

[Nebojša Vladislavljević](#)

Yugoslavia's successor states

Book section

Original citation:

Originally published in Calvert, Peter, *Border and territorial disputes of the world*. London, UK : John Harper Publishing, 2004, pp. 390-398.

© 2004 [John Harper Publishing](#)

This version available at: <http://eprints.lse.ac.uk/5371/>

Available in LSE Research Online: June 2008

LSE has developed LSE Research Online so that users may access research output of the School. Copyright © and Moral Rights for the papers on this site are retained by the individual authors and/or other copyright owners. Users may download and/or print one copy of any article(s) in LSE Research Online to facilitate their private study or for non-commercial research. You may not engage in further distribution of the material or use it for any profit-making activities or any commercial gain. You may freely distribute the URL (<http://eprints.lse.ac.uk>) of the LSE Research Online website.

This document is the author's submitted version of the book section. There may be differences between this version and the published version. You are advised to consult the publisher's version if you wish to cite from it.

Yugoslavia's Successor States*

Nebojša Vladislavljević (LSE)

Since the end of the Cold War there has been a striking change in the nature of territorial disputes in the western part of the Balkans. Earlier the parties to unresolved territorial issues were socialist Yugoslavia and its neighbouring states, in both East and West. Since the collapse of communism and the Yugoslav federation, the external borders of its former republics have been uncontested, including those borders that are not well established historically. Instead territorial disputes broke out between its successor states. At the time when other former socialist states in Eastern Europe worked hard to join the European Union, the former Yugoslav republics and emerging rebel statelets fought brutal wars over territory. Since then the conflicts have largely subsided. At present no significant political actors in the region openly support the use of force to settle potentially unresolved territorial issues and no state has a formal claim to the territory of its neighbours. Continuing political instability in the region suggests, however, that territorial disputes have not been fully resolved and that at least some of these may be revived in the future.

The common origins of all potentially unresolved disputes lay in the process of formation of Yugoslavia's successor states. The mix of the transformation of inter-republican borders into international frontiers and denial of rights and autonomy to non-

* One version of this paper was published in Peter Calvert (ed.) *Border and Territorial Disputes of the World*, 4th ed. (London, John Harper Publishing, 2004), pp. 390-398.

dominant groups in emerging states became a hotbed for irredentist and secessionist claims in the region.

Uti Possidetis, National Self-Determination and Territorial Disputes
after Yugoslavia

In 1992 the former internal, administrative boundaries between Yugoslav republics were recognized as international borders on the principle of *uti possidetis*. The principle, which arose out of decolonization in former Spanish Latin America and former European Africa and South-East Asia, asserts that new states shall inherit the existing colonial administrative borders. *Uti possidetis* was resurrected at the end of the Cold War, during the disintegration of the former Soviet Union, Yugoslavia and Czechoslovakia, to reduce the likelihood of violent conflicts over territory between their successor states by providing the only clear outcome in such situations. Without the elevation in significance of existing internal boundaries into interstate frontiers, it was believed, irredentist claims by neighbours and secessionist attempts by national minorities from within emerging states would lead to armed conflicts. While the application of this principle provided for an orderly transition after the disintegration of Czechoslovakia and, to a considerable extent, the Soviet Union, it triggered large-scale violent conflicts between and within the successor states of Yugoslavia.

Yugoslavia was a multi-national state. The state's multi-national character did not find expression in its political institutions between its creation in 1918, under the name of the Kingdom of the Serbs, Croats and Slovenes, and the collapse of the interwar state in 1941. In line with attempts to create a Yugoslav nation through the integration of Serbs, Croats, Slovenes and other, smaller groups, the internal state

structure largely ignored former historical and cultural boundaries. At first it consisted of 33 regions, which were later reallocated into nine provinces whose borders largely followed physical lines. The lack of collective rights and territorial autonomy for national groups remained one of the main sources of political instability throughout the interwar period and of the rapid dissolution of the state during the invasion of the Axis powers in April 1941. Likewise, the Second World War in Yugoslavia meant not only foreign military occupation, but also violent conflict between groups who identified with different nations.

The appeal of the Communist Party, which led a highly successful war of liberation, was partly based on the multi-national composition of the partisan fighting force and determination to rebuild a multi-national state by providing collective rights and territorial autonomy to various national groups. After the war the party introduced national federalism as the Soviet solution to the organization of a multi-national state and divided Yugoslavia into six republics—Bosnia-Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Slovenia. In contrast to the interwar internal administrative structure, the borders corresponded more closely to pre-1918 historical boundaries. In some cases, the borders were altered to take into account the pattern of ethnic settlement.

According to the Yugoslav constitution, republics were designated as homelands of the constituent nations—Serbs, Croats, Slovenes, Macedonians, Montenegrins and, later, Muslims—and these nations were granted the right to self-determination. Nevertheless, republics were largely multi-national in composition. The boundaries between federal units did not overlap with those of a federal society, except largely in Slovenia, and some of those who identified with one constituent nation lived outside “their” republic, such as Serbs in Croatia. Bosnia-Herzegovina was constituted as the

republic of three constituent nations—Muslims, Serbs and Croats—because it lacked a majority national group. In some areas of this and other republics the population was fully intermixed.

The constitution also distinguished between the constituent nations and national minorities. National minorities enjoyed extensive collective rights and autonomy, except for the right of self-determination. Serbia's autonomous province of Vojvodina, with a large minority of Hungarians, and its autonomous region of Kosovo, with an Albanian majority, were created partly for this purpose. The Yugoslav Communists therefore developed a complex web of collective rights and territorial autonomy to accommodate conflicting claims to self-determination of constituent nations and republics and to guarantee the protection of identity and interests of all national groups.

The application of the principle of *uti possidetis* in this institutional context effectively recognized the right to self-determination solely of dominant nations in the states emerging in the dissolution of Yugoslavia. The international recognition of the sovereignty and borders of the Yugoslav republics was not accompanied by their institutional restructuring to accommodate the demands of members of the constituent nations who lived outside "their" republic. As a result, they were denied the constitutional right of the same order. Their demotion to national minority status was in some of the emerging states compounded with the denial of basic rights. *Uti possidetis* also denied the right to self-determination to large national minorities that were territorially concentrated, such as Albanians. The elevation in significance of the internal borders into international frontiers left non-dominant national groups stranded in emerging national states, which were much less likely to provide the same level of collective rights and territorial autonomy than socialist Yugoslavia.

Nevertheless, *uti possidetis* did not face a serious alternative at the time because any peaceful alteration of the existing inter-republican boundaries required mutual agreement of the parties involved, which was unlikely to be reached in the context of spiralling nationalist conflict. The international recognition of the sovereignty and borders of the former Yugoslav republics, however, could have been conditioned by their institutional restructuring to provide extensive collective rights for national groups and territorial autonomy in areas in which they constituted a majority. Since this did not happen, affected groups faced the choice between accepting the loss of rights, emigrating from emerging states or fighting them to alter the existing borders, either through non-violent resistance or by taking arms. Those who lived in territorially concentrated areas and received support from their ethnic brethren in neighbouring republics, such as Serbs in Croatia and Serbs and Croats in Bosnia-Herzegovina, chose the latter option. A relatively limited matter of the internal institutional restructuring of the former Yugoslav republics thus rapidly transformed into potentially explosive irredentist claims. Unsurprisingly, those inter-republican borders that have remained uncontested, such as the Slovenian-Croatian border and that between Serbia and Macedonia, did not feature large territorially concentrated national groups on the “wrong” side of the border.

Croatia and Serb-Croat Relations

In 1992 the European Community recognized the sovereignty and borders of newly independent Croatia. The borders of Croatia that had previously served as the international frontiers of the Yugoslav federation have since been uncontested. The greater part of the border with Hungary along the river Drava is historically well

established, as it follows the northern border of the historical province of Slavonia, a part of the Habsburg polity until the creation of the Kingdom of the Serbs, Croats and Slovenes. Medjumurje and Baranja, small areas north of the Drava, were then also incorporated into the new state. Following the territorial extension of Yugoslavia after the Second World War, Croatia gained parts of the eastern Adriatic coast and most of the Dalmatian islands previously under Italian control. The former inter-republican, now international, border between Croatia and Slovenia, which largely dates from the Middle Ages, is also considered as unproblematic.

By contrast, violent conflicts involving the remaining inter-republican borders of Croatia tested the very viability of the newly independent state. The recognition of Croatia as a sovereign state in its existing administrative borders was bound to be controversial. Unlike Slovenia, Croatia was a multi-national state, both in terms of its demographic composition and constitutional provisions. According to the 1991 census, Orthodox Serbs constituted over 12 per cent of the population of this predominantly Catholic Yugoslav republic. While the majority of Serbs resided in large cities and towns across Croatia, some lived in areas in which they constituted a majority, plurality or significant minority. The roots of the territorial concentration of Serbs in Croatia were largely in the Military Frontier, a historical region closely surrounding the western and northern Bosnian border that enjoyed a special constitutional position in the Habsburg Empire until its abolition in 1881. The region had long served as a defensive zone against Ottoman expansion and was largely settled by Serbs who had fled the Ottoman empire and were granted land in exchange for military service. Despite the attempts of the Ustashe regime in the Nazi-sponsored Croatian state during the Second World War to exterminate, convert or expel the Serb population, significant numbers remained in this region. The migrations during the industrialization and urbanization

drive after the Second World War then triggered the move of many Serbs to cities and towns across Croatia.

Like other groups who identified with a dominant nation of another republic, Serbs in Croatia enjoyed a protected status as a part of a constituent nation under the umbrella of the Yugoslav constitution. Serbs were also explicitly designated as one of the two constituent nations in the Croatian constitution to acknowledge their suffering under the regime of the Croatian Fascists and the disproportionate role they played in the war of liberation. Following the escalation of political conflict among the Communist leaders of the Yugoslav republics in the late 1980s, the 1990 election victory of the nationalist Croatian Democratic Union (HDZ), headed by the former partisan general and nationalist historian Franjo Tudjman, brought a major change to the position of Serbs in Croatia. The new government initiated a campaign of Croatian symbolism, renaming the streets named after notable Serbs or anti-Fascists, or Serbian towns. Many Serbs lost government or public sector jobs and there were even attempts to rehabilitate the Second World War Nazi-sponsored Croatian state. The Serbs were denied the status of the constituent nation they had enjoyed under the Croatian constitution and were demoted to the status of a national minority. Simultaneously, the new government aimed to sever the links between Croatia and Yugoslavia, either through the reconstitution of Yugoslavia into a loose confederation or the creation of an independent state. For many Serbs, who saw the common Yugoslav state and the constituent nation status as the main guarantees against the replay of the Second World War, these were ominous signs.

At the time when the nationalist revival in Serbia under Slobodan Milosevic brought Serbs in Croatia and elsewhere a new sense of national identity, they looked for protection to the institutions of the Yugoslav federation and, increasingly, to Serbia.

Disappointed with the vacillating leadership of the refurbished Croatian Communist Party, overwhelmingly supported by Serbs in the 1990 election, the Serb leaders set up a union of 13 municipalities with a Serbian majority or plurality, in northern Dalmatia, eastern Lika, the Kordun, Banija and western Slavonia. The Serb leaders responded to each step of the Croatian government aimed at cutting ties with Yugoslavia by severing links with Croatia, such as by creating the autonomous political unit of Krajina. Parallel with the Croatian referendum of independence, they organized a referendum to preserve the Krajina within Yugoslavia. Following increasingly frequent incidents between the Croatian police and paramilitary forces and self-organized Serbs, a full-blown war broke out in the summer of 1991. The (disproportionately Serbian) Yugoslav National Army (JNA), which initially acted as an internal peacekeeping force between the two emerging armies, gradually lost the character of a multi-national force and sided with Serbs.

Taking advantage of their powerful ally, the Serb units swiftly consolidated their grip over the Krajina and took control over eastern Slavonia, where they accounted for less than a half of the population. They exploited the fact that the area was adjacent to the border with Serbia, which provided ample assistance to the armed rebellion. This border had been established after the Second World War by the internal boundary commission mainly on the pattern of ethnic settlement. The claim of Serbs to this territory was therefore weaker than that of the Krajina Serbs. In late 1991 and early 1992 agreement was reached, with the help of UN mediators, for the arrival of a substantial peacekeeping force that would provide protection for territories under Serb control pending negotiations on their final status. The hostilities ended with the ceasefire and deployment of the UN peacekeepers, and there were few incidents in the next three years.

In May and August 1995 offensives, the Croatian army, quietly backed by the United States, broke out into the territories and regained control. Fearing reprisals, the vast majority of Serbs evacuated the area during the offensives or were expelled by the Croatian regular and paramilitary forces. Over 200,000 refugees left for Serbia or Serb-controlled areas of Bosnia-Herzegovina. Subsequently, an agreement over eastern Slavonia was reached according to which the area would gradually return to the control of the Croatian authorities. While only radical groups among Serbs in Serbia or elsewhere now put forward a claim to Krajina and eastern Slavonia, a series of obstacles to the return of Serb refugees to Croatia and the return of their property set by the Croatian government have kept the dispute alive.

In the south, following the 1992 withdrawal of the Yugoslav Army from the area surrounding Dubrovnik, a small UN mission was set up to monitor the demilitarization of the Prevlaka, a minor peninsula on the Croatian side of the border with Montenegro. In essence, the strategic position of the Prevlaka at the entrance to the Gulf of Kotor was seen as a potential threat to the common state of Serbia and Montenegro. The UN mission ended in December 2002, when the two sides reached an agreement to establish a provisional cross-border regime and keep the surrounding area demilitarised as well as to solve the outstanding issues in subsequent bilateral negotiations.

Bosnia-Herzegovina: Between Three Nations and Two Neighbours

The present borders of Bosnia-Herzegovina are based on the historical boundaries of the Ottoman empire in the region. The border with Croatia mostly dates back to the late seventeenth century and the delimitation with the Habsburg polity. In the east, along the Drina river, lies the border with Serbia, which was established in the first half of the

nineteenth century, except for a small part touching Montenegro that was determined in 1913. The greater part of the border with Montenegro dates from the Congress of Berlin in 1878. These borders survived the administrative division of the Kingdom of the Serbs, Croats and Slovenes into 33 regions in 1922, although the territory of Bosnia-Herzegovina was divided into six regions. The internal structure introduced seven years later, however, did not take the historical boundaries into account; neither did its amendment in 1939, with the creation of the Croatian highly autonomous political unit. After the dismantling of the Croatian Nazi-sponsored state in 1945, which had absorbed Bosnia-Herzegovina, the Communists restored its historical borders.

The problems of Bosnia-Herzegovina since the early 1990s are not the result of border disputes with neighbouring states, but have arisen from challenges to its viability as a multi-national state in the light of the breakdown of the similarly structured, multi-national Yugoslavia. The general trend in the region has been a disintegration of multi-national polities and the formation of national states. Bosnia-Herzegovina lacked a majority national group. Unlike other Yugoslav republics, it had three constituent nations, Muslims, Serbs and Croats, comprising respectively 43.7, 31.4 and 17.3 per cent of the population in 1991. In addition to parts of the territory of this Yugoslav republic in which one nation constituted a clear majority, over a quarter of the territory had a highly intermixed population. Unsurprisingly, the results of the first multi-party elections in 1990, held at the time of spiralling political conflict between leaders of the Yugoslav republics, resembled the population census. Nationalist parties, namely the Party of Democratic Action (SDA), supported by Muslims, the Serbian Democratic Party (SDS) and the Croatian Democratic Union (HDZ), overwhelmed their rivals and subsequently formed a coalition government.

The impending collapse of multi-national Yugoslavia, amidst the clamour of demands for national self-determination and progressively more violent conflict in neighbouring Croatia, triggered parallel developments in Yugoslavia's most multi-national republic. Muslims ("Bosniaks"), who associated their identity and interests very closely with Bosnia-Herzegovina, aimed at the international recognition of its sovereignty and borders. Serbs and Croats, fearing Muslim domination, increasingly looked for protection to Serbia and Croatia, which they were quick to provide. International recognition of Bosnia-Herzegovina was preceded by an independence referendum, held on Feb. 29-March 1, 1992, in which over 98% of the votes on a 63% turnout —comprising overwhelmingly Muslims and Croats—supported independence. Serbs boycotted the referendum and responded by cutting ties of the areas in which they constituted a majority or plurality with the republic. The international recognition of the sovereignty and borders of Bosnia-Herzegovina in April 1992 signalled the beginning of a civil war.

Relying on the military potential of the by now exclusively Serb Yugoslav Army, the Bosnian Serb forces embarked upon the construction of their own statelet, swiftly taking over around 70 per cent of the territory of Bosnia-Herzegovina and often expelling non-Serbs. The alliance with Muslims at the referendum turned out to be little more than a tactical move of the Bosnian Croat leadership and they subsequently turned their efforts to creating their own statelet, with the thinly disguised support of Tudjman in Croatia, engaging in expulsions of non-Croats. The Bosnian Muslims found themselves squeezed mainly into territory around Sarajevo and central Bosnia. The war, which lasted until 1995, involved great suffering of the civilian population on all sides in the conflict, ethnic expulsions on a large scale and mass killings. More than half of the population was displaced, either outside or inside Bosnia-Herzegovina. This is

reflected in the growing number of charges and sentences for major human rights abuses, ethnic expulsions, even genocide by the International Criminal Tribunal for the former Yugoslavia established by the UN under Security Council Resolution 827 of May 25, 1993.

Hostilities ended with the signing of the Dayton Peace Accords, initialled on Nov. 21, 1995, and signed the following month by Bosnian President Alija Izetbegovic, Tudjman and Milosevic (also representing the Bosnian Serbs). This agreement, achieved under US auspices, followed a shift in the military balance as a result of the August 1995 Croat offensive that won control of Krajina (with the resultant flight or expulsion of the entire Serb population) and NATO air strikes, also commenced in August, on Serb positions around Sarajevo. While confirming international recognition of the sovereignty and borders of Bosnia-Herzegovina, the Dayton agreement established a highly decentralized state. Bosnia-Herzegovina now consists of two, highly autonomous political units of roughly equal size—Republika Srpska, or the Serb Republic, and the Federation of Bosnia-Herzegovina. The boundary line between the two entities is based upon the line of military confrontation, except for some adjustments, mainly in the Sarajevo area. Effectively, however, the state is divided into three parts, each overwhelmingly dominated by one of the three major national groups, which is partly the consequence of the pre-war pattern of ethnic settlement and partly that of expulsions. In contrast to the unitary structure of Republika Srpska in the north and east, the Federation of Bosnia-Herzegovina is divided into ten highly autonomous cantons. Five cantons have mainly Bosniak populations, including those around Sarajevo, Tuzla, Zenica, Bihac and Gorazde, while three, in western Herzegovina and a part of north-east Bosnia, are predominantly Croat. The remaining two cantons, in

central Bosnia and the Neretva valley, are multi-national but are themselves divided into predominantly Bosniak and Croat areas.

After the signing of the agreement, tens of thousands of military and civilian officials from a number of international organizations descended on Bosnia-Herzegovina to engage in state- and democracy-building. This was an uphill struggle from the beginning having in mind the changes in the demographic map and the attitude of Serbs and Croats towards the new state. The vast majority of those who identify with the latter two groups, comprising around half of the state's population and controlling over two-thirds of its territory, hardly acknowledge the legitimacy of Bosnia-Herzegovina as a sovereign state, and the ethnically-based political parties have strengthened their position further in recent elections. Nonetheless, a total partition of Bosnia-Herzegovina is considered unlikely in the near future due to the opposition of the major powers and because of the new priorities of the democratic governments of Croatia and Serbia after the death of Tudjman in December 1999 and the fall of Milosevic in October 2000. Considerable powers over developments in Bosnia-Herzegovina remain in the hands of the internationally-appointed Office of the High Representative and there is a continuing international military presence.

The territorial issue left unresolved in the Dayton agreement was that of north-east municipality of Brcko. Brcko, lying in the narrowest part of the corridor that connects western and eastern parts of Republika Srpska, has the strategic importance for Serbs; for the Bosniak-Croat federation, it is important rail and river link with access to Croatia and the majority of population before the war was Bosniak and Croat. By the ruling of an arbitration team, headed by an American lawyer, in March 1999, Brcko became a neutral, self-governing district.

Serbia and Montenegro

At the time when other republics declared independence and achieved international recognition, Serbia and Montenegro, the largest and smallest republics of socialist Yugoslavia, stayed together in the common state. The Federal Republic of Yugoslavia (FRY) was created in April 1992 following declarations of independence by all the other republics, i.e. Slovenia, Croatia, Bosnia-Herzegovina and Macedonia. Since the UN Security Council denied the FRY a status of the sole successor to the Socialist Federal Republic of Yugoslavia, the newly created state remained unrecognized—somewhat paradoxically, as only Serbia and Montenegro had enjoyed international recognition as sovereign states before the creation of the Kingdom of the Serbs, Croats and Slovenes. The FRY was ultimately admitted to the United Nations after the fall of Milosevic and the election of the new democratic government in Belgrade in 2000. Just over two years later the state was redefined and renamed Serbia and Montenegro, with the help of EU mediators.

The borders of Serbia and Montenegro that were previously the international frontiers of Yugoslavia are now regarded as unproblematic. The border with Hungary in the north, demarcated in 1919 and confirmed by the Treaty of Trianon in 1920, was initially under threat of revision due to Hungarian irredentist claims to the area lying south of the border in which Hungarians constituted a majority or plurality population. Following the Hungarian occupation of this part of Yugoslav territory during the Second World War and the restoration of the boundary in 1945, the border had been regarded as unproblematic. Further east and south lies the border with Romania, established largely on the pattern of ethnic settlement after the First World War, which has been uncontested since. The border with Bulgaria in the east mostly dates from the

19th century and the gradual extension of the territory of Serbia southwards. In the wake of the First World War Serbia gained from Bulgaria a small area with a dominant Bulgarian population. The border with Albania, in its Montenegrin section, was largely determined at the Congress of Berlin in 1878, while the part of the border touching Kosovo was for the most part established in 1913, after the Balkan Wars (1912-13) and the creation of Albania.

Serbia and Montenegro is an unusual federal polity, in which the larger republic comprises over 90 per cent of the population and resources. Nevertheless, Montenegro has enjoyed an important role in decision-making since 1992 due to constitutional arrangements that effectively secure power sharing, proportional or equal representation in government and minority veto. Regardless of the unusual composition and potentially dysfunctional constitutional arrangements, the state functioned normally so long as the ruling, refurbished Communists in the two republics shared views on the main issues of policy. After 1997 and a major row between Milosevic and Montenegrin leaders, the dominant political party in the smaller republic gradually withdrew from routine operation of the federal institutions, supported by the United States and European Union, which aimed at weakening Milosevic. While formally remaining a part of the FRY, Montenegro in reality functioned as an independent state, introducing the Deutschemark as its currency and creating paramilitary forces.

Although Montenegrin leaders justified these developments by the fear of Milosevic, the fall of Serbia's strongman from power in October 2000 only served to intensify their independence campaign. However, the European Union insisted on the preservation of the state and new Serbian leaders pointed to sharp divisions in Montenegro over the issue. As only about half of the voters seemed ready to support independence, the Montenegrin leaders scaled back their ambitious plans and reached a

compromise with Serbia over the redefinition of the common state. While the new arrangement created weak central institutions and a highly decentralized polity, in some aspects resembling a confederation, the Montenegrin leadership has had to take full responsibility for the functioning of its institutions. The Constitutional Charter introduced a three-year trial period at the end of which either republic may conduct an independence referendum and, if successful, leave the union. It remains to be seen whether the freshly redefined Serbia and Montenegro can survive the trial period. If not, there is unlikely to be conflict over their common border, which has been uncontested since the demarcation of most of its course after the Balkan Wars.

The complex character of the federal state after the Second World War was to some extent replicated in the constitutional structure of Serbia by the establishment of the autonomous provinces of Vojvodina and Kosovo within its borders. The autonomous province of Vojvodina was created largely on the historical principle and consists of Serbs, now a majority of 65%, Hungarians, a minority of 14,28%, and a number of small national groups (for details on Kosovo see the subsection below). After constitutional reforms in the late 1960s and early 1970s, Vojvodina and Kosovo, earlier little more than Serbia's administrative regions, were granted a status similar to that of republics. Following nearly a decade of political struggles over constitutional reform, the autonomy of the provinces was scaled down in 1989-90. At the time of writing a debate over the new Serbian constitution is in full swing, but Vojvodina is likely to retain its autonomy.

Kosovo: Between Serbia and Independence

The events surrounding the Kosovo problem over the past decade have confirmed the worst fears about its explosive nature and destabilizing potential. The Serb-Albanian conflict, which involved some of the most serious human rights abuses committed throughout former Yugoslavia in the 1990s, triggered NATO military intervention in March 1999 and, by way of spill over, threatened the stability of the wider region. The future status of Kosovo is the only territorial dispute in the former Yugoslavia that is still officially unresolved. While UN Security Council Resolution 1244 of June 10, 1999—adopted in the wake of the NATO intervention and Yugoslavia’s agreement on June 9 to the withdrawal of its forces from the province—reaffirmed the sovereignty and territorial integrity of the FRY (now Serbia and Montenegro), Kosovo has effectively become an international protectorate after the withdrawal of the Yugoslav Army and arrival of thousands of NATO soldiers and UN civilian staff. The resolution provided a framework for both an interim administration for Kosovo and a political process leading to a final settlement, and calls for “substantial autonomy and meaningful self-administration” for the province.

The roots of the Kosovo problem lie in the mutually exclusive claims of Serbs and Albanians to this territory. The historical claim of the Serbs to Kosovo is based on the incorporation of the region into a medieval Serbian polity in the 12th century, of which it subsequently became a political and cultural centre. Kosovo has been an important marker of national identity for the Serbs. For one thing, the territory houses the most important historic and religious monuments of the Serbs; for another, the Kosovo legend, partly based on a medieval battle with the Ottomans, has long served as a source of resistance to foreign rule and as a tool for preservation of the Serb identity.

The historical claim is boosted with the fact that the territory of Kosovo is a part of an internationally recognised state of Serbia and Montenegro and that Serbs, though a minority, remain in Kosovo. For Albanians, who consider themselves as having arrived in the area before the Slavs, Kosovo is the site of the creation of their national movement in the 19th century. More importantly, their claim to Kosovo is based on the contemporary predominantly Albanian population of the region.

The main sources of ethnic antagonism were the nationalist aspirations of Albanians and Serbs in the second half of the nineteenth century. The Ottoman empire was slowly losing ground in the Balkans against expanding new states, including Serbia, which strove to unite their ethnic brethren. Albanians simultaneously reacted against the irredentist plans and demanded administrative and cultural autonomy within the empire. Partly encouraged by the increasing attitude of religious intolerance of Ottoman officials and partly exploiting weak administrative controls in the region, the local Albanian warlords continually terrorized the minority Orthodox population, thus accelerating the emigration of Serbs. After the victory of the Balkan states over the Ottomans in the First Balkan War in 1912, however, Kosovo became part of a Serbian state.

Serbia, and subsequently the interwar Yugoslavia, reversed the policy of discrimination. Nationalization and land reform, designed to destroy the inherited feudal and tribal social order, were at least in part directed against Albanians, as were the attempts at discrimination in education and colonization of the sparsely populated region. During the Second World War, a large part of Kosovo was annexed by Italian-controlled Albania. Thousands of Serbs were killed and tens of thousands expelled while those aiming to challenge the occupiers, including the Communists, faced the

hostility of most Kosovo Albanians. In 1944, the Communist-led partisans restored Kosovo to Yugoslav control.

Aware of the hostility of the Albanians towards the new regime, the Communist leadership sought their co-operation. The new government granted a degree of autonomy to Kosovo within Serbia, encouraged cultural emancipation of Albanians and financed development of the backward region. Some administrative restrictions on the rights of Kosovo Albanians remained for security reasons since Albania strongly supported the Soviet bloc against Yugoslavia in 1948, and Serbs remained disproportionately represented in the regional government and security apparatus. In the 1967-74 constitutional reforms Kosovo was granted a status similar to that of the federal units. The rapidly changing national composition of elites and employees in the huge public sector, largely a consequence of the strategy of positive discrimination in favour of the Albanians, coupled with decision making based on majority voting, swiftly turned the trend towards emancipation of the majority community into domination over other national groups, mainly Serbs.

Since the 1960s the national configuration of the region has changed rapidly. While the proportion of Albanians and Serbs (including Montenegrins) in the population remained relatively stable in the period between 1948 and 1961 (68.5%-67.2% and 27.5%, respectively), in the following two decades the proportion of the former increased from 67.2% to 77.4% and that of the latter decreased from 27.5% to 14.9% and fell further to a little more than 10% by the late 1980s. Critical to the changes were demographic factors, the most important of which was a much higher rate of population growth of Albanians than that of Serbs. The decreasing absolute numbers of Serbs and their shrinking territorial dispersion were caused by emigration, principally but not exclusively under pressure based on ethnicity. The popular protests of Kosovo

Serbs between 1985 and 1988 triggered a shift in the policy of the Serbian government. Constitutional changes carried out by the regime of Slobodan Milosevic in 1989-90 greatly diminished the autonomy of Kosovo, and the regime responded to Albanian resistance to the implementation of these changes through a range of decrees that amounted to a gross violation of their rights.

The transformation of inter-republican borders into international frontiers left Kosovo and its Albanian community firmly within Serbia and the FRY. Initial disorientation within the Albanian population following the crackdown by the regime soon gave way to mass-based non-violent resistance, which aimed at the secession of Kosovo by way of the creation of parallel institutions. The events surrounding the end of hostilities in Croatia and Bosnia-Herzegovina and the 1995 Dayton agreement came as a surprise to many Albanians in Kosovo, who expected that a final settlement for the province would be included in the package. Since the denial of rights of this community remained largely ignored, it is hardly surprising that many Albanians started questioning the effectiveness of non-violence.

The outbreak of the Kosovo Liberation Army (KLA) insurgency in 1998 triggered a harsh response from the Serbian government, which in turn provoked NATO air strikes in March 1999. The 11-week bombing campaign ended with UN Security Council Resolution 1244 and the arrival of 40,000 NATO soldiers and UN civilian staff. Several hundred thousand Kosovo Albanians, who had been expelled during the war by Yugoslav paramilitaries and regular forces, returned to Kosovo while the majority of Serbs had to leave the province in a new wave of ethnic expulsions. Since the arrival of the international military and civilian staff violence against the remaining Serbs has produced a continuous exodus of Serbs, to Serbia proper and the remaining Serb enclaves within Kosovo, so that there are virtually no Serbs left in Albanian-dominated

areas; those Serbs remaining are in isolated enclaves, except for those in and around northern Mitrovica in northern Kosovo, which is adjacent to Serbia proper.

The initial period of consolidation of the interim administration was followed by the creation of provisional self-governing institutions and sustained attempts to build an integrated multi-ethnic society. Talks on a final settlement for Kosovo are still some way off due to the UN “standards before status” policy, which states that major improvements must first be made in a number of areas, including the functioning of democratic institutions, rule of law, freedom of movement for members of non-Albanian communities, minority returns and dialogue with Belgrade. Similarly, the general lawlessness, unchecked organized crime, large-scale corruption, discrimination and violence against non-Albanian groups make the international recognition of Kosovo as a sovereign state, which is the preference of most Albanians, unlikely in the near future. Any change of international borders involving Yugoslavia’s successor states is likely to be opposed by major powers for the foreseeable future for fear of again destabilizing the region.

The partition of Kosovo is another option that has its advocates. It would involve the creation of a new state through the secession of the larger part of Kosovo, in which Albanians constitute a majority, and the accession of the smaller part of the province with a Serb majority to Serbia proper. This option has been more popular among Serbs than Albanians, as most members of the latter community believe that the province must remain undivided. Radical Serb nationalists reject partition because they want to see the whole of Kosovo fully integrated into Serbia. By contrast, moderate Serb nationalists, who want to limit the damage wrought to their cause by the 1999 war and its aftermath, and some liberals, who seek a solution to the conflict that would remove obstacles to democratization and economic development, accept partition. Some

Albanians propose a swap of the predominantly Serb area in northern Kosovo for “eastern Kosovo”—i.e. three municipalities in southern Serbia with an Albanian majority. Like the secession of Kosovo, however, partition remains problematic because it might endanger regional stability through a demonstration effect. Not all parts of Kosovo in which Serbs constitute a majority are adjacent to Serbia proper, which would make partition unworkable barring the exchange of populations.

However, the large-scale violence against Serbs and burning down of their houses and Orthodox churches all over Kosovo by Albanians on March 17 and 18, 2004 largely destroyed hopes for the creation of a multi-ethnic society and made the UN “standards before status” policy increasingly irrelevant. At the time of writing, a territorial autonomy for Serbs pending negotiations on a final settlement or, even the partition of Kosovo, are now increasingly appealing options to many in the international community.

Macedonia: its Albanians and Neighbouring States

On the eve of the collapse of Yugoslavia Macedonia faced serious problems because it was at least potentially involved in territorial disputes with all of its neighbours. The borders of this former Yugoslav republic were for the most part determined after the Balkan Wars in 1912-13 during the division of an area known as Macedonia, previously under Ottoman control, among Greece, Serbia and Bulgaria. The present territory of the state of Macedonia is basically the share that Serbia received in the process. Following occupation by Bulgaria during the First World War, Macedonia was incorporated into the Kingdom of Serbs, Croats and Slovenes. In the Second World War Bulgaria reoccupied Macedonia, but the area returned to Yugoslav sovereignty in 1945, elevated

by the Communist Party to the status of republic and its dominant ethnic group to that of constituent nation. The sources of potential territorial disputes between Macedonia and its neighbours include historical claims—some of which go back to centuries prior to the Ottoman conquest, when polities regarded as the precursors of modern Greece, Serbia and Bulgaria successively controlled the area—and cultural claims, rooted in linguistic and ethnic resemblances between various populations in the region.

One such potential dispute is based on the Bulgarian claim that the division of Macedonia and the Communist attempt to create a Macedonian nation have isolated the population of this area from the core of the Bulgarian linguistic and ethnic family. As a result, Bulgarian recognition of the sovereignty and borders of Macedonia in 1992 was accompanied by a refusal to acknowledge the existence of a Macedonian nation.

The sources of any potential dispute with Macedonia's northern neighbour, Serbia and Montenegro, lie in the initial control of Serbia and interwar Yugoslavia over this territory and attempts at assimilation of its population. However, after decades of sustained effort by the Communist Party at building the Macedonian nation, the vast majority of Serbs accepted both the Macedonian nation and sovereignty and the borders of the new state. The border with Serbia, established in the wake of the Second World War, has been uncontested, which is reflected in the negotiated withdrawal of Macedonia from Yugoslavia and that of the Yugoslav Army from Macedonia in 1992, at the time when other parts of Yugoslavia were engulfed in violent conflicts.

The refusal of the Greek government to recognize the name and symbols of Macedonia after the collapse of Yugoslavia proved as the most serious obstacle to its full international recognition as a sovereign state. Considering the name Macedonia to be a geographical expression that denotes only the northern province of present-day Greece, the Greeks have seen the potential recognition of Macedonia under this name as

an implicit irredentist claim to a part of their territory. Despite the legal advice of the Arbitration Commission of the EC Conference on Yugoslavia in January 1992 that Macedonia met the conditions for international recognition, the European Community, followed by the United States, withheld recognition until the resolution of the dispute between Greece and Macedonia. While the new Macedonian constitution was swiftly amended to explicitly recognize the existing borders and deny any claims to the territory of neighbouring states, the West European states granted recognition to the newly independent state only in 1993, when it was also admitted to the United Nations under the interim name of “the Former Yugoslav Republic of Macedonia”. For several years landlocked Macedonia remained under the economic blockade of Greece, which at the time of the UN economic sanctions against the FRY brought the Macedonian economy to a standstill.

The main source of potentially serious disputes over parts of the territory of Macedonia, however, is internal, rather than external. Like most former Yugoslav republics, Macedonia is a multi-national state. The censuses of 1991 and 1994 revealed that there were around 65 per cent Orthodox Macedonians, just over 20 per cent of Muslim Albanians and a few small national groups. Many Albanians live in western Macedonia, adjacent to Albania and Kosovo, where they constitute a majority population. Throughout the 1990s the relations between two major national groups were regarded as cordial and Macedonia was hailed as an “oasis of peace” in conflict-ridden former Yugoslavia. A sudden eruption of violent conflict between rebel Albanian groups and Macedonian army and paramilitary forces in 2001 therefore came as a surprise to many.

Some Albanian demands for collective rights and power sharing had been accommodated after 1992 through an informal elite agreement that provided for the

representation of a dominant Albanian party in government and through recognition of a limited set of cultural rights. After the 1998 election the uneasy coalition of the hard-line nationalist parties, the Internal Macedonian Revolutionary Organization (VMRO) and Democratic Party of Albanians, survived only due to a tacit arrangement that granted the Albanian party control over trafficking routes in western Macedonia in exchange for discretionary control over the state purse by the VMRO. Simultaneously, relations between Macedonians and Albanians on the ground were hardly idyllic. Much like Albanians and Serbs in Kosovo, the two major national groups in Macedonia did not live together but mainly beside each other. The arrival of over 300,000 Albanian refugees in Macedonia as a consequence of the 1999 Kosovo War imposed a great strain on the delicate balance between Macedonians and Albanians as did the informal recruitment of Albanian youth from western Macedonia by the Kosovo Liberation Army.

In 2001 Albanian guerrilla groups launched an insurgency in Albanian majority areas. The uprising lasted less than six months and resulted in few casualties in comparison with recent conflicts throughout former Yugoslavia, but shook the very foundations of the state. The hostilities ended with the signing of a Western-brokered peace accord, the Ohrid Framework Agreement. The agreement preserves the unitary structure of Macedonia but calls for its decentralization, proportional representation in government, civil service and proportional allocation of public funds, provisions for power sharing and minority veto and extensive language rights for the Albanian community. The insurgency to some extent exploited the fact that the uncontested border between the FRY and Macedonia had not been determined in detail and therefore had not been tightly controlled. In response, the previously established bilateral border commission swiftly completed the task allowing the Presidents of the two states to sign

an agreement about the course of the border. Elections held the following year, brought a new coalition in power, namely moderate Social Democrats, a Macedonian party, and the Democratic Union for Integration, the successor of the main Albanian insurgency grouping. It remains to be seen whether the Ohrid Framework Agreement can serve as the foundation for a viable multi-national state. Despite the inclusion of the rebel leadership into the government, another insurgent group, the Albanian National Army, emerged to take responsibility for various incidents in Macedonia, southern Serbia and Kosovo, with the aim of uniting all territories populated by Albanians. Moreover, Macedonian nationalist politicians, including the former Prime Minister Ljupco Georgievski, have already sounded out the mood of their compatriots on the issue of partition of Macedonia between the two major national groups. Earlier, influential Macedonian intellectuals had proposed an arrangement according to which Albanians from western Macedonia would be free to join Albania in exchange for a small area in Albania near Lake Prespa settled by ethnic Macedonians; the territorial settlement would also include the exchange of populations that found themselves on the “wrong” side of the border. The partition of Macedonia, however, is highly unlikely in the near future, not least because it has little support among Macedonians and is strongly opposed by major powers. In the long run the stability of Macedonia, like that of Bosnia-Herzegovina, will depend much on global and regional political developments and the potential spill over effects from neighbouring states.