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Change of Government in Belgrade. The Return of the Federal Republic of Yugoslavia to the OSCE

Eight years after it was suspended, Yugoslavia has once again become a participating State of the OSCE. On 27 November 2000, the newly elected Yugoslav President Vojislav Koštunica signed the three most important OSCE documents in Vienna: the Helsinki Final Act (1975), the Charter of Paris (1990) and the Istanbul Charter for European Security (1999).¹ In this manner, eight years of Yugoslav isolation and self-isolation officially came to an end.

The nineties will go into the annals of European twentieth century history as the decade of the Balkan wars. The bloody disintegration of Yugoslavia placed totally new challenges before the international community and European security institutions, which they were only able to cope with partially. In this context, the OSCE has played a special role in international crisis management in the Balkans demonstrating a perfectly clear-cut example of the Organization's strengths and weaknesses. From the expulsion of the CSCE Mission in Kosovo, Sandjak and Vojvodina in 1993 to the failure and withdrawal of the Kosovo Verification Mission (KVM) on 20 March 1999, OSCE Yugoslavia policy was seen by the public as being the perfect example of the powerlessness of a weak organization pitted against the powers of a regime without scruples. However, the OSCE was being confronted with new tasks and challenges that were negotiated to a large extent without its participation and the Organization was not at all prepared for this test, financially or with respect to its personnel. This was particularly true for the Dayton Peace Accords (1995) and the Holbrooke-Milošević Agreement of October 1998.

With the exception of Slovenia, the OSCE is currently present in all the successor states of the former Yugoslavia. It has maintained missions in Macedonia (since 1992), in Bosnia and Herzegovina (since 1995), in Croatia (since 1997), in Kosovo (since 1999) and also in the Federal Republic of Yugoslavia since 16 March 2001. Thus South-eastern Europe is the region in which the Organization has its strongest presence, and as a result, most of its resources are tied up there. For instance, the largest OSCE missions by far are

¹ To be more exact, Yugoslavia's "return" to the OSCE is less a readmission than a new admission. As early as 1992, the Badinter Commission had ascertained that the decline of the Federal People's Republic of Yugoslavia was not a process of separation and/or secession of constituent republics, but a process of dissolution ("*dismembratio*"). While secession implies that the predecessor state remains a subject of international law and simply experiences a changed territorial status, *dismembratio* implies the complete dissolution of the predecessor state and the creation of several new states on its territory. For this reason, the "Federal Republic of Yugoslavia", created by Serbia and Montenegro on 27 April 1992, joined the OSCE as a new participating State. Consequently, Koštunica not only signed the Charter of Istanbul but also the Helsinki Final Act and the Charter of Paris.

those in Kosovo (750 international members), in Croatia (227) and in Bosnia and Herzegovina (180).² Almost 80 per cent of the total OSCE budget goes to these three missions of which 50 per cent alone is allotted to the Kosovo Mission.³ Therefore the Balkans is in many respects a testing ground for the developing European security architecture of "interlocking institutions". Not least however, the crisis in Macedonia painfully demonstrated to the international community during the spring of 2001 that the death of Franjo Tudjman and the fall of Slobodan Milošević were by no means the solution to all problems in the Balkans.

OSCE Policy towards the Milošević Regime

The suspension of the Federal Republic of Yugoslavia (FRY) from participating in the (then) CSCE was one of the most difficult and controversial decisions in the history of the CSCE/OSCE.⁴ It was the first and up to now the only time that the consensus-minus-one rule has been applied.⁵ In retrospect, it must be stated that with this decision, the OSCE robbed itself of its already minimal options to be influential: As a direct result of this suspension, the mandate for the Mission to Kosovo, Sandjak and Vojvodina, which ended on 28 June 1993, was not renewed because the Yugoslav government made the extension of the mandate dependent on the readmission of the FRY to the OSCE.

From 1993 to October 1998, the OSCE was for all practical purposes not present in the FRY. In October 1998, under threat of NATO air raids, the American diplomat Richard Holbrooke negotiated an agreement with President Milošević, which among other things had a provision to station 2,000 unarmed OSCE verifiers in Kosovo. For a variety of reasons, the Kosovo Verification Mission was not destined to enjoy success. First of all, the

2 Following these come the missions in Yugoslavia with 30 members, in Albania with 29, in Macedonia with 16 as well as in Tajikistan with eleven members. Cf. Survey of OSCE Long-Term Missions and other Field Activities, at: www.osce.org.

3 Cf. Organization for Security and Co-operation in Europe, The Secretary General, Annual Report 2000 on OSCE Activities (1 November 1999-31 October 2000), Vienna, at: http://www.osce.org/docs/english/misc/anrep00e_activ.pdf.

4 In the following, the term OSCE, as the CSCE has been called since 1 January 1995, will be used.

5 The consensus-minus-one rule was adopted at the Prague Meeting of the CSCE Council on 30-31 January 1992. The corresponding passage in the Prague Document on Further Development of CSCE Institutions and Structures, Chapter IV, para. 16, states: "The Council decided, in order to develop further the CSCE's capability to safeguard human rights, democracy and the rule of law through peaceful means, that appropriate action may be taken by the Council or the Committee of Senior Officials, if necessary in the absence of the consent of the State concerned, in cases of clear, gross and uncorrected violations of relevant CSCE commitments." Prague Meeting of the CSCE Council, 30-31 January 1992, Prague Document on further Development of CSCE Institutions and Structures, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 830-838, here: p. 832.

OSCE, which was given this task practically overnight without previous consultations, was not able to deal with this challenge organizationally. This was apparent not least by the fact that the Mission never reached its intended strength. In addition, the UCK/KLA could not be prevented from penetrating the power vacuum in Kosovo. The result was a spiralling escalation of violence and counterviolence, which culminated tragically in the massacre in Račak where unarmed verifiers were forced to stand by and watch helplessly without taking any action. After failed negotiations in Rambouillet and Paris, the KVM was withdrawn on 20 March 1999. Four days later NATO's Kosovo war began. Right after the end of the war in July 1999 the OSCE returned as an integral part of the United Nations Interim Administration (UNMIK).⁶ Thus the example of Yugoslavia shows once again that the OSCE can only put its real strengths into play either where conflicts have not yet broken out violently, i.e. through prevention, or where they have been settled at least in a makeshift manner, i.e. by post-conflict rehabilitation and stabilization. However, after the end of the Kosovo war, it became clear that Milošević's demise was an indispensable prerequisite for co-operation with Serbia and above all for allowing Yugoslavia to rejoin the OSCE.

The Change of Government in Belgrade

Initially however, the forecasts for the future of the Federal Republic of Yugoslavia continued to remain gloomy: The end of the Milošević regime seemed to be a long way off, the Serbian opposition, at loggerheads with one another, were vegetating in a state of agony and it seemed only a question of time before there would be a fifth Balkan war, this time between Montenegro and Serbia. However, on 5 October 2000, after four wars, hundreds of thousands of deaths and millions of refugees and displaced persons, the last act - for now - of the "Yugoslav wars of succession" began. The presidential elections of 24 September 2000 heralded the end of the Milošević era. Against expectations, the Serbian opposition, up to that point hopelessly at loggerheads, was able to forge an alliance. In addition, the Democratic Opposition of Serbia (DOS), an alliance of 18 parties, chose a Serbian nationalist to run for President - Vojislav Koštunica - who had an excellent reputation among large parts of the Serbian population and was considered to have integrity. In the background, the Western-oriented and reform-minded Zoran Djindjić was pulling the strings. Despite massive manipulation at the polls, Milošević failed to contrive his own victory in this presidential election. Koštunica, who had already been celebrated for his election success, self-confidently rejected

6 Cf. Hansjörg Eiff, *The OSCE Mission in Kosovo*, in: Institute for Peace Research and Security Policy/IFSH (Ed.), *OSCE Yearbook 1999, Baden-Baden 2000*, pp. 283-288.

a run-off ballot scheduled for 8 October.⁷ The verdict of the Yugoslav Constitutional Court that the presidential elections were invalid and that an election rerun must be held before June 2001, was finally the straw that broke the camel's back. This verdict was all too clearly written in Milošević's handwriting undoubtedly indicating he was playing for time. Following this, the massive protests that had begun at the end of September intensified further. Finally, thousands of demonstrators stormed the Parliament on 5 October and occupied the state television station. Armoured tanks patrolled the streets of Belgrade. For a short period it seemed a bloody civil war was inevitable. To everyone's surprise, tank guns remained cold and the military stayed in their barracks. Not even the special police forces under the Ministry of the Interior, Milošević's Praetorian guard, shot at the demonstrators, but on the contrary fraternized with them. Most probably, it was thanks to primarily two men that the army was held at bay. These were the Chief of the General Staff, Nebojsa Pavković, who on behalf of the army leadership, *de facto* refused to obey the firing order and Momcilo Perisić, the Chief of the General Staff from 1993 to 1998 (and thus responsible, *inter alia*, for Srebrenica). However, the "éminence grise" and strategic head of the Serbian "October Revolution" was Djindjić who made good use of his contacts with the military, the security forces and the special police.⁸ On 5 October 2000, Slobodan Milošević stepped down from the political stage, the last socialist dictator to have out-lived the 1989 watershed in European history.

After the creation of a Serbian transition government and the formation of a Yugoslav government on 5 November 2000 under the leadership of the Montenegrin socialist Zoran Zizić,⁹ the democratic opposition also won a clear two-thirds majority in the early Serbian parliamentary elections on 23 November 2000. The DOS received 176 of the 250 seats in Parliament and was thus able to vote Djindjić the Serbian Prime Minister. (Milan Milutinović, accused as an alleged war criminal, still holds the office of Serbian President.)

7 According to information provided by the Yugoslav Election Commission, Koštunica received 48.2 per cent and Milošević 40.3 per cent of the vote. Because neither candidate had achieved the necessary absolute majority, a run-off election was necessary, the Commission argued. In contrast, according to the DOS, Koštunica had 54.6 per cent and Milošević only 35 per cent of the vote.

8 Djindjić was purported to have met with the Head of the Special Operations Unit (JSO), the "Red Berets" of the Serbian secret police, who assured him that his heavily armed police force would not obey a command to go into action against the demonstrators. Cf. Tim Judah, *Goodbye to Yugoslavia?*, in: *New York Review of Books*, 8 February 2001.

9 The creation of a Yugoslav government proved to be a difficult balancing act. The Yugoslav constitution stipulates that the Prime Minister must come from the smaller Republic of Montenegro if the President - as is the case for Koštunica - comes from Serbia. For this reason and in view of the boycott by Montenegrin President Milo Djukanović, the DOS had no other choice but to accept a Prime Minister from the ranks of the Socialist People's Party (SNP) of Montenegro - who had been loyal supporters of the Milošević socialists until a month before. However, apart from the office of the Prime Minister, the key positions in the cabinet were all taken by representatives of the Democratic Opposition of Serbia.

Nevertheless, the opposition victory in the Yugoslav presidential and Serbian parliamentary elections should not veil the fact that the DOS is still an alliance of 18 completely different parties led by extremist nationalists, Western-oriented reformers, trade unionists, members of ethnic minorities and many former supporters of the Milošević regime. The lowest common denominator has always been their hatred of Milošević and their common goal of a change in government. In addition, there is a more-or-less hidden power play between the Western-oriented pragmatist Djindjić and the romantic nationalist Koštunica. This became apparent with Milošević's arrest on 1 April 2001, which Djindjić had ordered without Koštunica's knowledge. Koštunica also claims he first learned of the former Yugoslav President's extradition to the Hague Tribunal on 28 June 2001¹⁰ after this event took place. The decision of the Serbian government to extradite Milošević, despite the fact that the Yugoslav Constitutional Court had issued a temporary injunction against this, led to a government crisis. The Yugoslav Prime Minister Zizić of the Montenegrin Socialist People's Party (SNP)¹¹ announced his resignation on the following day. Koštunica himself called the extradition of his predecessor "illegal and unconstitutional". His party, the Democratic Party of Serbia (DSS), abandoned the DOS coalition in the Serbian Parliament and demanded a cabinet reshuffle. Djindjić characterized the decision to extradite Milošević as a sovereign act of the Serbian government thus duping the Federal Constitutional Court and causing the federal government to collapse. The real motive behind the Milošević extradition, however, can be summed up by the phrase "exchange of war criminal for financial assistance": The price for the extradition of the former head of state to the Tribunal was paid as early as the following day at the international Donor Conference in Brussels to the tune of 1.3 billion US dollars. Although it is evident that Koštunica and Djindjić have their differences, both most likely have an interest in settling the government crisis. Due to the fact that they serve the interests of different clientele, they are both still dependent on each other as well as complementing one another. While Djindjić has pressed for reforms, Koštunica has been tasked with the "Serbian soul" - with the result that the Yugoslav President has broad support among the population while the Serbian Prime Minister has gained only limited sympathy.¹² The future success of the DOS is largely dependent on whether its two protagonists will be able to hold together its

10 The day Milošević was extradited, St. Vitus' Day (*Vidovdan*), is a day that seems to have been magically repeated throughout Serbian history. On 28 June 1389, the Battle of Kosovo ("Field of Blackbirds") - shrouded in legend - against the Ottoman conquerors took place. On 28 June 1914 the assassination of the Austrian heir to the throne started the First World War. On St. Vitus' Day 1989, Milošević began his ascent to power and the decade of the Balkan wars with a speech commemorating the 600th anniversary of the Battle of Kosovo. Thus it is somewhat ironic that the day Milošević was extradited to The Hague was also the 28th of June.

11 The SNP had formed an alliance with the Socialist Party of Serbia (SPS) until Milošević's fall in October 2000 and resisted his extradition till the end.

12 Cf. David Binder, Koštunica und Djindjić [Koštunica and Djindjić], in: *Blätter für deutsche und internationale Politik* 2/2001, pp. 153-158.

nationalist and pro-Western forces. However, there are strong indications that this latent power play will sooner or later break out into the open, particularly because the challenges facing the new leaders are monumental. Although a return to the old regime is impossible, there are still important institutions like the army, the special police and the intelligence service that are fighting for their legitimacy. In addition, there is an acute economic crisis. Thirteen years of Milošević and four defeats in war have turned Serbia into the poor-house of Europe. At the end of 2000, Yugoslav external debt totalled 12.2 billion dollars. The average monthly wage was under 90 German marks and the unemployment rate was 30 per cent. In many areas, Yugoslavia has reverted to the status of a third world country. This includes its wretched healthcare system as well as energy supply and transport infrastructure. There is still no shipping on the Danube because sections of bridges and mines prevent movement on that river. With the exception of some short intervals, the country has suffered nine years of economic sanctions. However, these have had a very different effect from that envisaged by the Western international community. The beneficiaries of this were primarily the Milošević clan and their close friends who controlled the highly lucrative smuggling business. In the end, the Serbian people were the losers.

In the meantime, the euphoria created by the change of government has evaporated and the revolution in Serbia has moved on to a tough period of transition.¹³ An economic upturn has been made more difficult by the fact that many highly qualified professionals left the country before the outbreak of the first armed conflicts at the beginning of the nineties. As a result, the new government has placed its hopes in the international community and primarily in rapid economic assistance within the framework of the EU and the Stability Pact for South Eastern Europe.¹⁴

Yugoslavia's Return to International Institutions

After almost ten years of isolation, the Federal Republic of Yugoslavia achieved a remarkably quick return and/or readmission to international organizations. The country's isolation came rapidly to an end. The Stability Pact for South Eastern Europe was the first international forum which accepted the country as a participant on 26 October 2000. This was followed by its readmission to the United Nations on 1 November.¹⁵ With the reactivation of the country's membership in the United Nations, the government in Bel-

13 Cf. Matthias Rüb, *Serbiens unvollendete Revolution* [Serbia's Unfinished Revolution], in: *Europäische Rundschau* 2/2001, pp. 15-21.

14 Cf. Hans-Georg Ehrhart, *The Stability Pact for South Eastern Europe - Strategic Success or Botched-up Bungle?*, in: *Institute for Peace Research and Security Policy/IFSH (Ed.), OSCE Yearbook 2000, Baden-Baden 2001*, pp. 163-177.

15 Yugoslav membership in the UN was suspended in 1992. Since then, they had sent a representative to this world organization, but did not have a seat there.

grade at the same time acknowledged the international obligations related to this. These include co-operation with the War Criminal Tribunal in The Hague derived from Article 25 of the United Nations Charter stating that all UN members are obligated to carry out the decisions of the UN Security Council, which had enacted the statute for the Tribunal.

On 10 November 2000, the OSCE Permanent Council bid the Federal Republic of Yugoslavia welcome to the Organization as the 55th participating State.¹⁶ In the name of President Koštunica, the Yugoslav Foreign Minister Goran Svilanović invited an OSCE rapporteur mission to Yugoslavia. The readmission of Yugoslavia to the OSCE was also the only bright spot at the Eighth Meeting of the Ministerial Council in Vienna on 27-28 November 2000, which was the first time in the history of the Organization that a Ministerial Council Meeting came to end without a common declaration by the participating States. There was merely agreement on a declaration on South-eastern Europe, which hailed the democratization of Yugoslavia.¹⁷ The newly elected President and guest of honour, Vojislav Koštunica in his speech reminded meeting participants that Yugoslavia had been one of the founders of the CSCE. Since then many mistakes had been made, but also in the West, an "unbiased view" on Yugoslavia had been lacking. Koštunica, who is an expert in constitutional law, confirmed the "inviolability of borders" and thus clearly rejected the endeavours to achieve independence on the part of Montenegro and the autonomous province¹⁸ of Kosovo, which officially still belongs to Serbia. Moreover, for the new fight against "classical terrorism" which had broken out on the southern border of Yugoslavia, the Yugoslav President demanded Western support against the Albanian Liberation Army of Preševo, Medvedja und Bujanovac (UCPMB). In his words, it was "crystal clear that KFOR and UNMIK (... had) failed" to secure the buffer zone and protect the borders with Kosovo and Macedonia. In addition, he advocated an "open Serb-Albanian dialogue" in which the OSCE "can help, but not act as an arbiter". In conclusion, Koštunica asked the OSCE to assist in monitoring the Serbian parliamentary elections on 23 December 2000, the "first truly fair and free vote in Serbia since World War II".¹⁹ In its declaration on South-eastern Europe, the OSCE welcomed the democratic change of government in Belgrade and expressed hope that the problems in South-eastern Europe

16 Cf. OSCE, Permanent Council, PC Journal No. 308, Decision No. 380, PC.DEC/380, 10 November 2000.

17 Organization for Security and Co-operation in Europe, Eighth Meeting of the Ministerial Council, Vienna, 27-28 November 2000, Vienna Declaration on the Role of the OSCE in South-Eastern Europe, reprinted in this volume, pp. 477-479, here: p. 477.

18 The decline of Yugoslavia began in 1989 when Milošević abolished Kosovo's and Vojvodina's autonomy. Up until the Kosovo war, there were no qualms about putting "autonomous" in quotation marks because the Albanians had no rights at all. Since the end of the war however "province" has to be put in quotation marks because Kosovo is only an integral part of the Federal Republic of Yugoslavia on paper. *De facto* it is quasi-protectorate of UNMIK and KFOR with its own currency, administration and jurisdiction.

19 8th Ministerial Council, Statement by the President of the Federal Republic of Yugoslavia, MC.DEL/81/00, 27 November 2000.

could be solved in a spirit of co-operation and trust. In addition, significant momentum was expected in the peace process in Bosnia and Herzegovina as well as the implementation of the Dayton Accords in the area of arms control policy.²⁰

Also the European Union set out to honour its promises, at least to a certain extent. A few days after the coup, the EU lifted most of the economic sanctions against Serbia. At its "Balkan Summit" in Zagreb on 24 November 2000, they welcomed democratic Serbia and pledged 200 million Euros for emergency relief there, which were to be spent primarily on the energy supply as well as food and medicines. At the end of January 2001, a further 220 million Euros were approved to support economic reforms. Moreover, for the entire region over the 2000-2006 period, of the 5.8 billion Euros originally pledged, at least 4.65 billion Euros were earmarked for the stabilization and association process and the asymmetric liberalization of trade was extended to the Federal Republic of Yugoslavia.

The next steps in Yugoslavia's return to the international institutions occurred in December 2000 when it joined the International Monetary Fund and the European Bank for Reconstruction and Development; in May 2001 it became a member of the World Bank. However, it was especially significant for the economic development of Yugoslavia that pledges were made at the international Donor Conference in Brussels on 29 June 2001. Due to Milošević's extradition, this conference, organized by the EU Commission and the World Bank, gained a new perspective. The West honoured his extradition by making the generous pledge of 1.3 billion US dollars in financial assistance.²¹ The US alone increased their original pledge from 105 to 182 million dollars. The EU calculates that at least four billion dollars will be required over the next four years. Yearly donor conferences have already been planned. In addition, a Stabilization and Association Agreement with the EU is being prepared and first contacts have even been established with the former enemy, NATO. Membership in the NATO institutions "partnership for peace" and the "Euro-Atlantic Partnership Council" will most likely be on the agenda soon. Thus the FRY has made a rapid return to international institutions and bodies. A new chapter in the co-operation between Belgrade and the OSCE is also reflected in the fact that an OSCE Mission to Yugoslavia has been established.

20 Cf. Vienna Declaration on the Role of the OSCE in South-Eastern Europe, cited above (Note 17), pp. 478 and 479.

21 However, 225 million Euros of the first tranche of EU aid totalling 300 million will go directly to the European Investment Bank to pay off existing Yugoslav state debts.

The OSCE Mission to the Federal Republic of Yugoslavia

On 11 January 2001, the Permanent Council passed the decision to establish an OSCE Mission to the Federal Republic of Yugoslavia.²² This was simultaneously the end of the Mission of Long Duration in Kosovo, Sandjak and Vojvodina, which in any case existed on paper only. On 15 January 2001, the OSCE Secretariat sent an expert team, a so-called "mission activation team" to Belgrade as advance commando including several specialists responsible for communications, personnel and information technology. On 17 January 2001, the Chairman-in-Office appointed the Italian Ambassador, Stefano Sannino, Head of Mission.²³ The Mission itself began work officially on 16 March 2001. The Romanian Foreign Minister and Chairman-in-Office during 2001, Mircea Geoana, formally presided over the opening ceremonies of the OSCE office in Belgrade. The Council of Europe representation is located in the same building. In this manner, these two organizations emphasized their intention to co-operate more closely on post-conflict rehabilitation, not only in Yugoslavia. The two Secretaries General, Ján Kubiš and Walter Schwimmer, had already exchanged "letters of co-operation" on 16 February 2001 in which the modalities of their co-operation were stipulated.

The OSCE Mission's tasks are comprehensive and multilayered. These include among other things assistance in the development of judicial and administrative systems founded on the rule of law. Legal security again is an indispensable prerequisite for international investment on which the country is highly dependent.²⁴ Financial assistance is also required to restructure and reform the police system. On 21 May 2001, the first phase of a multi-ethnic police training programme organized by the OSCE Mission to Yugoslavia and the Serbian Ministry of the Interior began in Bujanovac.²⁵ The creation and stationing of mixed Albanian-Serb police units is designed to contribute to easing the tensions in southern Serbia and building confidence. Further task areas will be the protection of human rights, the development of democratic institutions, free media and a functioning civil society as well as assistance in the return and integration of refugees. There are over 700,000 refugees and displaced persons from Croatia, Bosnia and Herzegovina and Kosovo in the FRY, most of whom are unemployed and without any prospects. The medium- and long-term goal is to return these displaced persons to their

22 Cf. OSCE, Permanent Council, PC Journal No. 315, Decision No. 401, PC.DEC/401 of 11 January 2001.

23 Cf. Permanent Council agrees on establishment of new OSCE Mission to Yugoslavia, in: OSCE Newsletter 2/2001, pp. 3-4.

24 On 10 April 2001, the OSCE and the Council of Europe jointly organized a workshop on judicial reform in the FRY where discussions were held on how legislation could be adapted to European standards.

25 Cf. OSCE Mission to the Federal Republic of Yugoslavia, First phase of multi-ethnic police training in Southern Serbia a success, 7 June 2001, http://www.osce.org/press_rel/2001/06/1787-fry.html.

homes. This in turn will require close co-operation with the OSCE Missions in Kosovo, to Bosnia and Herzegovina, and to Croatia.²⁶

In the face of the multitude of problems, the limited budget of 3.2 million Euros²⁷ and the small number of mission members, the OSCE can "only" help others to help themselves. The destiny and future of Yugoslavia are however enormously dependent on whether the new government can be successful in solving the open questions of the status and reform of the Yugoslav state system in a peaceful and co-operative manner. The OSCE Mission can make a contribution to this, it can do no more nor can it do less.

The Relationship with Montenegro - From a Federal State to a Confederation?

The flames darting out of the windows of the Yugoslav Parliament in Belgrade did not only announce the end of the Milošević era. The storm on the parliament building on 5 October 2000 simultaneously symbolized the end of the third Yugoslavia.²⁸ It is currently uncertain whether there will be a fourth Yugoslavia. Undoubtedly, both Koštunica and Djindjić are interested in maintaining the federation with Montenegro (and with Kosovo, at least formally as a part of Serbia). They know that the international community is on their side on both these questions but cannot necessarily be sure that realities will also be on their side. Although Kosovo and Montenegro as well as Serbia are still labelled as "Yugoslavia", the Montenegrin Republic and the formerly autonomous province are both striving for secession from Serbia. Even if Montenegro and Serbia come to an agreement on some form of relatively loose federation of the two republics, the name of this dissimilar confederation²⁹ would most likely not be Yugoslavia. Koštunica not only promised to improve relations with Montenegro but also announced the new state to be created would be renamed "Serbia and Montenegro". If however the Federal Republic of Yugoslavia should fall apart because of the secessionary endeavours of the constituent Republic of Montenegro, Koštunica would be left standing without a foundation: He would be the President of a state no longer in existence. The Montenegrin President Milo Djukanović however would

26 Cf. Branislav Milinković, The OSCE and FRY: the beginning of the new relationship, in: Helsinki Monitor 1/2001, pp. 21-29.

27 The budget approved for 2001 amounts to 3,174,900 Euro. Cf. OSCE, Permanent Council, PC Journal No. 315, Decision No. 402, PC.DEC/402 of 11 January 2001.

28 The three state formations which have worn the name Yugoslavia were the Kingdom of Yugoslavia (1929-1941), Tito's People's Republic of Yugoslavia (1945-1991) and Milošević's Federal Republic of Yugoslavia (1992-?), from which Kosovo (1999) has already *de facto* been detached in the form of an international protectorate. Also Montenegro has been going its own way since November 1997 when Djukanović was elected President.

29 There are 650,000 Montenegrins as compared to the approximately eight million Serbs. Cf. Dušan Reljić, Montenegros Kurssturz [Montenegro's Collapse in Prices], in: Blätter für deutsche und internationale Politik 6/2001, pp. 657-660.

have to win a referendum to achieve this and thereafter attain a two-thirds majority in the Montenegrin Parliament. However, in the parliamentary elections on 22 April 2001 Djukanović gained merely a pyrrhic victory. His "Victory Belongs to Montenegro" coalition won 36 of 77 seats while his opponents, who - under the scarcely less melodic name "Together for Yugoslavia" - campaigned to stay in the Federation won, all the same, 33 seats. Thus, the Montenegrin President felt forced to enter a coalition with the Liberal Party who won six seats and also supports independence for Montenegro enthusiastically. The election made clear how divided the Montenegrin people are on the independence question; a referendum on this was postponed until 2005.

At the same time international pressure is increasing on Podgorica not to resist joint reform of the Yugoslav state system any longer. Justifiably one is afraid that Montenegro's independence would encourage corresponding endeavours in Vojvodina, where there is a strong Hungarian minority, and could act as a precedent for Kosovo. What gives one the right to deny approximately two million Kosovo Albanians their independence if one grants it to the 650,000 Montenegrins? And this, all the more, against the backdrop that the Kosovars are almost unanimous in their desire for independence whereas among Montenegrins it is scarcely the majority. One thing is certain: "Yugoslavia" will be able to survive only if it becomes a completely reformed federalized state system. Whether and in what form Kosovo will become a part of this state is completely open.

The Tentative Status of Kosovo

The change of government and the democratization in Belgrade have not at all defused the situation in the southern Serb province of Kosovo, which according to UN definition is still part of Yugoslavia, but on the contrary, have made it even more muddled. For the West, this is a huge dilemma in view of the two irreconcilable positions. If it backs the Albanians striving for independence, this will weaken the democratic leadership in Belgrade. If it complies with Yugoslav desires, it must reckon with bitter resistance from the Kosovars. In other words: Neither of the two extremes, i.e. reunification with Serbia or immediate independence, is feasible at present. As a way out of the current impasse, the Independent International Commission on Kosovo chaired by Richard Goldstone recommended the concept of "conditional independence".³⁰ This would mean guaranteeing conditional independence with an option for state independence if certain conditions are fulfilled. However, the thesis that an independent Kosovo would be a stabilizing factor

30 Cf. The Independent International Commission on Kosovo, *The Kosovo Report. Conflict - International Response - Lessons Learned*, Oxford 2000, pp. 271-273.

in the region is more than doubtful.³¹ The prerequisite for independence would in any case be the unconditional implementation of human and minority rights. This includes not only stopping forced displacement, but also granting the 100,000 displaced Kosovo Serbs the right to return to their homes.

Another prerequisite would be obtaining Serbia's consent. At present however, neither Koštunica nor Djindjić are willing to let the Kosovars go - even though the bitter joke, the Serbs are ready to die for Kosovo, but not ready to live there, applies more now than it ever did. Even a democratic, federal Yugoslavia comprised of the four republics Serbia, Montenegro, Kosovo and Vojvodina is currently a rather improbable scenario because after their latest experiences the Kosovars would not even consider being part of a Yugoslav association of states.

Thus, this dilemma cannot be solved. For this reason, the international community is pursuing the same strategy it does in Bosnia: It is simply maintaining the status quo through a massive international military and political presence as well as the state of uncertainty this brings with it. This is in the hope that medium- to long-term perspectives will emerge, which are not yet visible. However, the normative power of the facts is likely to work in favour of the Kosovo Albanians. Thus, on 15 May 2001, the Head of the UN Interim Administration in Kosovo, Hans Haekkerup, introduced a "Legal Framework for Provisional Self-Government of Kosovo". After the parliamentary and presidential elections of 17 November 2001, Kosovo has made another step towards independence through the establishment of its own Parliament,³² President, government and regional self-governing administrations, even though these will remain under the executive and legislative power of UNMIK and there will be no referendum on independence in the near future. However, the cheap criticism that the international community is dodging the question of the definitive status of the province is an empty complaint. As long as the conditions for an independent and multi-ethnic Kosovo are not fulfilled, maintaining the status quo is not a sign of weakness, but a dictate of political wisdom - this is also true incidentally for Bosnia and Herzegovina.

The Crisis in Southern Serbia and its Settlement

In southern Serbia and Macedonia, Albanian extremists achieved the opposite goal of that in Kosovo where their strategy had been so successful since 1997 - i.e. a rapprochement between the Western Alliance and the Serbs. Former

31 Among others, Matthias Rüb advocated this thesis in the *Frankfurter Allgemeine Zeitung* of 20 February 2001. Also the former and now again President of Kosovo, Ibrahim Rugova, has never tired of emphasizing that the sooner Kosovo gains independence, the earlier peace will return to the region.

32 In this Parliament, there are 120 seats, 20 of which are reserved for the minorities of the Serbs (ten seats), the Roma and the Turks.

enemies became partners and the protégés of yesterday became the opponents of today. In the conflict with the Albanian guerrillas in southern Serbia, the NATO-led KFOR is working together with their former war enemy, Serbia. The Ground Safety Zone was originally created in June 1999 to prevent attacks by Serbian troops on KFOR. In the autumn of 1999, the Albanian UCPMB began using it as a deployment area. The Serbian police, who until March 2001 were only allowed to carry light weapons, were not able to contend with this situation and KFOR had no desire to do so. After the change of government in Belgrade, due to skilful crisis management, NATO and the Yugoslav government came to an agreement. In particular, it should be noted that the Yugoslav armed forces conducted themselves in a very circumspect manner. After the situation had escalated continuously during 2000, NATO agreed upon certain measures on 8 March 2001³³ and decided to gradually reduce the buffer zone between Kosovo and Serbia until they completely transferred the Ground Safety Zone to the Yugoslav government at the end of May 2001. Thus after 16 months, the struggle of the Liberation Army for Preševo, Medvedja and Bujanovac, a force of approximately 1,000 men, came to a peaceful end. Under joint pressure from Belgrade and NATO, the Albanian guerrillas committed themselves to disbanding their units. As a result of an atmosphere of trust leading to very good co-operation with KFOR, General Pavković did not even exclude the return of parts of the Yugoslav army to the Serbian enclaves in Kosovo. However, the peaceful solution to the crisis in southern Serbia is primarily thanks to the Deputy Prime Minister Nebojsa Cović, who negotiated a peace plan that also and for the first time took the rights of Albanians into consideration and offered the UCPMB fighters amnesty. Around 450 of them accepted this offer, but many of them simply exchanged the badges of the southern Serbian UCPMB for those of the UCK/NLA operating in Macedonia, where the insurrection of Albanian UCK/NLA extremists against Slavic Macedonians now also threatened to draw the last Yugoslav successor state, Macedonia, into the whirlwind of war, dissolution and secession.

Prospects

The fall of Slobodan Milošević created much greater euphoria in the West than in the region itself. Firstly, Slovenians, Croats, Bosniacs and Albanians cannot simply lay the wars with the Serbs to rest and secondly the states neighbouring Yugoslavia are afraid that now Belgrade will receive a larger share of financial assistance at their expense. Nevertheless, the return of the FRY to international institutions has created the prerequisite for the economic

33 Cf. Secretary General's Statement on North Atlantic Council Measures for Southern Serbia and the former Yugoslav Republic of Macedonia, NATO Press Release (2001)035, 8 March 2001.

revival and reintegration of South-eastern Europe.³⁴ The countries neighbouring Yugoslavia have also profited by the change of government in Belgrade and the end of the embargo. For Romania, Bulgaria, Macedonia and also Greece the shortest passages to the west and/or the north have been reopened. The Danube and also the Serbian highways are again becoming European trade routes. In addition, the infrastructure programmes within the framework of the EU and the Stability Pact will now become more effective. Moreover, Belgrade has finally distanced itself from the untenable position that the Federal Republic of Yugoslavia is the only legal successor to Tito's multi-ethnic state thus taking on the viewpoint of the rest of the successor states that the old Yugoslavia has dissolved and fallen into ruin. After establishing diplomatic relations with Slovenia as well as Bosnia and Herzegovina, negotiations could begin again on the distribution of assets and liabilities as well as the property and border issues inherited from the former Yugoslavia and are about to experience a breakthrough.

A necessary prerequisite for progress in the region is a reappraisal of the past, that is the crimes that were committed in the name of Serbs, Croats, Bosnians and Albanians. This also includes arresting war criminals and handing them over to the Hague Tribunal.³⁵ However one should not forget that the same Western politicians who have been gloating over Milošević's arrest now, tolerated the fact that the former leader of the Bosnian Serbs, Radovan Karadžić and his chief of the armed forces, Ratko Mladić were able to move around almost completely freely in Bosnia for years and to date they have not been captured. Milošević's extradition to the Hague Tribunal can be attributed to the massive pressure asserted by the US, which made their participation in the Donor Conference and further financial assistance dependent on this. Already Milošević's arrest on 1 April 2001 occurred primarily due to the fact that the US congress insisted that the alleged war criminal be apprehended before it would grant a loan.³⁶ Milošević is the first head of state who has to answer before an international court - an important step on the way to universally valid international law. The former Yugoslav President has been charged with war crimes against the Albanian civilian population during the Kosovo war. However, Chief Prosecutor Carla del Ponte has already an-

34 Cf. Marie-Janine Calic, Nach dem Machtwechsel in Jugoslawien. Gedämpft optimistische Aussichten für die Zukunft [After the Change of Government in Yugoslavia. Mutedly Optimistic Prospects for the Future], in: Internationale Politik 3/2001, pp. 21-26.

35 Since the establishment of the Tribunal in 1993, 46 alleged war criminals have been arrested or given themselves up. Of these 19 have been found guilty. There are currently cases against ten others. There are a total of 70 names on the UN Tribunal official prosecution list. Other alleged war criminals are on a secret UN Tribunal list privy only to the investigating authorities.

36 Although the US has made itself the executor of world justice in Serbia, they block certain actions the moment these appear to threaten their national interests. Up to now, the US Congress has refused to agree the treaty on the International Criminal Court - a logical and desirable further development to the Yugoslavia Tribunal - adopted by 120 states in Rome.

nounced that she will extend the charges to crimes that were committed in Croatia and Bosnia during the period from 1992-1995.

Protests from the Serbian people were not all that loud. Only 3,000 Milošević supporters protested in Belgrade against the extradition of their former head of state. The mood of the rest of the Serbian population ranged from relief to indifference. This is, among other things, most likely due to the fact that meanwhile also in Yugoslavia a public discussion on Serbian war crimes - which are no longer to be hushed up or concealed - has begun. However, the majority of Serbs still see themselves as innocent victims: victims of Tito, victims of renegade Croats, Bosniacs and Albanians, victims of NATO and, last but not least, victims of the Milošević clique. The complete failure of the greater-Serbia project and the catastrophe for the Serbian people resulting from this, could however lead to the country becoming capable of democracy and taking its place in the European international community.

While during the nineties Serbian nationalism was the greatest challenge for the international community, there is a lot that indicates Albanian nationalism will be the issue in the coming decade. Radical Albanians have built a network of terror that extends across all of Kosovo to northern Albania and from southern Serbia to Macedonia. Despite very intensive diplomatic efforts on the part of the EU, NATO and the OSCE, Macedonia is on the brink of a civil war. On 13 August 2001, the Macedonian grand coalition in Skopje signed a framework agreement, which provides for increased rights of participation for Albanians. On 22 August, the NATO Council decided to launch operation "Essential Harvest", making it the third NATO mission in the Balkans alongside SFOR and KFOR.³⁷ Within a period of 30 days, 5,000 NATO soldiers were to collect arms surrendered by the 2,000 to 3,000 fighters of the Macedonian UCK/NLA. Parallel to this constitutional changes were to be made in favour of the Albanians. After disarming the UCK/NLA, OSCE observers are to monitor that peace is maintained and offer assistance in the development and training of a multi-ethnic police force in Macedonia.

Whether disarming the UCK/NLA will be achieved within 30 days foreseen seems doubtful in view of the unpredictability of the situation. There are many factors indicating that the NATO mission in Macedonia will last a lot longer than originally expected.

EU and US policy towards South-eastern Europe is primarily guided by one of the Helsinki principles: i.e. no violent change of the existing frontiers. This is true of Serbia, Montenegro and Kosovo as well as Bosnia and Herzegovina, and Macedonia. The question of whether maintaining the existing frontiers in the region will bring more stability or whether new conflicts will emerge because of this, remains controversial. The voices for a great Balkan conference have increased. Naturally, this does not mean a "reprint" of the

37 NATO was already present in Macedonia with 3,000 KFOR soldiers. The British contingent with 1,800 soldiers made up the majority of the troops while the US had not provided soldiers, but offered reconnaissance and logistics.

Berlin Congress of 1878 when the Great Powers established borders arbitrarily. Instead, a second Helsinki Conference is under consideration where the classic baskets - security, economic co-operation and human rights - will be treated with the participation of all significant regional and international actors: a Conference on Security and Co-operation in South-Eastern Europe.³⁸ However, the question remains whether this kind of a conference would make sense. What kind of a contribution could a CSCSEE achieve that could not be realized within the framework of the Stability Pact for South Eastern Europe, the EU, the South-Eastern European Co-operation Process and not least within the framework of the OSCE itself? As far as the question of the inviolability of frontiers and the guarantee of human and minority rights are concerned, all OSCE participating States have already repeatedly committed themselves to upholding these principles.³⁹ It is not that further more or less binding declarations of obligation, communiqués or institutions are required, but rather already existing OSCE principles must be applied and implemented more consistently. In this respect, the sums of money necessary for the implementation and organization of such a conference would most likely be better utilized within the framework of the already existing institutional arrangements.

As much as it may seem like a platitude: Stability and peace in the Balkans can only be guaranteed through democratization as well as respect for human and minority rights. These are the OSCE principles that all the participating States committed themselves to. Nevertheless, the EU, the US and Russia will have no choice but to develop an overall strategy for South-eastern Europe.⁴⁰ The beginnings of this exist in the Stability Pact for South Eastern Europe, however further steps must be taken and especially more financial investment must occur. Despite the Macedonian crisis, the democratic change in Yugoslavia has provided better conditions for co-operation and integration in South-eastern Europe than ever before in the past ten years.

38 This recommendation has been made by, among others, Theo Sommer, *Ausweg, dringend gesucht* [Looking for a Last Resort], in: *DIE ZEIT* of 10 May 2001.

39 Cf. Bruno Schoch, *Achillesferse der Stabilität. Nationale Minderheiten auf dem Balkan* [The Achilles Heel of Stability. National Minorities in the Balkans], in: *Internationale Politik* 3/2001, pp. 37-42.

40 Cf. Carl Bildt, *A Second Chance in the Balkans*, in: *Foreign Affairs* 1/2001, pp. 148-158, as well as Karl Lamers/Peter Hintze/Klaus-Jürgen Hedrich, *Ordnung und Einverständnis. Der Balkan braucht eine selbsttragende politische Ordnung: die Südost-Europäische Union* [Order and Consent. The Balkans Requires a Self-Sustainable Political Order: The South-Eastern European Union], in: *FAZ* of 18 July 2001.