

SYLWIA GÓRA

ORCID ID: <https://orcid.org/0000-0002-8844-9528>

Separatism in the Balkans

ABSTRACT

The aim of the article is to analyze the separatist tendencies in the Balkans, which occurred after the end of the war in Yugoslavia, and reaching the Dayton Peace Agreement, in the light of international law. The article will present the most important antagonisms of ethnic character, which constitute examples of new generation of contemporary separatism: Serbian separatism in Bosnia and Herzegovina, a conflict with Albanian minority in Macedonia, Albanian-Serbian conflict in Kosovo. Separatism in the Balkans pose a threat to the security and stability of the relations in Europe.

While solving the research issue, the following research methods have been adopted: analysis, synthesis and case studies. The inquiry of the literature has enabled the confrontation of the author's own reflections with present research findings. The structure of the article consists of 7 parts: "Introduction", "The Balkan War", "Bosnia and Herzegovina after Dayton", "Macedonia (North Macedonia)", "Montenegro", "Kosovo", and "Conclusions".

Key words: separatism, the Balkans, war, the Dayton Peace, the European Union

INTRODUCTION

Reflections on separatism are usually based on the grounds of two notions – the nation and the state. A nation pursues and consequently tries to retain its identity or independence because sovereignty, or, to a lesser extent, autonomy, create the possibility of realisation of its interests. The exemplification of such an activity is a national secession, expressed in the thrive for the creation of a sovereign and independent state or joining some other entity [see: Ryabinin 2017: 5–9].

It is important to point at the difficulties in defining the term "separatism". It can manifest in various forms of different kind. Its dynamics does not depend only

on the group (i.e. ethnic groups) but is also shaped by the environment, i.e. other ethnic-national groups and other state organisms. To assess the magnitude and functions of this phenomenon it is important to consider its specific and historical circumstances. Therefore, one has to be cautious when making generalisations and comparing (classifying) similar phenomena, appearing in various historical periods, and fulfilling different functions [Dobrowolski 1995: 90–91].

The moderate factions of the separatist movements which accept democracy and the rules of law negotiate with the central government and use their prerogatives to extend the autonomy of their region. However, they leave some margin of discretion for changing the attitude when it is considered favourable. The aim of a stronger radical faction is the separation of a region and the collapse of the state, so in such a situation it is more difficult to reach a compromise. The aims, structure and methods of separatist movements are not identical.

A new entity may become the source of tensions when within the society some national minorities appear. Animosity towards minorities results in depriving of their basic individual and collective rights. The majority of modern separatist movements is justified on the grounds of discrimination practices aimed at ethnic minorities [see: Pamir 2020].

Separatist movements appeal to the rule of self-determination of nations as a foundation of their separatist aspiration. It is important to differentiate the internal self-determination – the right to take part in governing the country or a self-government – and external self-determination – the right to create own state [Czubocha 2012: 158; Pokalova 2010: 430]. Dominating ethnic groups do not take into consideration the fact that they created their own states by separating from the parent state by force. Serbia, for example, is opposing the independence of Kosovo, but Serbia itself was created on a similar rule, i.e. by secession from Turkey [Czubocha 2012: 190–191].

In such polities as [...] the United States the most numerous group (White Anglo-Saxon Protestants) were so hegemonic that it is hard to imagine any situation in which they could feel seriously threatened. The situation, however, is different in multinational states in which the dominant nation is an incomplete *hegemon* (e.g. Yugoslavia, Czechoslovakia). In such cases, a number of different historical situations can call into question the dominant nation's identification with the larger state. The prospect of federalization of a unitary state, for example, can lead to a reassertion of national particularism in the dominant nation. Grave international crises or negative historical experiences might reinforce suspicions among members of the dominant nation about the loyalty of peripheral nations to the state. In such situations, the dominant group can even question its unconditional commitment to a larger state. [Vujačić 2015: 296]

It is important to distinguish separatist fight from creating a new separatist state. The separatist fight as a civil war is not forbidden by the international law. However, in internal law it happens to be one of the heaviest crimes [Vujačić 2015: 176]. The

national groups inhabiting the Balkans are not free from various myths of greatness and power, which are the basis for theories of great and glorious Great Albania, Macedonia, Bulgaria, Serbia, Croatia or Romania [Piątek 2010: 88; Paruch 2016: 70–71].

THE BALKAN WAR

The military conflict in the Balkans had three periods: the collapse of Yugoslavia (1991–1992), war in Bosnia and Herzegovina (1992–1995) and in Kosovo (1999) [see: Górzna 2016a; Górzna 2016b]. The Socialist Federal Republic of Yugoslavia (SFRY) consisted of six republics: Serbia, including two autonomous regions: Vojvodina and Kosovo, Croatia, Macedonia, Bosnia and Herzegovina, Slovenia and Montenegro [see: Grdešić 2019: 28, 36–37, 39–41].

The first wave of separatism was the collapse according to the republican criterion and the creation of six sovereign states from the SFRY, which resulted in local wars in the majority of them. Only in Macedonia it was possible, at the beginning, to avoid the military conflict. The secession of Slovenia was moderate in severity as it resulted only in a few-day struggle against the Yugoslav People's Army [Sobczyński 2013: 224].

The declaration of independence by Slovenia, Croatia, Macedonia and Bosnia and Herzegovina contributed to the proclamation of the new Federal Republic of Yugoslavia (FRY) by the remaining republics under the leadership of Slobodan Milošević (1941–2006). The new state – dominated by the Serbians – undertook a series of military actions in neighboring republics aimed at uniting all Serbians in a “Great Serbia”. These actions were conducted until the Dayton Peace Agreement of 1995 was signed [Ramet 2002: 277–305]. Macedonia and Montenegro separated from Yugoslavia peacefully, but the difference was that Macedonia separated in 1991 from the SFRY and Montenegro from the FRY.

Serbia itself did not avoid the decentralist tendencies because even in the Yugoslavian period two autonomous districts were detached – Vojvodina and Kosovo Metohija. In the time of the Yugoslavian collapse separatist tendencies appeared also in these regions but the national composition of Vojvodina (9 national minorities with the dominant position of the Hungarians and a slight prevalence of the Serbians) resulted in a situation where no determination for fighting for more than an autonomous status appeared which actually was not endangered [Sobczyński 2013: 224]. The separatism which Serbia managed to deal with was the attempt of separation, also from Montenegro, the second historic cradle of Serbianness – the province of Sandžak, which is recently inhabited by the Muslim population. Even the autonomous aspirations announced in 1991 had not been taken into account [Sobczyński 2013: 225].

The disintegration of the SFRY took a course that surprised both European and global public. It was initiated by declarations of independence of the Yugoslavian republics and transformed into a military conflict lasting for a few years. Various

ethnic and religious factors, the dilemmas of inviolability of borders and self-determination of nations, the scope of potential interventions and the dispute of who should take care of the Balkans were impeding the effective reaction [Bieńczyk-Missala, Pronińska 2012: 279].

The Yugoslavian civil war gives an example of the everlasting Balkan antagonisms. The collapse of Yugoslavia did not solve all the problems of its national groups since the ethnic conflicts and national conflicts in the area still exist, and still obstruct the development of the newly created states. It demonstrates the lack of clarity according to the rules which the international community should apply when dealing with secessions. There was no agreement to the legal character of the collapse and the practical approach to the creation process of the new states [Woodward 2020; see: Chomsky 2018: 50–76]. This crisis was focused on the problem of Serbian, Croatian and Slovene relations and the international community “declared itself happy with what were only partial solutions, ignoring that the problems of all six republics were inextricably bound up with one another” [Glenny 2012: 635].

On June 25, 1991, Slovenia and Croatia proclaimed independence. While only a sparse population of Serbians lived in Slovenia, a lot more of them resided in Croatia, especially in eastern Slavonia and the region of Krajina, located near the border with Bosnia. Croatian Serbians, supported by the Yugoslavian army, opposed the Croatian independence. In autumn 1991, the city of Vukovar in Slavonia was under siege and bombed by Yugoslavian army for three months. The city was completely destroyed. It was the beginning of the Balkan war [Ghesquière 2017: 24; Kuczyński, Ray-Ciemięga 2000: 29–41; Šećibović 2005: 123; Bjelajac, Žunec 2009: 230–270].

When it turned out that the independence aspirations of Yugoslavian republics resulted in the escalation of military actions on a larger territory, the decision of intervention was made (NATO, USA). Due to the lack of determined actions of international community in the time when the warfare could have been constrained, the violence escalated. The United States of America treated the Balkan conflict as an internal European conflict and for a long time its administration denied the need of involvement. It considered that the European Economic Community (EEC) is responsible for the European stability. The EEC, and later the EU, was not able to stop the warfare. Only the failure of the EU policy and the ineffectiveness of UN actions, convinced of the necessity of determined actions such as NATO military operation and political engagement of the USA [see: Committee on Armed Services, U.S. Senate 2000].

Bosnia and Herzegovina was characterized by the most complicated ethnic structure of all Yugoslavian republics: the Bosnians represented 43.7% of the population (Islam), Serbians 31.3% (Orthodox) and Croats over 17.3% (Catholics). Bosnian Muslims are considered as a separate nation both from a religious and a national perspective [Klemenčić 1995: 91]. Before it was recognized, many debates and discussions about the future of their republic had aroused, mostly among the newly created political parties basing on the ethnic identity [Bieńczyk-Missala, Pronińska

2012: 280–281]. Its disintegration was caused by three factors: 1) multiethnic character of the country, with deep antagonisms and strong national ambiance; 2) unnatural, artificial character of the state, imposed by the external factors; 3) lack of integrity resulting from the advanced decentralization and a vague division of competences among various institutions [Bichta, Wichmanowski 2013: 421].

According to Marek Waldenberg, there were several possible solutions for Bosnia and Herzegovina after the recognition of Slovenia and Croatia, none of them simple from the practical point of view: 1) division into two parts and joining one of them to Serbia and the other to Croatia; 2) division into three parts and the creation of an independent Muslim state from the part left after the split with the Serbian and Croatian parts; 3) creation of the confederation of Bosnia and Herzegovina or a structure between a federation and a confederation of the three national states; 4) creation of a unitary state [Waldenberg 2003: 157–158].

Similarly to the case of Croatia, the secession of Bosnia and Herzegovina led to a military conflict in which the most important factors were the disapproval from Belgrade and the ethnic mix on the territory of Bosnia and Herzegovina, preventing the satisfactory delimitation of borders. The old antagonisms came to life and led to the civil war [Bichta, Wichmanowski 2013: 418; see: Gibbs 2009: 106–140].

The first incidents happened even before the Bosnia and Herzegovina independence referendum (February 29, 1992 and March 1, 1992). It was boycotted by the Serbians [Składowski 2017: 112–113]. On March 3, 1992, Bosnia and Herzegovina proclaimed independence and then on March 27, 1992, independence was proclaimed by the Serb Republic with the capital in Banja Luka (named that way to distinguish from the Republic of Serbia), having the objective of joining with the new Yugoslavia (consisting of Serbia and Montenegro which was proclaimed on April 27, 1992) and the Republic of Serbian Krajina. On the other hand, on July 7, 1992, the Bosnian Croats proclaimed the Croatian Republic of Herzeg-Bosnia [Radan 2002: 183–187]. After its proclamation the initial fights between Serbians and Bosnians alongside Croats turned into the fights among all three groups. The fights involved the neighboring countries of Croatia and Serbia [Timofiejuk 2006: 149; Eberhardt 2005: 91–97].

During the war, the Serb Republic became a state being fully independent from Sarajevo, although it was not recognised by international community. The legal foundation of its existence was the constitution adopted on February 28, 1992 by the *Skupština* of the Serbian People [see: *Constitution of Republika Srpska 2018*]. It was supposed to be a monoethnic state of the Serbian people living in Bosnia and Herzegovina. The decisive influence for its political and constitutional shape remained in the hands of the Serbian Democratic Party using the nationalist rhetoric and warning against the threats from the Muslims and Croats [Krysieniel 2012: 203].

The Dayton Peace Agreement, formally signed on December 14, 1995 in Paris, changed the existing political system, which installed the multiparty republic with bicameral parliament (the Citizens Council of 130 seats and the Council of Municipi-

palties of 110 seats) and the Presidium of the Republic, consisting of three people: a Serb, a Bosnian and a Croatian. The constitution of the Republic of Bosnia and Herzegovina [see: *Constitution of the Federation of Bosnia and Herzegovina 2018*], annexed to the General Framework Agreement for Peace in Bosnia and Herzegovina, introduced the parliamentary-committee system [Timofiejuk 2006: 151; Muš 2013: 91–120]. The Dayton Peace Agreement did not guarantee the creation of a multi-cultural society in the area, which for many ages was torn ethnically and religiously [Gibas-Krzak 2016: 195; Dahlman, Tuathail 2006: 652–654]. The Dayton documents are complex and contradictory and “they have been interpreted both as a blueprint for partition and for consolidation of a unitary state” [Glenny 2012: 651].

The creation and activity of the Kosovo Liberation Army (KLA) contributed to the growth of tension. From 1996, the KLA was militarily acting against the Serbian administration and the police, not refraining from using terrorist methods. At the beginning of 1998, the fights escalated and on February 28, the Serbian troops entered. An international protectorate under the aegis of the UN was formed. Military intervention without the authorization of the UN Security Council led to the factual secession of Kosovo from Serbia. From the perspective of the previous UN practice according to secessions, the western intervention in Kosovo was illegal due to the fact that it led to the violation of territorial integrity of a national state. However, its consequences have been “legalized” by the international community with the reservation that it was an exceptional case [Czubocha 2012: 167–168].

In Kosovo, gross violation of human rights on mass scale took place. In such situations international law referring to the human rights authorizes the international community to intervene in order to prevent further violations. The minorities fighting for biological survival have the right for secession as the remedy to the most serious crimes such as homicide and mass ethnic cleansing [Czubocha 2012: 183–184].

NATO members justified their actions by the necessity of avoiding a humanitarian disaster as well as the threat for peace and international security. However, the intervention took place without an explicit authorization of the UN Security Council. This intervention may be treated as a precedent reflecting the formulation of a customary norm, according to which the mass human rights violation authorizes the use of force when the Security Council is not able to act effectively [Czubocha 2012: 221–222]. The end of the war came on June 20, 1999 when the last Serbian units retreated from Kosovo. After ceasing the military actions and entering the NATO troops into Kosovo the Albanian refugees started to return from the camps in Albania, Montenegro and Macedonia [Górzna 2016b: 181].

In October 1992, the UN Security Council established the Commission of Experts to investigate war crimes in the former Yugoslavia, which started its activities in November 1992 and concluded its work in April 1994.

On the basis of the information gathered, examined and analysed, the Commission has concluded that grave breaches of the Geneva Conventions and other violations of

international humanitarian law have been committed in the territory of the former Yugoslavia on a large scale, and were particularly brutal and ferocious in their execution. The practice of so-called “ethnic cleansing” and rape and sexual assault, in particular, have been carried out by some of the parties so systematically that they strongly appear to be the product of a policy, which may also be inferred from the consistent failure to prevent the commission of such crimes and to prosecute and punish their perpetrators. [Cherif Bassiouni 2017]

In 1993, the Security Council decided that “an international tribunal should be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991” [Cherif Bassiouni 1994: 281]. Milošević was accused of causing armed conflict in Kosovo, Croatia, and Bosnia and Herzegovina. He died on 11 March 2006 and three days later, the Trial Chamber terminated proceedings against the accused [see: *United Nations International...*].

BOSNIA AND HERZEGOVINA AFTER DAYTON

The contemporary Republic of Bosnia and Herzegovina in its current structure came to being on the grounds of the Dayton Peace Agreement [*The General...*]. On the one hand, the treaty managed to stop the military actions, but on the other, it sanctioned the ethnic division of Bosnia and Herzegovina [Bieńczyk-Missala, Pronińska 2012: 281]. It practically authorized the internal division of the country to the Federation of Bosnia and Herzegovina and the Serb Republic [Hladky 2008: 17]. The issues of: dealing with war crimes, problems with nationalisms, racial and ethnic segregation and the return of refugees were not solved. Moreover, the foundations of a modern democratic state were not created [Bichta, Wichmanowski 2013: 422].

It is important to point to a paradox because in the state consisting of two administration entities – the Federation of Bosnia and Herzegovina and the Serb Republic – the highest is the Office of the High Representative in Bosnia and Herzegovina (OHR) which is an institution of informal protectorate of the international community in a sovereign state – a solution unique on a global scale [Gibas-Krzak 2011: 123–124]. On the grounds of so-called “Bonn Powers” of 1997, which were added to the peace agreement from 1995, its competences in relation to the legislature and the executive were even widened [Banning 2014: 259–302].

For Bosnian elites, the aim is to create strong state structures and a gradual liquidation of the administrative entities, and in their opinion, Bosnia should be divided into regions. Croatian elites accept the subjectivity of Bosnia and Herzegovina, however, they demand a separate administrative entity for themselves. Bosnian Muslims and the international community claim the creation of a single Bosnian nation, build on the grounds of citizenship, and not ethnicity [Sochacki 2015: 226–227].

The EU focused on financial aid for the Balkans running programs aimed at reducing tensions between the minorities (escalation could destabilize the region) and rebuilding of the region after the war. The EU is also an active participant of civilian and military missions. However, a number of shortcomings appeared, like the lack of experience in running civil and military missions. Some operations are conducted prematurely [Pieróg 2016: 53, 60, 69].

In 2005, Bosnia and Herzegovina started negotiating its association with the European Union. On June 1, 2015, the Stabilization and Association Agreement between the EU and Bosnia and Herzegovina came into force. This decision was made to strengthen the relations with the EU and to encourage the country to further social, economic and political reforms, necessary for the future integration with the EU [*Bośnia...*]. On February 15, 2016, the country applied for the membership in the Union. It was recognized that the lack of further integration could generate more problems, social and ethnic conflicts and contribute to the increase of Russian influence in this region [Gibas-Krzak 2016: 194]. On 18 June 2019, the General Affairs Council adopted conclusions on enlargement, stabilisation and association process, covering Bosnia and Herzegovina [see: *General...*].

In 2015, the Bosnian Constitutional Court delegatized the annual (organized from 1993) Serb Republic Day celebrations. The court took the view that it discriminates the Croatians and Bosnians living in the Serb Republic. Milorad Dodik, president of the Serb Republic, organized the referendum for the preservation of the celebration despite protests from Sarajevo, the UN and the EU. By doing so he undermined the constitutional order resulting from the Dayton Peace Agreement. One regiment of the Bosnian army was involved in the celebration. It arrived in Banja Luka by the order of Mladen Ivanić, head of Presidium of Bosnia and Herzegovina, a Serbian [*Nielegalne...*].

In the interview for “Politico”, Dodik said that there would be no secession referendum in 2018 as proposed by the ruling Party of Independent Social Democrats. Despite the western accusations of a stimulation of Serbian nationalism by Moscow, he ensured that he never spoke about the secession with Vladimir Putin. He described Bosnia and Herzegovina as “a failing state” and criticized the EU which in his perspective “has disappeared”. All in all, he indicated not to refuse the perspective of secession [Dodik 2018].

It is important to emphasize that if a model of coexistence in a multicultural society is to be elaborated on the grounds of historic and political experience of Bosnia and Herzegovina, a consensus between all nations and communities of the country needs to exist.

MACEDONIA (NORTH MACEDONIA)

Macedonia (in the international forum presented as “Former Yugoslav Republic of Macedonia” – FYROM) came to being in 1991 after the collapse of Yugoslavia. According to the preamble to its constitution of 1991, the Republic of Macedonia was established as “a national state of the Macedonian people in which full equality as citizens and permanent coexistence with the Macedonian people is provided for Albanians, Turks, Vlachs, Romanies, and other nationalities” [*Constitution of the Republic of Macedonia*]. According to Jeton Shasivari (South East European University, Tetovo, Republic of Macedonia) this period was

[...] characterized by the adoption of the Constitution of the country that passed without proper inter-ethnic consensus, i.e. RM foundation itself as a sovereign and independent state was singled out by nationalist exclusivity of Macedonian politicians versus Albanian politicians requirements for the Albanian people as a constitutive subject of the country’s constitutional and political system. Consequently, the Constitution of the RM did not gain the support of the Albanian MPs from the Democratic Prosperity Party (DPP) and the People’s Democratic Party (PDP), which disagreed with the concept of the national minority status for Albanians. All this was a reflection of the prevailing attitude at the time that the Constitution necessarily must be adopted (impose) at any price, even despite the dissatisfaction of Albanian politicians because it meant the imposition of the will through the tyranny of the majority. [...] [T]he main protagonists of the time, admit that it didn’t exist visionary outlooks for the rights of Albanians in the country namely that the Constitution was a big mistake or that do not clearly told what Macedonia would be constructed in the future. [Shasivari 2013: 191–192]

Shasivari proposes

[...] the promotion of Federalism in scientific, political and democratic way as amodel of territorial (vertical) split of state power in the center through a process of replacing of the existing Constitution with the new one, because the Federalism provides an efficient governance with ethnic, religious, cultural, historical, social and political diversity in countries where it functions, and fully respond to the main circumstances of Republic of Macedonia. [Shasivari 2013: 203]

One of the biggest problems of the country was the Albanian separatist tendencies, fueled by the events taking place in neighboring Kosovo. In 1992, the Albanians proposed the creation of an independent republic of Illiryda within the Macedonian state, and in 1993, they were preparing a military takeover, which was detected [Gibas-Krzak 2009: 41–42]. Albanian aspirations concerning the Macedonian lands are less known due to the late awakening of their national identity.

The presence of Albanian minority greatly influences the internal situation and foreign politics. In 2001, in the effect of an Albanian rebellion, terminated due to the EU, NATO and OSCE negotiations, Macedonia practically became an international protectorate [Gibas-Krzak 2011: 122]. On the grounds of the Ohrid Agreement signed on August 13, 2001, the Albanian minority was granted some privileges. The term “national minority” was abandoned and was substituted by terms such as “nations” or “ethnic communities” due to the appropriate changes in the constitution [*Framework...; Amendments...*]. The agreement covered the recognition of the Albanian language as the second official language, equal access of the Albanians to positions within the administration, the police and the army as well as the creation of a commission for the interethnic dialogue [Dymarski 2001: 220].

Since independence, the Republic of Macedonia began the process of social and political transformation. In 2005, FYROM achieved the status of a candidate for the EU membership. Despite the riots of 2001, the government managed to persuade the EU of its aspiration for democratisation of the country [Karadzowski, Adamczyk 2015: 27, 29].

The integration of both communities is still facing some serious problems and the Albanian side is complaining of discrimination. In 2012, a series of fights on the ethnic grounds between the Macedonians and the Albanians took place. The majority of the society is anxious that a new conflict within the country may break out [Fleischerowicz 2012]. Albanian separatist sentiments are still growing and in the last few years a new crisis arose, initiated by the Albanian activists. In April 2017, Macedonian ministry of foreign affairs officially accused Albania of interference in the internal political affairs. A month before that president of Macedonia Gorge Ivanov announced that the demands of the Albanian minority posed the biggest threat to the sovereignty and unity of his society [Carpenter 2018].

On June 12, 2018, Macedonia’s Prime Minister Zoran Zaev and the Prime Minister of Greece Alexis Tsipras confirmed the agreement on the change of name of Macedonia to the Republic of Northern Macedonia, in short North Macedonia (Prespa Agreement). Athens had been blocking Macedonian negotiations with the EU for many years because of the name of this state. No more than 37% of the Macedonians took part in the referendum of September 30, 2018 to decide about the change of the state’s name. According to law, the referendum is therefore invalid [Kokot 2018], but despite this, the Macedonian parliament pushed through the necessary constitutional changes, and on January 25, 2019, the Greek parliament approved the agreement. It came into force on February 12, 2019 [*Statement...*].

On June 26, 2018, the European Council adopted conclusions in which it decided to positively respond to the progress of Northern Macedonia and set the way for negotiations to start in June 2019, depending on progress in key areas, such as judicial reform, intelligence and security services reform as well as public administration reform [*Council Conclusions on Enlargement and Stabilisation and Association Process, 26 June 2018*]. On March 24, 2020, ministers for European affairs gave

their political agreement to the opening of accession negotiations with Albania and the Republic of North Macedonia [*Video...*]. On March 26, 2020, the members of the European Council endorsed the conclusions regarding enlargement, stabilization and association process [*Council Conclusions on Enlargement and Stabilization and Association Process – Albania and the Republic of North Macedonia*].

By ending the dispute over the name of the country in June 2018, representatives of NATO member states signed a protocol on the accession of North Macedonia to NATO on February 6, 2019 [*NATO...*]. The accession protocol came into force on March 19, 2020, allowing North Macedonia to deposit its documents of accession and thereby become the 30th member state of NATO on March 27, 2020 [Živković 2020].

MONTENEGRO

Montenegro is a proof that independence can be gained by peaceful means and with the acceptance of international community. The EU expressed its doubts that this independence might have led to the outbreak of another conflict in the Balkans, which actually occurred. As a result of the referendum of May 21, 2006, Montenegro officially separated from Serbia. The Republic of Serbia became a legal successor of the union of states. On June 3, 2006, the parliament of Montenegro proclaimed the independence. However, on June 22, 2006, Podgorica (the capital of Montenegro) established the diplomatic relations with Belgrade. For the existence of the country, it was important that its independence was recognized by both Russia and the USA. The independence of Montenegro made it difficult to keep Kosovo within the Federal Republic of Yugoslavia. The secession of Kosovo had a destabilizing effect on the international situation and has caused that the threat of separatist tendencies in the Balkans is increasing [Podgórskańska 2010: 8; Gibas-Krzak 2011: 128].

In 2003, Yugoslavia was renamed to Serbia and Montenegro – a loose federation of two republics with a common federal parliament. The agreement was set to be in force for at least three years and after that time Belgrade and Podgorica had to decide about remaining in the political relationship. Montenegro demanded independence after the termination of the agreement [Bichta, Wichmanowski 2013: 405].

The development of the situation in Kosovo had a huge impact on the future of Montenegro. On October 15, 2017, a so-called stabilization treaty was signed with the EU and on April 23, 2009, the Council of the European Union accepted the application of Montenegro to become a member of the EU [Gibas-Krzak 2011: 129]. In December 2010, Montenegro received an official status of a candidate for the membership in the European Union and on June 5, 2016 it became the member of NATO.

KOSOVO

Kosovo was an autonomous province of Serbia which from the times of constitutional changes of 1974 had a status comparable to the federal republics. It was inhabited in 77.4% by Albanians. The number of Serbians was dropping gradually which was related to the lower birthrate and emigration from Serbia, mainly for economic reasons, but also because of the increasing nationalist tensions. Kosovo's autonomy was liquidated by the Yugoslavian government in 1989 but it did not reduce the separatist sentiments. The situation led to further repressions from the central government. Albanian schools were closed, newspapers prohibited and the opposition activists were repressed [Bieńczyk-Missala, Pronińska 2012: 282]. In March 2004, a series of the most brutal attacks on the Serbians and KFOR forces since 1999 took place, carried out by the KLA [Gibas-Krzak 2011: 120].

On the one hand, the Albanians constitute the majority of this province and they refer to the demographic evidence for governing the region. On the other hand, the Serbians claim they have historical rights to Kosovo as it is the cradle of their statehood. Both sides of this conflict are relentless and it is impossible to reach a compromise.

On February 17, 2008, the parliament of Kosovo passed a twelve-point declaration of independence [see: *Kosovo Declaration of Independence*], which was boycotted by 11 Serbian members. The states of the world recognizing Kosovo, including some EU states and the USA, acknowledged the declaration of independence as a final act of Yugoslavian collapse, establishing a foundation for the peaceful cooperation in the Balkans. The states of the world which opposed the secession acknowledged this act as non-compliant with the international law, as the token of the domination of the western states which created a danger precedent and a threat to global security [Podgórskańska 2010: 8; Gibas-Krzak 2011: 128]. Independence of Kosovo was recognized by some Balkan states, i.e. Albania, Bulgaria, Croatia and Slovenia. Bosnia and Herzegovina, Greece, Romania and Serbia did not recognize it and Macedonia and Montenegro eventually did it on October 9, 2008 [Harland 2010: 75].

It must be emphasized that in the circumstances of establishing independent states of Kosovo and Bosnia and Herzegovina both of the countries do not have a full sovereignty but are international protectorates, in which democratically elected authorities are subjected to the commissioners appointed by the international organizations who have a conclusive voice even over the parliamentary bodies of these countries [Sobczyński 2013: 225].

On October 10, 2008, the case of Kosovo was taken to the International Court of Justice (ICJ) in the Hague. The Belgrade government via the General Assembly of United Nations asked the Court if the Albanians' decision on Kosovo's independence was legal [Ker-Lindsay 2020]. In its justification the Court stated that proclamation of Kosovo's independence was not illegal and declared that international law does not contain "the prohibition on declarations of independence" [*Trybunał...*].

On November 26, 2008, the UN Security Council decided to gradually substitute the UNMIK (United Nations Interim Administration Mission in Kosovo), which is the civilian administration of Kosovo, by an EU mission (EULEX – European Union Rule of Law Mission in Kosovo). It started its activities on December 9, 2008 which means establishing a dual power because the UNMIK supervises the Serbian administration and EULEX supervises the Kosovan (Albanian) administration [Gibas-Krzak 2009: 102].

Serbians in Kosovo (most numerous in 4 Serbian municipalities in the north of the province) are reluctant to cooperate with and get involved in the activities of Kosovan state institutions and only follow the Serbian law. An important example of such an attitude was the general election held in May 2010 under the auspices of Belgrade. This situation poses a threat of a collapse of the province and a split into two parts. Albanian government in Prishtina (the capital city of Kosovo) emphasized that they would gladly dispose of the northern part of Kosovo in exchange for the Preševo Valley in southern Serbia, inhabited in 2/3 by Albanians, whose separatist aspirations are dangerous for the territorial integrity [Gibas-Krzak 2011: 120].

In March 2010, a conference concerning the security of western Balkans took place. It was not attended by the president of Serbia, Boris Tadić, not approving the presence of Kosovo representatives. According to Belgrade's *raison d'état* it could participate only as Kosovo-UNMIK [see: *United Nations Mission...*], but it was not accepted as such by the conference organizers – Croatia and Slovenia [Gibas-Krzak 2011: 121].

Yet, in 2005, Serbia started the negotiations for associating with the EU.

To achieve this, it was compelled to concede that Kosovo's government could be represented at regional meetings and would not require the mediating signature of UNMIK for official agreements. In exchange, Prishtina accepted that its official name would carry the suffix * (a first in diplomatic history) which referred to the footnote '*'. This designation is without prejudice to positions on status and is in line with UNSC Resolution 1244 and the ICJ Opinion on the Kosovo Declaration of Independence'. [Glenny 2012: 685]

In April 2008, it signed the Association and Cooperation Agreement and in December 2009, applied to become a member of the EU. In October 2011, the European Committee recommended granting the candidate status to Serbia to the European Council. Since March 2012, Serbia is officially a candidate [Bichta, Wichmanowski 2013: 406]. A Stabilisation and Association Agreement between the EU and Serbia entered into force in September 2013. The first Intergovernmental Conference took place on January 21, 2014, signalling the formal start of Serbia's accession negotiations [*European...*].

A visit of the president of Russia Vladimir Putin in Serbia in 2014 showed that Moscow is interested in securing its interests in the Balkans. The Russia's policy toward Serbia is getting more and more intensive but it is also more active towards the

Serbian minorities in neighbouring countries such as Bosnia and Herzegovina, Montenegro, and Kosovo, fitting in the broader plan for inhibition of the integration of the Balkan states with NATO and the EU [Szpala 2014: 1]. Early parliamentary elections in Serbia from April 24, 2016 have been won by the right-wing Serbian Progressive Party of Prime Minister Aleksandar Vučić winning the support of 48%. Co-governing of Vice Prime Minister Ivica Dačić reported a slight drop of support finishing with 11% of votes. What is alarming is the fact that the elections have strengthened the nationalistic pro-Russian right wing: the Serbian Radical Party (SRP) gaining 8% and ideologically similar DSS-Dveri (with 5%) [*Przedterminowe...*]. Aleksandar Vučić, Serbia's prime minister and the leader of centre-right Serbian Progressive Party, won the presidency on April 2, 2017. He emphasizes a firm EU integration course announcing Serbia's accession to the EU between 2020 and 2025.

A lot of anxiety was caused in Macedonia, Serbia, Montenegro and in Brussels by the words of Albanian Prime Minister Edi Rama from April 2015 who declared explicitly: "The unification of Albania and Kosovo is inevitable, whether in the European Union or outside the Union" [Górny 2017]. Kosovo is a reminder that the peace in the Balkans requires a constant interest.

CONCLUSIONS

To sum up, there is no universal formula to solve the issue of separatisms as in every case there are different circumstances which must be taken into consideration. We cannot talk about the cultural pluralism in the Balkans which would secure the interests of the nation state as well as the national minorities. Separatism is a dynamic process related to the change of borders of the existing states and the creation of new countries. It can turn into civil wars. Often the goal of separatists is to establish their own homogenous ethnic "greater states". Separatist tendencies are developing in the Balkans, and two developing nationalisms – Serbian and Albanian – play a key role as it is unknown whether an international society will manage to maintain the state of peace in the above-mentioned countries. The disintegration of Yugoslavia unleashed centrifugal forces that could intensify instability throughout the region. The policy-makers showed themselves unprepared for the solution of crisis in the Balkans.

The enlargement of the EU will contribute to the development of the Balkan states but first the solution of the nationality and ethnic issues in former Yugoslavia is required. The faster the integration of the former Yugoslavia with the EU, the more stable the region of the Balkan Peninsula will become. Major efforts should therefore be undertaken to accelerate the process of the integration of all these states with the EU and into the security structures of NATO. The task remains uncompleted.

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BIOGRAPHY

Sylwia Góra, Dr hab., Professor at the Pomeranian University in Słupsk, the Institute of Security and Management. In 2013, she published a monograph *Children of Abraham. Dialogue of the Catholic Church with Islam and Judaism in Poland during the Pontificate of John Paul II (1978–2005)*, in 2015 – an anthology *John Paul II on the Presence of Islam and Muslims in the Countries of the European Union. The Selection of Documents*, and in 2016 – an anthology *John Paul II in the Face of the Armed Conflict in the Balkans. Papal Documents*, and a monograph *John Paul II's Involvement in Solving the Armed Conflict in the Balkans*. In 2018, she published a habilitation thesis *John Paul II on the Presence of Islam in the European Union. Contexts of Political Science of Religion*. Her research interests include: philosophy of dialogue, intercultural and interreligious dialogue, international relations, political science of religion. E-mail: sylwia.gora@apsl.edu.pl