

Zentrum für Europäische Integrationsforschung
Center for European Integration Studies
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**The Newest Old State
in Europe**
Montenegro Regaining
Independence

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The Newest Old State in Europe

Montenegro Regaining Independence

Introduction

There is no small nation without a great history. Montenegrin people are a perfect example to confirm this rule. However, this paper is not about the thousand-year history of Montenegro, the fierce struggles this small but fearless nation had during its fights for freedom and independence. It is about the most important features of the political situation in Montenegro after the dissolution of the Socialist Federal Republic of Yugoslavia and of the different unions with Serbia. This paper deals with the origins of the independence movement in Montenegro in the last decade, tries to explain the arguments in favour and against independence, as well as the possible implications of the process, looked upon from different perspectives inside and outside of Montenegro. Furthermore, it deals with the European Union's involvement in the issue, the reasons behind the specific EU policy towards Montenegro and its effects.

1. Montenegro's historical background: From Duklja to the Federal Republic of Yugoslavia

1.1. General history

Montenegro is a mountainous Balkan country of rough beauty, located on the Adriatic coast. The history of Montenegro is the history of wars and

battles, fought against foreign domination. The first Montenegrin state, Duklja, gained its freedom in 1042, having won a decisive battle against Byzantium. Montenegro has been the only Balkan country that stood free and independent throughout centuries, having resisted constant foreign attempts of invasion. Outstanding leaders of the Crnojevic and Petrovic dynasties governed Montenegro for centuries. The Crnojevic dynasty ruled Montenegro until 1516 and Orthodox Bishops of the Petrovic dynasty were leading the country up to 1851. Montenegro became a kingdom in 1910. King Nikola of Montenegro was to be the only Montenegrin king, due to the unconstitutional and hostile annexation of Montenegro by Serbia in 1918. The same year, the Kingdom of the South Slavs had been established under the realm of the Serbian king Aleksandar Karadjordjevic.

In the period between the two World Wars, King Aleksandar dominated the Yugoslav Government. Despite being a grandson of Montenegro's king Nikola, he worked against the ideas of Montenegro as an independent state. The Communist Party of Yugoslavia, on the other hand, supported the equality of the Montenegrin nation (with Serbs, Croats and others), in recognition of the desire of the majority of Montenegrins who fought in World War II for liberation and emancipation. This made the Communist party popular in Montenegro; Belgrade, however, regarded Montenegro as a mere backward province during the reign of the Karadjordjevic monarchy in the First Yugoslavia. Tito's Partisans won the war of liberation and acknowledged Montenegro's massive contribution to the war against the Axis Powers and its desire for a renewed status by establishing it as one of the six republics of the Socialist Federal Republic of Yugoslavia.

The Montenegrins' traditional Pan-Slavism made them inclined to support the communist project of reunifying Yugoslavia. Consequently, after the war many Montenegrins found themselves in high positions within the military, political, and economic administration, in contrast to their former marginality. Montenegro, regarded as an under-developed republic, became a regular recipient of large quantities of federal aid, which enabled it to embark – for the first time – on a process of industrialization. Furthermore, at the beginning of the 1980s, the Montenegrin coast emerged as an important tourist area.

1.2. The dissolution of the former and the rise of the new Yugoslavia

No East European country has demonstrated so clearly as the former Yugoslavia the dangers inherent but largely unrecognized in the process of democratization. The central conflict, which destabilized Yugoslavia, was between, on the one hand, the desire to create or consolidate (in the case of Serbia) a state in which one national group was dominant, and on the other, the perceived or demonstrable vulnerability of populations in these projected states, which led to their growing aspirations for independence. With a largely homogeneous ethnic composition, Slovenia was able to secede after a war which, when compared with what was to come in other FRY Republics, was peaceful. Almost everywhere else, a plethora of minorities inhabited the disputed territories: in Croatia, in Bosnia, in Serbia, in Macedonia. Only in Montenegro was the issue of minorities uncontentious.

For a long time (until just before the declarations of independence of Croatia and Slovenia in June 1991), Western Europe and the United States appeared unwilling to recognize that Yugoslavia was disintegrating and that the presidents of its six republics were not capable of regulating this process in a peaceful manner. The overall developments of the democratization process in Yugoslavia demonstrated that the rhetoric of self-determination could not be easily translated into practice. This dichotomy led to the use of force and created the dilemma in the international community as to how to react to the independence claims by the various Yugoslav republics.

The break-up of the Yugoslav federation after 1989 left Montenegro in an acutely precarious position. The first democratic elections in 1990 brought the reformed League of Communists to power, confirming Montenegrin support for the disintegrating federation. On the other hand, in 1989 the remains of King Nikola and other members of the former royal family were returned to Montenegro to be re-entered with great ceremony in Cetinje¹. This event fostered independence sentiments, re-emerging in some circles of the Montenegrin society, after being repressed by two Yugoslavias. The idea of Montenegro as an independent state had been vigorously pro-

1 Old royal capital of Montenegro.

claimed by a group of intellectuals gathered in the Liberal Alliance of Montenegro, one of the opposition parties in the Montenegrin Parliament.

The young leaders of the League of Communists of Montenegro, Milo Djukanovic, Momir Bulatovic and Svetozar Marovic, all swept into power during the so-called "anti-bureaucratic revolution" – an administrative putsch of sorts within the Yugoslav Communist party, orchestrated by Slobodan Milosevic. All three appeared devout communists on the surface, but they also had sufficient skills and adaptability to understand the dangers of clinging to traditional, rigid old-guard tactics in new and changing times. When the old Yugoslavia effectively ceased to exist and the democratic political system had been introduced, they quickly repackaged the Montenegrin branch of the old Communist party and renamed it the Democratic Party of Socialists (DPS). Inheriting the entire infrastructure, resources and membership of the old Communist party gave the DPS a sizable head start on their opponents of the newly-formed parties. It allowed them to win parliamentary and presidential elections overwhelmingly. The party has ruled Montenegro ever since (either alone or as a leading member of different ruling coalitions), never losing power for even a day.

On December 16, 1991, the EC Foreign Ministers met in Brussels and issued a 'Declaration on Yugoslavia'. This document significantly influenced international reactions on the issue of recognition of the newly emerging states and, arguably, transformed recognition law. The Declaration on Yugoslavia introduced a process for applying the guidelines, which required any Republic of the Socialist Federal Republic of Yugoslavia (SFRY) to apply for recognition. The written applications would then be submitted for advice to the Arbitration Commission, better known as the Badinter Commission². The Badinter Commission explained from a relatively theoretical point of view the conditions whereby a national entity had the right of secession, meaning that all former republics of the SFRY (Bosnia-Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Slovenia)

2 The Arbitration Commission of the European Community, established at a peace conference on Yugoslavia (November 29, 1991), comprised five presidents from different Constitutional Courts of the EC countries; it became known as the Badinter Commission after the French lawyer appointed as its president.

The Newest Old State in Europe

were entitled to statehood. This method of requiring an application for recognition, which is examined by an arbitrator and then decided upon according to a set timetable, was virtually unprecedented in recognition practice. The invitation by the EC, extended to all six Republics of the SFRY, showed no uniformity in the responses or the results whatsoever.

On February 12, 1992, governments of Serbia and Montenegro agreed to remain in the same state, named the Federal Republic of Yugoslavia (FRY), which claimed continuity with the SFRY. Montenegro then hastily organized a referendum on state status on March 1, 1992. In this, the first referendum for Montenegrin independence, 95.96% of the votes were cast for remaining in the federation with Serbia. The turnout was 66%³ because of the boycott by the pro-independence Montenegrins as well as the Muslim and Catholic minorities. Proponents of independence claim that the poll was organized under undemocratic conditions, with widespread propaganda from the state-controlled media in favour of a pro-federation vote.

The international community rejected the Belgrade government's efforts to establish the FRY as a successor of the SFRY. The Badinter Commission ruled that none of the six successor states of the SFRY could claim for itself alone the membership rights previously enjoyed by the former SFRY. The four former SFRY republics – Slovenia, Croatia, Bosnia and Herzegovina, and Macedonia – decided to apply for membership in international organizations and since then have been recognized by the international community and admitted as members of the UN. 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 the partial exclusion from the activities of the UN and the suspension from other international organizations. This absurd situation of perpetuating the memory of a non-existent state lasted for eight years.

3 <http://www.tanjug.co.yu/Dogadjaji/referendum/default.aspx>.

2. Montenegro inside the Federal Republic of Yugoslavia

2.1. The tension rises: Conflicts in the new Yugoslavia

Despite the ethnic, religious and linguistic similarities between Serbs and Montenegrins, differences between the national interests of Montenegro and Serbia were growing. Montenegro increasingly felt the consequences of international sanctions imposed on the FRY, banning it from membership in international financial organizations, and harming its own economy and international standing. In response, Montenegro began to press for greater political autonomy from Serbia and initiated a process of dissociation from the federal institutions in 1997. The whole process was similar to the situation from the early 90's, i.e. the Slovenian and Croatian separation. The main difference is that the conflict between Belgrade and Podgorica was primarily political and does not have an ethnic dimension.

In 1996, a pro-western faction of the political elite within the DPS, under the leadership of Milo Djukanovic, began to openly propagate a different economic and foreign policy from that of the federal government led by the Milosevic supporters. In contrast to Momir Bulatovic, his opponent within the DPS, Djukanovic rapidly adopted western values and came to lead a new generation of young technocrats. Djukanovic's prime objective was the economic development of Montenegro through cooperation, leading eventually to integration in Western European organizations. However, Djukanovic 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.

The conflict between Djukanovic, on the one-side, and Bulatovic and Milosevic on the other came to a head in the summer of 1997, when Djukanovic decided to challenge Bulatovic in the presidential elections scheduled for October 1997. It ended with Milo Djukanović winning over Momir Bulatović in a second-round run-off. Former close allies had by this time become bitter foes, which resulted in the splitting of the DPS. Bulatovic and

The Newest Old State in Europe

his followers formed the Socialist People's Party of Montenegro (SNP), staying loyal to Milosevic, whereas Djukanovic began to distance himself further from Serbia. This distance from the policies of Milosevic played a decisive role in sparing Montenegro from the heavy bombing that Serbia endured in the spring of 1999 during the NATO air-campaign.

Djukanović turned out to be the winner of this political fight, and his position was strengthened by the parliamentary elections held on May 31, 1998. Having won the parliamentary elections, the DPS candidate should have been assigned federal prime minister. Instead, President Milosevic chose Momir Bulatovic, who was defeated in the election, for this post. The DPS considered Bulatovic's appointment unconstitutional. From that moment on, the Government of Montenegro (GoM) and President Djukanovic refused to acknowledge the legitimacy of the federal institutions; thus the federation became dysfunctional.

Djukanovic's double victory represented the most serious challenge to Milosevic's rule since he had become president of the FRY. Under Djukanovic's leadership, Montenegro tended to assume important state competencies at the expense of the federal institutions. This political strategy was Montenegro's response to an openly hostile attitude of Milosevic, who considered the federal state to be in the service of Serbian state interests. He simply ignored Montenegro's attempts to formulate separate interests, to which it was entitled as an equal member of the federation.

As a consequence, the GoM established its strategy of dissociation with regard to the federal institutions. It gradually built up the institutional capacities of a sovereign state, taking over the monetary and banking system, foreign trade, customs and taxation. Montenegro introduced the Deutsche Mark as a currency on November 2, 1999, thus reducing the influence of the Yugoslav Central Bank on its economy. Since the introduction of the Euro in 2002, all payments and transactions in Montenegro have been changed accordingly. This meant that monetary union in FRY ceased to exist and its unified market met additional obstacles. GoM had taken other attributes of sovereign policy as well, such as the control of the customs regime, the creation of a distinct visa regime and internal security.

2.2. Post-Milosevic's era: Widening the gap

The removal of Slobodan Milosevic from power in October 2000 was received in the Montenegrin political public, as expected, with unconcealed relief, but also with considerable reservation towards the new president of the FRY Vojislav Kostunica. Democratic forces in Montenegro assessed that the citizens of Serbia and the Serbian opposition elite achieved a big success with the victory over the great bastion of dictatorship. Nevertheless, they asserted that this was just the first step in the democratic transformation of Serbia, in which positive political energy had been suppressed for a long time.

It was clear from the beginning that the positions of President Djukanovic and the GoM concerning a new union are quite different from those of Kostunica and the DOS. The GoM stated that Serbia and Montenegro ought to constitute themselves into two independent sovereign states before entering into negotiations on restructuring the federal state. In addition, Montenegro made claims for two seats in the UN and separate memberships in international organizations. President Djukanovic suggested that the new Union between Serbia and Montenegro should have only three functions in common: defence, common market and foreign affairs. These demands represented the official position of the GoM for the forthcoming negotiations with the Serbian Government and the federal presidency. The Montenegrin negotiating platform envisaged a referendum to seek popular approval for a solution or, if the negotiations failed, for independence.

The President of the FRY, Vojislav Kostunica, stated on many occasions that one of his main priorities was to restructure the federal state and to keep the two states together. It is interesting to notice that all of the main political parties in Serbia, apart from great discrepancy in their political agendas, were in favour of maintaining a certain kind of state union. 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, one president, a single army, a single currency and a common foreign policy.

The first negotiating session between Kostunica, Djukanovic and Djindjic (Serbian Prime Minister) in January 2001 was inconclusive. Both sides clung to their respective platforms. The first price for the evident disagreement was the stability of the Montenegrin governing coalition. The Pro-union Peoples Party (NS) left the government and joined the opposition. Early parliamentary elections in the Republic of Montenegro were the only way out to break the political jam caused by the disintegration of the ruling coalition. This crucial question of Montenegro's legal status mobilized 82% of eligible voters, who took part in the elections held on April 22, 2001.

The pro-independence coalition led by Djukanovic won the election. Nevertheless, the newly elected government was not to last very long. Under great pressure from the European Union (see Chapter 3.1.), the GoM signed the Belgrade Agreement, establishing the State Union of Serbia and Montenegro. The strongly pro-independent Liberal Alliance of Montenegro (LSCG) pulled out of the ruling coalition in protest, triggering new elections. LSCG's urge to punish Djukanovic for the "treason" of the Belgrade Agreement was so powerful, that the party formed a strange alliance with the federalist bloc. The voters, however, clearly expressed their support for the political realism embodied in the Belgrade Agreement, extending the ruling coalition's mandate.

Djukanovic's victory has left the pro-union parties too discredited to form a serious and vibrant opposition. Indeed, some time will pass before such an opposition will arise.

3. The EU's apprehension and intervention

3.1. Building the State Union

Having learnt the lessons of its failure to intervene in the Balkan crises during the 90's – especially in Bosnia and Kosovo – the EU was trying to be much more efficient in preventing new conflicts in the region. Not being able to find a timely agreement among its member states and institutions for a solution of the newly emerged problems, the EU had to bear the mas-

sive costs of providing urgent help to the war-destroyed areas in former Yugoslavia. At the beginning of the 21st century, the EU was determined not to allow more armed conflicts of any kind in the Western Balkans, which almost have a certain place in the EU in the future.

After the fall of Milosevic's regime, an overwhelming majority of the EU's main political actors favoured the concept of a joint state. This standpoint was firmly supported by the EU High Representative for the CFSP, Javier Solana. Washington and Brussels met with disapproval the Montenegrin proposal for dissolution of the two states in a Czechoslovak-style "Velvet Divorce".⁴ Montenegro began to seem more like a troublemaker than a reliable ally to the EU and the US. The EU's solution was to push for a rearrangement of relations between Montenegro and Serbia on completely new foundations, but in the setting of what would remain, for diplomatic and international purposes, one single political entity.

After pressuring Montenegro in various ways, the EU managed to persuade Podgorica to sign the Belgrade Agreement on March 14, 2002, creating a tailor-made entity named the State Union of Serbia and Montenegro, a conjuncture of two semi-independent states. On February 4, 2003, the Parliament of the FRY adopted "The Constitutional Charter of the State Union of Serbia and Montenegro". The Constitutional Charter enabled the establishment of institutions like the Parliament, the President, the Council of Ministers and the Court of the State Union of Serbia and Montenegro.

The main task of the institutions of the State Union was to carry out the joint functions of two states: a common foreign policy, a free trade area and the command of the Army. In practice, things were developing in a different direction. The diplomatic-consular representatives of Serbia and Montenegro (especially Montenegrin diplomats) were pursuing the policies of their own governments. Many obstacles disabled the proper functioning of a joint market: the existence of two central banks and two different currencies; different systems of taxation; divergences in foreign trade and cus-

4 The Montenegrin proposal envisaged two new states— Montenegro and Serbia — each as an independent and internationally recognized sovereign entity, in an asso-

toms and excise systems. The international community started to realize significant obstacles to the effective functioning of the union. Appropriate reactions followed. The World Trade Organisation allowed the two entities to join separately and to be considered as two economic systems. Recognising the logjam between the two states, the European Commission adopted a twin track approach in negotiations on a Stabilisation and Association Agreement (SAA) in September 2004. It envisaged a single SAA with two separate economic annexes – one for Montenegro and one for Serbia.

The politicians in the EU were becoming more aware of the fact that the Belgrade Agreement perhaps was a success in terms of crisis prevention/postponement, but it had not, by far, laid the foundations for a stable, long-term union. The GoM, strengthened by the growing pro-independent feeling among the people of Montenegro, was determined to use the option provided in Article 60 of the Constitutional Charter: “Upon the expiry of a 3-year period, member states shall have the right to initiate the proceedings for the change in its state status or for breaking away from the State Union of Serbia and Montenegro. The decision on breaking away from the state union of Serbia and Montenegro shall be taken following a referendum.”⁵ By the beginning of 2006, nobody was denying the legal right of the ruling coalition in Montenegro to consult the people on the idea of an independent state in a democratic and fair referendum.

3.2. The Law on the Referendum: 55% democracy

While the Belgrade Agreement’s three year moratorium was expiring, discussions on the Referendum law were increasing. The biggest obstacle in the negotiations was the discussion about the percentage of the electorate necessary for legitimately proclaiming an independent state. The GoM was willing to agree upon 40% of overall electoral body (for legitimately proclaiming an independent state), while the opposition asked for 60%. Firm

ciation somewhat similar to the arrangements that bind together the various members of the European Union.

5 The Constitutional Charter of the State Community of Serbia and Montenegro, http://www.mfa.gov.yu/Facts/const_scg.pdf.

positions of the two parties led to the stalemate which needed a solution from outside.

EU High Representative for CFSP, Javier Solana, appointed Slovak diplomat Miroslav Lajcak as a mediator and his personal representative for the Montenegrin referendum. Soon after he was appointed, Ambassador Lajcak put forward a “proposal” the EU found best for the situation in Montenegro: for the referendum to be declared valid, the turnout had to be over 50% of those on electoral lists. In addition, independence had to be approved by at least 55% of citizens who took part in voting. The reasons behind the EU’s proposal were complex.

The EU’s political concept towards Serbia and Montenegro had been clear in recent years. The EU preferred the joint state of Serbia and Montenegro, and made specific political steps in this direction, starting with the tremendous influence on Montenegro in times of negotiating the Belgrade Agreement, up to the exceptional 55% rule. There are a number of justified concerns of the EU with respect to the effects of the eventual proclamation of Montenegrin independence:

- Internal destabilisation of Montenegro: public opinion, almost equally divided over two concepts of the status, could lead to yet another internal conflict in the unstable area of the Western Balkans.
- Undermining democratic progress in Serbia: the independence of Montenegro would strengthen nationalist positions in the Serbian Parliament, and jeopardize the already fragile democratic government in Belgrade.
- Domino effect in the region: an independent Montenegro would fire separatism in the surrounding countries, Kosovo, Macedonia, Bosnia and Herzegovina. The EU was afraid of the idea that the process might provoke Albanian leaders to proclaim the independence of Kosovo, in the middle of negotiations between Belgrade and Pristina over its status.
- The future impact of yet another small state on the distribution of voting power within the EU.

The GoM, being aware of the reasons behind the EU’s support for a state union, made considerable diplomatic efforts in providing adequate counter-

arguments. It was promoting the firm determination and efficiency of Montenegrin institutions in preventing any possible internal conflict in the country, stressing the significant role cultural, traditional, religious and family ties between the peoples of Serbia and Montenegro could play in a peaceful separation. Podgorica constantly repeated its intention for the closest possible cooperation in various fields between independent states in the future. Furthermore, the GoM refused to be directly involved in the resolution of the Kosovo issue. The historical, moral and legitimate right of Montenegro to claim independence has not been disputed by the international community since the Berlin Congress in 1878. The countries in the region made substantial steps to improve security conditions: Macedonia overcame its internal ethnic conflict and gained the status of EU membership candidate, Bosnia and Herzegovina was finalising the process of adopting the new constitution and is moving forward in the process of negotiations on the SAA. Finally, Montenegro will not be the smallest country in the EU (Luxemburg, Malta), and it is difficult to imagine that 670,000 Montenegrins will challenge the absorption capacity of the EU.

Nevertheless, the referendum conditions (55% of votes cast) had been immediately heavily criticized by pro-independence media in Montenegro. This major exception of the majority rule represented a potential risk for a clear political outcome. By accepting this condition imposed by those who refused Montenegrin independence – European diplomacy, in contempt of the elementary rules of representative democracy and the right of people to decide for themselves – could be accused of having created an inextricable situation.

Indeed, if over half of voters – but less than 55% of them – were to vote in favour of independence, Montenegro would have remained united with Serbia and the minority would have won over the majority! In order to win, supporters of the union with Serbia were therefore not obliged to win the referendum, it was sufficient for them not to lose with too large a gap. Prime Minister Milo Djukanovic declared, “The recommendation from the European Union is dangerous for stability. The 55/45 ratio is contrary to the very principle of democracy. The final decision should lie with the ma-

majority and not the minority. In my opinion this is unfair, but we will accept the European Union's proposal.”

On March 1, 2006, the Montenegrin Parliament adopted the Law on the Referendum on Independence by 60 votes in favour and 10 against. Pro-independent parties (except DPS) were against the Law because of their disapproval of the 55% rule.

4. Montenegro on the Way to the Referendum

4.1. The discourse on independence: Arguments in favour and against independence

“Do you want the Republic of Montenegro to be an independent state with full international and legal personality?” This is the question, which the Montenegrins answered on May 21, 2006, and determined their country's fate. Both the pro-independence bloc and the pro-union bloc started their campaigns confident of victory.

The independence bloc headed by Prime Minister Milo Djukanovic, who connected his political fate with the referendum outcome⁶, was a multi-ethnic coalition comprising the governing parties, which held 44 out of 74 seats in the Montenegrin Parliament. In the referendum campaign, the independence bloc extensively used the passionate sentiment among Montenegrins towards the long-lasting fierce battle for sovereignty. It proclaimed that the experience of different types of state union showed that relations with Serbia cannot be transparent, lasting and stable unless the two states are independent or they form a tight political union. The “independentists” strongly accentuated the fact that Serbia was holding Montenegro back in the process of European integration, especially after the European Commission suspended the SAA negotiations with Serbia and Montenegro on May 3, 2006, due to the insufficient cooperation of Serbia with the ICTY in

6 Prime Minister Djukanovic declared that if the independence option acquired less than 50%, he would resign.

The Newest Old State in Europe

The Hague. Thus, Montenegro, once again, suffered the consequences of the political decisions it was unable to influence.

Independentists based their argument on the achievements Montenegro made in improving its political and economic policies. The developed multi-ethnic and multi-religious character of the Republic has been pointed out as one of its basic values that distinguished Montenegro in a regional and wider international context. Different confessions and ethnic groups, which have been living together in this region for centuries, represented a true recognition of the key principle of the European Union's "Living together in diversity".

The independence block argued that Montenegro wanted to take its future in its own hands, to build its independent European road, simultaneously developing good relations with all the neighbouring countries, including Serbia and Kosovo. In the SAA negotiations, Montenegro affirmed good coordination of its institutions and developed clear negotiation positions. Independent Montenegro will be a good example of dynamic economic integration into the EU, with its opened economic system, with excellent natural resources and qualified workforce, together with the high level of achieved economic reforms. Furthermore, Montenegro, as an independent state, would have a larger scope of the financial support provided from European funds and programmes for the accessing countries. Following the introduction of the twin track model, funds from the CARDS programme intended for Montenegro were increased from 8% in 2003 to approximately 12% in 2005. This will also be the case when accessing the IPA instruments, in 2007.

The pro-union bloc headed by the main opposition leader Predrag Bulatovic⁷ was mainly an Orthodox coalition, which held 30 seats in the Parliament. The campaign of the pro-union block stressed the proximity between the Serbian and Montenegrin peoples, and their great historic, traditional, religious and family ties. Unionists expressed concerns in the case of independence for the status of the Serbs in Montenegro (197,000) and

7 Similar to the Prime Minister, President of the SNP Predrag Bulatovic declared that if the independence option won more than 55% of the vote, he would leave politics.

the Montenegrins in Serbia (263,000). They explained positive economic effects of the State Union by taking the stand that independence would deprive Montenegro of its access to Serbian markets, and that the tourist business would collapse because of the reduction of tourists from Serbia. Backed by the EU's support of the State Union of Serbia and Montenegro, pro-unionist politicians claimed that union with Serbia is still the quickest way to join the European Union. They targeted Djukanovic, whom they accused of wanting to create a "private state" for himself and his wealthy inner circle. They invited every opponent to the "regime" to vote against independence. The unionist block had significant support from both the government and the opposition in Belgrade. During the referendum campaign there was a widespread pressure from the Serbian media on the leaders of the independence block. In addition, Serbian Government officials threatened with imposing barriers on an independent state of Montenegro and its citizens (e.g. abolishing workers' and students' rights, health insurance, introducing passports and special visa regime).

Serbia was against the independence of its neighbour for several reasons. The stakes were not only psychological or about identity; they were also geo-political and strategic. For the Serbs, Montenegro represented the Serbia's only remaining access to the sea after the dissolution of Yugoslavia. The date of the referendum did not suit Belgrade, since Serbia was, at the time, negotiating the future status of Kosovo, a province administered by the UN, whose mainly Albanian population demanded independence. Serbia feared that a possible independence of Montenegro might set a precedent for Kosovo, or even Vojvodina, another province of Serbia with a high percentage of inhabitants of Hungarian nationality.

4.2. Discussing the post-referendum situation: Montenegro's initiative

Both political sides in the Republic of Montenegro showed firm intention towards organising the referendum on the future state status of the Republic of Montenegro according to the highest democratic international standards. They agreed to accept the results of the fair and democratic referendum, once again confirming the solid democratic course of Montenegrin society.

The Newest Old State in Europe

During the pre-referendum campaign, the GoM offered to begin negotiation with the Government of Serbia on the future arrangements of the relations between the two states, regardless of the outcome of the referendum. Leaders in Belgrade repeatedly expressed unwillingness to start the negotiations, justifying their position with the argument that they did not want to prejudge the outcome of the referendum.

Certainly, the most discussed question in the whole process was what will happen if the independent block wins simple, but not the qualified majority according to the EU rule, for example, 54 % of the votes? Will it calmly accept the fact that they lost the race by 1%, even though they won support of a clear majority of the electoral body? In that case, the EU's 55% threshold, which aimed to prevent political instability in Montenegro, could in the end possibly foster instability, albeit of a different kind. And after all, if there were any unrest of this kind, what would be the European remedy? The so-called "grey zone", (the result between 50%-55% in favour of independence) would merely postpone the resolution of the problem, for perhaps another 3 years, but it would not bring the much needed political stability to the country, nor to the region of Western Balkans.

Nevertheless, Montenegrin leadership was looking forward to the clear win at the referendum, a win over 55%, which would leave no room for objection. In the expectation of this outcome, the GoM adopted specific strategy papers and declarations, including the Action Plan of the Priority Activities for Functioning of Montenegro as an Independent State, the Declaration on Relations with the Republic of Serbia after Gaining Independence, the Declaration on Making the EU Accession Process More Dynamic and the Declaration on the Relations with the United Nations.

The most recent survey of public opinion before the referendum, conducted by the Center for Democracy and Human Rights (CEDEM), a Montenegrin NGO, showed that the estimated turnout on the referendum would be 87%, out of which 56.3% of the votes would be in favour of independence, with 43.7% against.⁸

8 http://www.cedem.cg.yu/opolls/images/CEDEM_april06_eng.pdf.

4.3. The outcome of the referendum: looking to the future

The status of the union between Montenegro and Serbia was decided by a referendum on Montenegrin independence on May 21, 2006. A total of 419,240 votes were cast, representing 86.5% of the total electorate. 230,661 votes or 55.5% were in favour of independence and 185,002 votes or 44.5% were against. The difference of 45,659 votes narrowly surpassed the 55% threshold needed to validate the referendum under the rules set by the European Union. According to the Republic Referendum Commission, the 55% threshold was passed by only 2,300 votes.⁹ The first state to recognise Montenegro was Iceland, on June 8, 2006, followed by Serbia, the member-states of the European Union, and the permanent members of the United Nations Security Council, virtually removing any obstacles from Montenegro's path towards becoming the world's newest sovereign state.

The 2006 referendum was monitored by 5 international observing missions, headed by an OSCE/ODIHR Monitoring Team, and around 3,000 observers in total (including domestic). The International Referendum Observation Mission in its preliminary report “assessed compliance of the referendum process with OSCE commitments, Council of Europe commitments, other international standards for democratic electoral processes, and domestic legislation”.¹⁰

On June 3, 2006, the Parliament of Montenegro declared the independence of Montenegro, formally confirming the result of the referendum on independence. Montenegro has begun the process of seeking international recognition as well as a seat at international organizations.

9 <http://www.rrk.cg.yu/>.

10 http://www.osce.org/documents/html/pdf/html/19150_en.pdf.html.

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