal Serbia is a dangerous one. We have had some legal precedents, which allowed the break down of the federation [SFRY]... Our party [DSS] is advocating the creation of the state composed of the regions, which should have strong elements of self-rule. Some regions may have a higher degree of self-rule than others"³³. In the same article Kostunica lumped together the following politicians; Nenad Canak, a chairman of the Vojvodina Assembly and the chairman of the League of Social Democrats of Vojvodina, and the author of the document "Vojvodina Republic"; Milo Djukanovic and Slobodan Milosevic as well, saying "all three are interested in having maximum power on limited territory"³⁴.

Basically, Kostunica accused them of being power-hungry and having a political culture of the mediaeval lords, thus encouraging atomization of the FRY. Canak is one of most respected opposition leaders in Serbia and a strong supporter of the federalization of Serbia. He advocates the creation of five republics in Serbia: Vojvodina, Kosovo, Sandzak, Sumadija and Beograd. Canak and his party do not

support Kostunica's 'Platform'. At the Meeting of the DOS held on 14 January 2001, Canak's party abstained from the vote on Kostunica- Djindjic 'Platform'. Kostunica's Jacobin concept of state is at odds with constitutionally defined decentralization as advocated by Canak and Djukanovic. Kostunica seems to favor for Serbia, and perhaps for the new federal state, the French administrative division of territory in the 'departments' and 'cantons'. This cannot be a solution for governing multiethnic Serbia let alone the FRY. The regionalization of Serbia, if it means its 'departmentalization', is not the proper answer for managing her heterogeneity. It is rather the Swiss model of dividing the territory into the cantons, which are states that Serbia should consider as a model of decentralization.

Branko Lukovac, in rejecting Mr. Annan's proposal for a three-sided confederation, wanted to dissociate Montenegro's future from that of Kosovo. The latter risks being a permanent crisis spot in the region, for years to come. In spite of the complexity of the present relations between Serbia and Montenegro, and contradictory initial positions at the beginning of decisive negotiations, it seems to us that in the year 2001 Serbs and Montenegrins will decide whether they will live in a single state, or in two states.

9. Conclusion

The roots of the present constitutional crisis between Serbia and Montenegro go back to years 1996/97, when the consensus between the two national elites who created the FRY was broken. The conflict of interests between Serbia and Montenegro, and the conflict of personalities (Milosevic versus Djukanovic), are the main causes of the present crisis. We emphasized the primacy of conflicting interests because the conflict between two federal units continues even after the ouster of Milosevic. The conflict between Belgrade and Podgorica is primarily political and does not have an ethnic dimension, as was the case with the conflicts in Croatia and Bosnia-Herzegovina. We would argue that the conflict between Serbia and Montenegro strongly resembles the conflict between Serbia and Slovenia between 1987-1991³⁵. The rhetoric today in Serbia among the Serbian political establishment and media with regard to the Montenegrin drive towards independence is hostile, as it was during the 1980's when Slovenia began its drive towards independence.

For the Serbian media the main culprit responsible for the bad state of Serbian Montenegrin relations is a "secessionist leadership in Podgorica", led by President Djukanovic. This negative image of Montenegrin leadership in Serbia did not change con-

siderably even after Milosevic's departure from political life.

From 1997 on Montenegro has chosen, like Slovenia 10 years before, the road to Europe as being the place where its economic future lies. Serbia, by contrast, was in conflict with the Atlantic community since 1991, and its exclusion from Europe, after the indictment of Milosevic by The Hague tribunal became definitive. For Montenegro's long-term interests this position became untenable and a possible future stumbling block.

The future of the FRY is presently on the negotiating table and the Serbian and Montenegrin political elites are discussing it passionately. Vojislav Kostunica and Milo Djukanovic, the respective presidents of FRY and Montenegro, have both publicly stated that the creation of a new state(s) is a real possibility. Unlike Milosevic, who possessed a near absolute determination to use force to preserve the communist federation, Kostunica has promised a democratic and peaceful solution to the present constitutional crisis between Serbia and Montenegro over the common state's future.

Any union between Serbia and Montenegro should be based on the principles of equality and respect for Montenegrin sovereignty. However, if Montenegro decides to go its own way, then Serbia and Montenegro will undergo a "velvet divorce" as previously performed by Czechoslovakia in 1993. The international community should accept any outcome agreed upon by Serbia and Montenegro and approved by an internationally supervised referendum. Peaceful divorce through mutual agreement, as occurred between the Czechs and Slovaks, has not created instability in Central Europe as some western countries feared. Nine years after the separation, Slovakia and the Czech Republic, in following their own paces, have made considerable progress toward joining the European Union and NATO (the Czech Republic in particular). Slovakia, after having shed off the authoritarianism of Vladimir Meciar, has accelerated the pace of its reforms and, is at present well poised to be a part of the European integration process. Similarly, the independence of Montenegro does not threaten the stability of the western Balkans. Srdjan Dermanovic thinks, "Montenegrin independence would not cause any serious problem in the region or for its immediate neighbors. The republic is too small to pose any real threat to surrounding countries. Montenegro could not carry through any kind of imperial programme or aggressive policy."³⁶ The current hostility of the West to the independence of Montenegro is as shortsighted as in 1991, when the independence of Slovenia and Croatia was opposed, thus encouraging Serbian imperial aspirations in the Balkans.

The persistence of differences between Serbia and Montenegro after the fall of Milosevic stems from the structural differences of the two federal units, though one should not underestimate the determination of the Montenegrin elites to maintain their international standing and their "droits aquis" of sovereignty. The international community treats President Djukanovic as a head of state, and his country is a member of some international organizations such as the Stability Pact for Southeast Europe. It is unlikely that the Montenegrin political elite, which was rewarded by the international community for its resistance to President Milosevic and for sheltering the leaders of the Serbian opposition on Montenegrin territory, would now accept the role of Kostunica's 'gubernators'. During the NATO bombing of the FRY, the current Serbian Prime Minister Zoran Djindjic lived in Podgorica, as did Vuk Draskovic, after a failed attempt on his life in Serbia. The Montenegrin elite, which today governs the country, began to realize after 1997 that the federal state cannot be only built upon the temporary consensus of the political elites, as was the case in 1992. When in 1997/98 the consensus was lost, the Montenegrin government and president found themselves in the extremely vulnerable position of being at the mercy of Milosevic and the federal army. This time the Montenegrin political elites have an adamant desire to build a state, which they consider to be the most effective instrument for protecting the established political order in Montenegro from the illiberal Serbian alliance led by Vojislav Seselj. The latter together with the remaining supporters of Milosevic and the Serbian Unity Party (SSJ) of the deceased war lord Zeljko Raznjatovic- Arkan, occupy 74 seats out of 250 in the Serbian Parliament.

President Kostunica intends to be neither like Gorbachev nor Vaclav Havel, who both lost their federal states. Maybe Kostunica wishes to be like Russian President Putin in the new federal state. The question remains whether Montenegro and Kosovo will agree with this role for Kostunica. If there is no explicit commitment by the Serbs and Montenegrins to live in one state, then the FRY cannot be a viable federal state. As Vojtech Masny has convincingly demonstrated, federalism in East-Central Europe in the XIX and XX centuries were monumental failures³⁷. If Montenegro becomes an independent state, President Kostunica may follow President Havel's path and become the president of Serbia, as Havel became the president of the Czech Republic after the disintegration of Czechoslovakia. The current president of Serbia is Milan Milutinovic, a leftover of Milosevic's regime. On 27 May 1999 the ICTY indicted Milutinovic for the war crimes. Soon the post of Serbian president will be vacant. ■

NOTES

- 1 On November 29, 1991, in response to a question submitted by Lord Carrington, the Chairman of the Peace Conference on Yugoslavia, the Arbitration commission ("Badinter Commission"), wrote in its opinion No 1, "that the SFRY was in the process of dissolution". For the analysis of 'Badinter Commission' rulings see: Reneo Lukić, Allen Lynch, *Europe from the Balkans to the Urals, the Disintegration of Yugoslavia and the Soviet Union*, Oxford University Press, 1996, pp.275-281.
- 2 "Current Legal Status Of The Federal Republic Of Yugoslavia (FRY) And Of Serbia and Montenegro", International Crisis Group (ICG), *Balkans Report* No 101, Washington/Brussels, p. 6.
- 3 ICG, *Balkans Report*, No 101, p 8.
- 4 For Russia Serbia remains, before and after the ouster of Slobodan Milošević, last outpost in Europe after Soviet Union lost its sphere of influence in East-Central Europe following the disintegration of the international communist system in Europe. Serbia welcomed Russian military presence in Kosovo (KFOR) and in Bosnia-Herzegovina (SFOR). In contrast, Russian military presence in Moldova is strongly challenged not only by the host country, but also by the overwhelming majority of the OSCE states. In fact Russia refused to reduce and ultimately withdrew its forces from Moldova, although it had announced to do so at the Istanbul summit of the OSCE states in Turkey in 1999. See: "OSCE and Russia fall out over Chechnya", *BBC*, November 28, 2000, at <http://news.bbc>
- 5 For France's very ambiguous attitude toward Serbia and the FRY, during a decade of the Yugoslav wars 1991-1999), see our previous work "The US, Europe and the Balkans Wars", in *Rethinking the International Conflict in Communist and Post-Communist States*, edited by, Reneo Lukic, Ashgate, Aldershot, England 1998, p.p. 101- 139. See also, Reneo Lukic, "L'antiamericanisme des opposants a la participation francaise a la guerre contre la Republic federale yougoslave «, *Etudes Internationales*, Canada, Volume XXXI, No.1, March 2000, p.p. 135-164. In his book, *Crimes de guerre a l'OTAN*, Pierre-Henry Bunel, former French intelligence officer, accused by the French authority for spying in favor of the FRY, described not only his personal sympathy for the Serbs, historical ally of France, but also of his colleagues, most of them, like Bunel, graduates of prestigious military academy Saint - Cyr. Pierre- Henry Bunel, *Crimes de guerre a l'OTAN*, Editions, 2000, Paris, 235 p.
- 6 "Kostunica: Uspravili smo se kao drzava i vratili u svet", (We rose as a state and returned to the world), Interview to the daily *Politika*, Belgrade, 12 November, 2000.p.1
- 7 Neboisa Cagorovic, "Conflicting Constitutions in Serbia and Montenegro", *Transition*, Prague, Vol. 3. No. 4, 7 March, 1997 p.28.
- 8 On 14 and 15 January 1998, on the eve of president's Djukanovic inauguration, Momir Bulatovic organized and led the demonstrations in Podgorica. The demonstrations generated into violence between the supporters of Bulatovic and the police. Bulatovic accused Djukanovic of electoral fraud in the presidential elections.
- 9 Interview with Momir Bulatovic, "Djukanovic je naivan momak" (Djukanovic is a naïve guy), *NIN*, Belgrade, 24 February, 2000 p 17.
- 10 Branko Mamula, "Poslije Milosevicevog sloma" (After Milosevic's dawn fall), *Monitor*, No. 525, 10 November, 2000, Podgorica, electronic edition, at <http://www.monitor.cg.yu>.
- 11 Attila Agh, *Emerging Democracies in East Central Europe*, Edward Elgar, 1998, Glos, UK. p.202.
- 12 Philippa Flether, "Serbia Appears to Unseat Milosevic in Popular revolt", *Reuters*, October 5, 2000.
- 13 Elizabeth Roberts, "Montenegro", *The South Slav Journal*, Volume 20, No 1-2 (75-76) Spring Summer, 1999. p 9.
- 14 Branislav Milosevic was recalled from Moscow in December 2000, after the downfall of Slobodan Milosevic.
- 15 Quoted by Esad Kocan, "Slovenia na Jugu" (Slovenia in the South), *Monitor*, No 527, November 24, 2000, Podgorica, at <http://www.monitor.cg.yu/a>
- 16 *Review of International Affairs*, Belgrade, "Elections in Montenegro", No. 1061, 15 October, 1997, p.40.
- 17 *The Globe and Mail*, [Toronto], Interview with Milo Djukanovic, "Leader may begin new wave in Balkan", October 24, 1997.
- 18 Reneo Lukic, Allen Lynch, p.p. 169- 173.
- 19 *Vijesti*. Podgorica, 22 November, 2000, at <http://www.vijesti.cg.yu>.
- 20 "Necu završiti kao Gorbacov" (I will not end -up like Gorbachev), Interview with president Kostunica, *Vreme*, Belgrade, No 519, 14 December, 2000, at the <http://www.vreme.com/519>.
- 21 "Montenegro and the Balkan Crisis", at <http://www.mnnews.net/>
- 22 Interview with Vojislav Kostunica, "Drzava po volji naroda" (The state according to the will of the people, *Politika*, Belgrade, 30 December, 2000, p. 1
- 23 Interview with Vojislav Kostunica, "U novi vek s uredjenom drzavom", (In a new century with a well settled state), *Glas Javnosti*, Belgrade, 7 December, 2000, at, <http://www.glasjavnosti.co.yu>.
- 24 *Politika*, 30 December 2000, p.1.
- 25 *ibid*
- 26 *Vijesti*, Podgorica, 29 December, 2000, at <http://www.vijesti.cg.yu>
- 27 *Vijesti*, Podgorica, 9 January 2001, at <http://www.vijesti.cg.yu>
- 28 Veton Surroi, "Kosova Priorities", BCR No.209, 15 January 2001. *Institute for War and Peace Reporting*, at <http://www.iwpr.net>.
- 29 *Vijesti*, Podgorica, 23 November, 2000, at <http://www.vijesti.cg.yu.naslovna>.
- 30 Carlotta Gall, "What's Ahead in Yugoslavia: 3 Men, More Plans and Many Issues", *The New York Times*, 18 January 2001.
- 31 Srdjan Dermanovic, "Montenegrin Eyes on Bush", BCR No. 209, 15 January 2001. *Institute for War and Peace Reporting*, at <http://www.iwpr.net>.
- 32 *Glas Javnosti*, Belgrade, 21 December 2000, at <http://www.glasjavnosti.co.yu>.
- 33 Batic Bacevic, "Severna liga", (Northern League), *NIN*, Belgrade, 2 March 2000, p.22.
- 34 *ibid*.
- 35 Fundamental differences have developed between Slovenia and Serbia regarding their national interests in the late 1980's, which the SFRY could not solve. Slovenia at that time was aiming to join European international organizations a symbol of economic prosperities while Serbia opted for the build-up of the ethnic nation-state (Greater Serbia) through the wars and ethnic cleansing. See, Lukic- Lynch pp.144-194.
- 36 Srdjan Dermanovic, *ibid*. see the note 32.
- 37 "Obstacles to federalism in East Central Europe, aggravated by the forty years of communism, were rooted in the long historical experience of its people. Little in that experience made the idea attractive or even interesting. Federal structure of any kind had been exceptional and federalist thinking at best marginal in the part of Europe whose modern history had been so prominently shaped by an ethnic quest for self assertion within national states. The notion of a citizen's legitimate allegiance to more than a single state entity had been alien there". Vojtech Mastny, "The Historical Experience of Federalism in East Central Europe", *East European Politics and Society*, vol. 14 No.1, 2000 p.94.