

*From 'Yuexit' to 'Brexit' and after it: Did the return to Europe of nation-states begin in
Yugoslavia in 1991?*

(Work in progress)

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What do the 1991 disintegration of the former Yugoslavia and the first exit of a member state from the European Union occurring twenty-five years later have in common? With all political, economic and international differences between these two processes, there is a common denominator of referendum decisions on the future status of the states in question. State independence of the former Yugoslav federation's individual member states was decided in a series of referenda held between 1990 and 1992, while the 2016 decision on the United Kingdom's leaving the European Union was also taken in a referendum. It is worth noting that the disintegration of the former Yugoslavia was followed by years of war which proved to be the heaviest armed conflict in Europe since World War II. What is more, this war coincided with the 1992 formation of the European Union as the greatest and strongest integration of sovereign states in European history. Under those circumstances, due to the fact that new hostilities were generated and a war broke out, the disintegration of the former Yugoslavia appeared to be anachronistic to a number of observers, all the more so because the European continent had conversely begun to unite in a hitherto unprecedented way: economically and politically as well as in terms of security and values. The last year referendum decision of the United Kingdom voters makes the 1990s' European unification more questionable than it was back in the 1950s when it formally began. Although the European Union as an integration of sovereign states will not disintegrate in the manner of the former Yugoslavia, in both these cases citizens gave priority to the idea of nation-state over the idea of international community. The UK 2016 referendum was preceded by conceptually related referenda held in France and in the Netherlands in 2005, whereby the idea of further strengthening the links between the European Union member states through the adoption of a common constitution was rejected. Although the European Union expanded from twelve member states in 1992 to twenty-eight in 2013, the process of institutional integration took place simultaneously with the process of disintegration of the idea. Does Brexit also mark the beginning of the process of institutional disintegration of the European Union on the basis of the renewal of the idea of nation-state strengthening? By using the focused comparison, this paper explores the similarities and differences between the disintegration of the former Yugoslavia into new nation-states and a possible return of the European Union to a smaller number of member states and a lower degree of integration, and consequently poses the following research question: Did the disintegration of the former Yugoslavia anticipate a post-Brexit Europe where the referendum outcomes give priority to nation-states?

Keywords: former Yugoslavia, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, Serbia, Slovenia, referendum, nation-state, democracy, European union

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Introduction: Democratic decision-making on the system of government and state unions

In the late 1980s, democracy was a dominant concept in political theory and practice in the greatest part of Europe. The states of Middle and East Europe found themselves at the beginning of the process of democratic transition, while the most part of West European countries initiated the process of a stronger political and economic linking within the future European Union, thanks to the democratic decision within their political systems. In addition, it was assumed that in the foreseeable future even the former socialist states of Middle and East Europe would become part of European integration. In this way, the European continent found itself in the middle of the most intense political changes after the end of World War II. On the one hand, the socialist autocratic regimes that lasted for decades transformed, leaving place to democratic political systems in which the government was elected in free and fair elections, and the position in the international community on the basis of free decisions by citizens and government. On the other hand, the democratic West of Europe of old opted for association within the hitherto strongest political and economic integration in the history of the continent. And while the latter process presupposed both democracy and peace as the precondition for its realisation, the democratic transition as a consequence of the liberation from the dependence on the Soviet Union proceeded unexpectedly in a peaceful manner, except in the particular cases of the score-settling between the advocates of the old and new order like in Romania. Moreover, not many people could foresee that the collapse of the Soviet military-political bloc in East Europe and the consequential democratisation of the nations of Middle and East Europe would proceed so rapidly and – so peacefully. Yesterday's monolithic regimes based on the Marxist ideology and comprehensive repression, both from the inside and outside literally protected by Soviet tanks, collapsed in only a few weeks in the autumn of 1989. Since 9 November 1989, when the demolition of the Berlin Wall marked the

moment when the Cold War ended both in reality and metaphorically, until 1 January 1993 when the Maastricht Treaty came into force as a legal basis of the European Union, the European continent witnessed dramatic political and social changes comparable to few things in its history.

The most important changes were the termination of the two-bloc division of Europe, democratisation of the states of Middle and East Europe, reunification of Germany, termination of the existence of the Warsaw Pact and the departure of the Soviet army from the former member states, disintegration of three former socialist federations (the Soviet Union, Yugoslavia, Czechoslovakia) and the emergence of no less than twenty two new nations in the larger Eurasian area. The Soviet Union dissolved in 1991 into fifteen new states, ten of them connected with the European continent (Russia, Ukraine, Belorussia, Estonia, Latvia, Lithuania, Moldavia, Georgia, Armenia and Azerbaijan). The first day of 1993 marked the beginning of the national independence of the Czech Republic and Slovakia, and as in the case of the successor countries of the former Soviet Union, the Czech Republic and Slovakia gained independence in accordance with the agreement of their respective political elites. In this sense, the dissolution of the former common Czechoslovakian state became a modern example of the 'Scandinavisation', that is, peaceful disintegration of one state as in the case of Norway gaining independence from Sweden in 1905. And while the process of gaining independence of the Czech Republic and Slovakia was carried out by the decision of the former common legislature, the Norwegians decided on their independence in a referendum. The referendum was held on 13 August 1905, and out of 85,42% of participating citizens no less than 99,95% opted for the dissolution of the union with Sweden. This is also the first example of democratic decision-making on the statehood status of a European country in the 20th century, which would become a pioneer of a referendum with

the same contents, but in the late 20th century in South-East Europe. Specifically, it is exactly the former Yugoslavia which would disintegrate through a series of referenda decisions of its federal units, but these decisions would, in relation to Norway and Sweden, be accompanied by the outbreak of several consecutive wars. The former Yugoslavia, in the eve of its dissolution in 1991, consisted of six republics Slovenia, Croatia, Bosnia and Herzegovina, Montenegro, Macedonia and Serbia, and two autonomous provinces within Serbia Vojvodina and Kosovo. On the basis of the referenda held from the Summer of 1991 to the Spring of 1992, five new states emerged in the territory of the former Yugoslavia: Slovenia, Croatia, Macedonia, Bosnia and Herzegovina and the Federal Republic of Yugoslavia made up of Serbia and Montenegro. Even though the referenda in the Yugoslav case were announced and carried out in accordance with the existing constitutional-legal framework, which was later confirmed even by the international community, the former Yugoslav federation did not dissolve in war because its dissolution was illegal and illegitimate. The basic reason for this was the fact that one side in this war – Serbia and Montenegro with a part of their compatriots and political like-minded people in other republics – did not want to accept in any way the dissolution of its federal units until it was forced to do that by the international community by its own military interventions.

In this way, Yugoslavia, instead of a possible model for the dissolution of the former Soviet Union, became a case in itself. Despite the fears that it would be exactly the Soviet Union which would start to dissolve in 1991 without control and with the outbreak of a series of wars among particular successor states and within them, this never happened because of the determination of the then political elites in the largest Soviet republics led by Russia to carry out the dissolution of the Soviet Union quickly and with a mutual agreement. Such an agreement was impossible in the Yugoslav case primarily because of the political objectives

and methods of the leadership of the largest Yugoslav republic Serbia, so the former Yugoslavia was literally dissolving for years in the worst series of armed conflicts in Europe after World War II. Although the international community recognised the new post-Yugoslav states in 1992, the wars in Croatia and Bosnia and Herzegovina were ended no sooner than 1995 by a foreign military intervention. The same type of intervention ended even the war in Kosovo in 1999 between Serbia and Kosovo Albanians and the conflict in Macedonia in 2001 between the central authorities and the Albanians in the west of the country. In the political sense, the process of disintegration of Yugoslavia ends in 2006 when Montenegro, also in a referendum, gained independence from Serbia and when Kosovo proclaimed its independence. Yugoslavia, thus, could not funnel internal contradictions from a multinational state either in a federal political system or through a democratic political system, and it dissolved into several multinational states. Only Bosnia and Herzegovina remained a multinational state, but its possible dissolution or permanent armed conflict was prevented by the international community by transforming it after the end of the war in 1995 into a *de facto* international protectorate. In this way, the dissolution of the former Yugoslavia through the war in the first half of the 1990s coincided with peaceful integration into the European Union and its enlargement in 1995 to Austria, Sweden and Finland. Even though the claims for a comprehensive alteration of the former Yugoslavia were dominant in the Yugoslav political and social area in the early 1990s – Slovenia and Croatia proposed a confederation, and Serbia and Montenegro a stronger federation – the aspiration for the inclusion in the European integration was also near the top of the most frequent political topics in the country, independently of the actor of the Yugoslav crisis. In this sense, the process of the dissolution of Yugoslavia through an armed conflict proceeded concurrently with the process of the approach of particular parts of the already disintegrated country to the ideas and practice of the European Union. The European Union seemed as an integration which would only

enlarge in the future, until its system was not democratically tested in a referendum as in the case of the former Yugoslavia.

Yugoslavia: from a unitary to a federal multinational state

The question whether the revival of the political idea and programme of the strengthening of the nation-state in Europe began with the end of the Cold War and the dissolution of the former multinational federations USSR, Yugoslavia and Czechoslovakia can be answered only apparently in a simple way. It is true, the mentioned states which had a federal system until their dissolution did not manage, after their democratisation, to harmonise a complex national structure and democratic decision-making of their citizens, not only on the system of government, but also on the political system. Partly by the decisions of their political elites, and partly on the basis of the direct decision-making of citizens in referenda, the three former socialist federations dissolved into a series of new states which in that moment mostly had a dominant majority of one ethnic group or nation, respectively. In this way, in a very short time Europe got in its east and south-east new national states as a result of the end of repressive regimes which even in respect to the political system imposed long-term untenable solutions. In this way, the end of three wars in Europe – World Wars I and II and the Cold War – largely altered the political geographic map of the continent. The first wave of new national states in Europe was brought by the end of World War I when at the ruins of three empires – Austria-Hungary, the Russian Empire and Germany – multiple states emerged. These were, from the north to the south, Finland, Estonia, Latvia, Lithuania, Poland, Czechoslovakia, Austria and the Kingdom of Serbs, Croats and Slovenes, that is, the future Yugoslavia. Previously the withdrawal of the Ottoman Empire from the territory in the south-east of Europe after the defeat in the First Balkan War enabled the strengthening and

foundation of national states in the Balkans. The end of World War II resulted in a reversible process in which particular national states disappeared (Estonia, Latvia, Lithuania) or lost a part of the territory at the expense of the expansion of the Soviet Union (Poland, Czechoslovakia, Romania). The end of the Cold War revived the process of the restoration of national states, and in all three cases, the most dramatic political processes proceeded in the area of the former Yugoslavia. Specifically, Yugoslavia, for the first time in history, took hold as an independent state after the end of World War I in 1918; during World War II, it dissolved into several areas occupied and controlled by the Axis Forces led by Germany and Italy (1941-1945); after World War II Yugoslavia restored its state independence and until its democratisation and dissolution functioned as a single-party socialist federation. However, Yugoslavia never managed to function as a national state, but not because in the second part of its existence (1945-1991) it was a federation, but because in its case the borders of citizenship and the feeling of national belonging never coincided.

At any rate, the examples of Switzerland and the United States of America as multilingual and multi-ethnic and multiracial federations, respectively, confirm that even through such complex social and national communities the common feeling of national belonging can be generated, which means the emergence of a single nation – the Swiss and the Americans. On the other hand, the examples of Belgium, Canada and the United Kingdom show that the state survives despite different national identities in particular parts of the country, for the latter the last confirmation being the outcome of the Scottish referendum on state independence in 2014. The nation-state, as shown by the mentioned cases, represents at the same time a political organisation and a political ideal, that is, it presupposes an independent political community in which the borders of citizenship are more or less compatible with the feeling of national identity and which is structured according to the programmatic principle according

to which each nation has its own state. The nation is not strongly ethically defined, but it is a complex political, cultural and psychological concept. In order to understand why the dissolution of Yugoslavia in 1991 represented an intensive and conflictual process of the establishment of new nation-states in the area of yesterday's multinational federation, it is necessary to explain that during more than seven decades of the existence of Yugoslavia (1918-1991) the concept of a Yugoslav nation never took hold, nor a Yugoslav nation in an ethnical sense ever existed. Even though there is a series of relevant concepts of the nation, they can all be analysed through three prisms. The first relates to the nation as a cultural community and presupposes an identity community of one nation based on its culture, language and history. This concept was developed by the pioneers of the German classical idealism Johann Gottfried Herder and Johann Gottlieb Fichte, and is summarised in the concept of *Volkgeist*, which in German means 'the spirit of a nation'. The interpretation of the nation as a political community also dates back to 1700s, but can be found in the philosophical tradition of Jean-Jacques Rousseau, who is also considered 'the father of modern nationalism'. The nation in this case is a political entity whose members express civil loyalty and political duty toward the community, while the national sovereignty is most vividly expressed in Rousseau's principle of 'general will'. In a psychological sense, the nation as an imagined community was effectively defined by the Irish political scientist Benedict Anderson in 1983, explaining it by the human need for belonging to a wider community on the basis of the same interests and affinities. From the explanations of the above mentioned concept, the Yugoslav nation could not form either during the peak of nationalist movements in 1800s or within the formed Yugoslav state, because it did not have either a cultural, or political, or psychological basis for it. The idea of Yugoslav community – but not the Yugoslav nation – emerges within the movements of national arousals of South-Slav nations which were in 1800s under the authority of the Habsburg Monarchy and the

Ottoman Empire. Specifically, as members of minority and politically oppressed nations, the South-Slav nations started to promote ideas of linking together through their social elites on the basis of similar languages, traditions and interests. These endeavours were mostly manifested in Croatia, which in this period was a part of the Habsburg Monarchy. In this, the idea of the 'Yugoslavhood' was preceded by the idea of 'Illyrian ideas', considering the homonymous old ancient nation which inhabited these areas during the Roman Empire, and before the arrival of South Slavs in the Middle Ages. The only South Slavs which were not embraced by the idea of the Yugoslavhood were Bulgarians, whose restoration of statehood proceeded independently of the political processes which would in 1918 lead to the establishment of the Yugoslav state.

The Yugoslavia itself, that is, the Kingdom of Serbs, Croats and Slovenes, as the new state was named in its beginning, emerges from different – both ethnically and politically – parts of other states. Specifically, independent kingdoms Serbia and Montenegro, which gained their state independence from the Ottoman Empire in 1878 on the basis of the decisions of the Berlin Congress and – the State of Slovenes, Croats and Serbs as a short-lasting state which emerged in the very south of Austria-Hungary united into the new state. Regarding the fact that Serbia, in the moment of the unification, for many decades was an independent state, then the most populated one among the Yugoslav nations, and a part of the victorious coalition in World War I, easily imposed its own solution for the system of government of the new community. Instead of a federation of equal nations and federal units, the newly established state became a unitary monarchy led by the Serbian dynasty Karadorđević. The Serbian hegemony marked almost the entire duration of the first, monarchist Yugoslavia, which only close to its end in 1939 tried to federalise by the establishment of a separate Croatian Unit in the framework of the common state (Banovina Hrvatska), since the existing

regime saw its most decisive opposition exactly in Croatian political parties and politicians. However, the beginning of World War II ceased the attempt of the political alteration of Yugoslavia, while the regime's effort to impose the Yugoslav nation as a front for the political hegemony of the most numerous nation in the country, since its beginning encountered a failure. Because the already formed nations – Serbian, Croatian and Slovenian – entered in the new Yugoslav state, while the Montenegrin, Macedonian and Bosniac ones would form exactly within Yugoslavia, which would after World War II transform into a federal state of six republics and two autonomous provinces.

In this sense, the Yugoslav *Volkgeist* never took hold in Yugoslavia, because the nations and countries which united more or less under the pressure of the outcome of World War I already had their own identities through their own languages, culture and traditions. On the other hand, Yugoslavia never developed either as a political community of 'general will', because the citizen loyalty and duty toward the community incessantly found themselves in the opposition to repressive regimes, firstly the monarchist one led by the Serbian dynasty and politicians, and then the Communist one led by the advocates of a classless society in which national identities in relation to the class equality were of a second-rate importance. Finally, the Yugoslav nation could not even take hold as an 'imagined community', because such a community was mostly imagined at the frontiers of each particular identity within the Yugoslav society which was heterogeneous in the ethnic, religious, political, cultural and economic sense. It is interesting that the regime of the second, socialist Yugoslavia did not even provide for the possibility that the population in the ethnic sense declare as – the Yugoslavs – until 1961. Specifically, in Yugoslavia, after 1945, Serbs, Croats, Slovenes, Macedonians, Montenegrins and Muslims (later Bosniacs) were recognised as constitutive nations, while the most numerous national minorities were Albanians (mostly in Kosovo) and

Hungarians (for the most part in Vojvodina). The members of all nations and national minorities who were not by identity or pragmatically primarily connected to their ethnicum declared themselves as Yugoslavs.

Referendum on statehood and democratic transition: between elites and people

The democratisation of the former socialist states in central, Eastern and South-eastern Europe began in 1989. In this process the former Yugoslavia was an exception on account of its two specificities. The first specificity consisted in the fact that, unlike the similarly defined political systems in Eastern Europe, it was out of the Soviet political and military bloc. Specifically, apart from Albania, it was the only one to have such a status. And while East Germany, Poland, Czechoslovakia, Hungary, Romania and Bulgaria were the closest allies of the Soviet Union, which firmly held them within its sphere of interest and within the Warsaw Pact, in accordance with the doctrine of limited sovereignty, Yugoslavia was outside any military-political blocs during the Cold War. Its foreign policy position was determined by its membership of the Non-Aligned Movement as a community of mainly Third World states, whose initiator and founder was exactly Yugoslavia in 1961. This is the position that provided for Yugoslavia under the leadership of its President for Life Josip Broz Tito (1892-1980) an importance in a large part of the countries of Africa, Asia and Latin America on the one hand, and, it being a state outside blocs in a politically and militarily deeply divided Europe, a special relationship of the two Cold War blocs towards it, on the other. The second Yugoslav specificity consisted in the fact that, right before and during the dramatic changes in Eastern Europe in 1989 and 1990, it was coping with its own internal crisis. In this crisis, the dissatisfaction of citizens was not caused primarily by the political system characterised by the Communist Party's monopoly, but by increasingly frequent and high interethnic tensions as well as by more and more overt requests for rearrangement of the state or for its

disintegration. The fact is that the beginning of the democratic transition in the former Yugoslavia, as a process of conversion of, what were then, autocratic regimes into multiparty democracies, coincided in terms of time with other states. However, in the case of Yugoslavia, the aforementioned process proceeded at a different pace, under different circumstances and involving different actors as the government and as the opposition. In one part of the Eastern European states, such as Poland and Hungary, the democratic transition proceeded relatively peacefully, in the process of which the former communist government cooperated with the anti-communist opposition in the creation of a new democratic system. In Eastern Germany, Czechoslovakia, Bulgaria and particularly in Romania, the mass protests of disgruntled citizens took place, hence the former communist governments *de facto* capitulated and the respective oppositions took the initiative in deciding on the new institutional arrangements.

Even at that time, the former Yugoslavia was already internally divided. In pro-Western republics of Slovenia and Croatia, the same as in Poland and in Hungary, the ruling communists ensured the conditions for holding the first democratic multiparty election very quickly and quietly. On the other hand, in Serbia and Montenegro the former communist elite was replaced by a new nationalist elite whose members came from the ranks of the ruling communists after having organised a number of mass protests. This shift was confirmed in the elections, thus making Serbia and Montenegro rare examples of Eastern European countries where, to put it tentatively, the reformed communist parties won the first democratic multiparty elections. Finally, Macedonia and Bosnia-Herzegovina followed Slovenia and Croatia's examples and organised democratic multiparty elections without major internal perturbations. In these four Yugoslav republics the anti-communist opposition won, but in Croatia and Bosnia-Herzegovina an anti-system opposition emerged, namely in

the form of radical Serbian parties that began requiring the separation of the territories inhabited by Serbs and their annexation to Serbia. Although the democratic transition in Yugoslavia confirmed all three causes singled out by the theorist Ralf Dahrendorf – the new Soviet policy by Mikhail Gorbachev; the abolition of the monopoly of the Communist parties and strengthening of the opposition; and mass protests – the former Yugoslavia was a special case of transformation of the system and of the state precisely due to its interethnic issues. In spite of being, according to Samuel P. Huntington's theory, an integral part of the third democratisation wave in the world, which started in 1974 in Southern Europe and continued in the 1980s in Latin America, Eastern Asia and Eastern Europe, the former Yugoslavia represents a unique case. The reason for this is the junction of the process of democratic transition with the outbreak of a general war, which did not occur in any of the observed states of the third democratisation wave.

Of the three models of transition (transformation as a change within the regime, replacement as a change out of the regime and transposition as a joint action of the government and the opposition), the former Yugoslavia is an example of transformation because the crucial role in initiating and controlling of the transition was performed by an actor of the regime, i.e. the League of Communists, as the only and therefore the ruling party was called in the former Yugoslavia and in its constituent republics. As for the model of formation of political institutions and of new constitutional arrangements, among which there was the referendum on the status of the state, the former Yugoslavia was an example of the managed model, as opposed to the agreement model and the capitulation model. In point of fact, in all the republics of the former Yugoslavia, the authorities imposed institutional arrangements, and there was neither cooperation between the government and the opposition (agreement model) nor the primacy of the opposition in that process (capitulation model). Regardless of whether

the anti-regime opposition won, as in Slovenia, Croatia, Bosnia-Herzegovina and Macedonia, or the former communists remained in power and started implementing a nationalist programme, as in Serbia and Montenegro, in all Yugoslav republics the outcome of the first democratic multiparty elections led to the situation that urged for redefining the existing state. Slovenia and Croatia, via their newly elected leaders, proposed either a confederation as a loose union of independent states or an agreement on peaceful separation; Serbia and Montenegro required an even firmer federation by reducing the existing rights of the republics; Macedonia and particularly Bosnia-Herzegovina with its complex ethnic structure consisting of Muslims, Serbs and Croats argued for a compromise solution that would, in principle, retain the existing federation in which the republics had wide powers and rights, including the right to secede. It is obvious that the main political goals of the six Yugoslav republics were contradictory, while a further hindrance to the resolution of the crisis consisted in the unwillingness of the Serbian segments of Croatia and Bosnia-Herzegovina's population to accept any solution that would entail the disintegration of Yugoslavia. The disappearance of the one-party monopoly and of one political centre of controlled means of repression, created the conditions in which violent clashes of political opponents were ever more certain.

The referenda on the sovereignty between the federal state and a union of states

Both in the case of the referenda decisions of former Yugoslav republics on the state independence, and in the case of the referendum in which the citizens of the United Kingdom declared on the stay or exit from the European Union, the central topic was – sovereignty. In brief, sovereignty is a supreme power at disposal of one political community, in particular the state, in principle is indivisible and is only in particular constitutional-legal situations

transferable to another political community such as a union of states. The sovereignty, in relation to the political community which has it at its disposal, can be observed 'from the inside' when it represents a strong and coordinated institutional mechanism of decision-making and – 'from the outside' when it presupposes the situation in which no solution by an external environment can be imposed on the state. The contemporary notion of the supreme power in a political community lies in the principle of national sovereignty according to which the *demos* as a political nation is a bearer of the power in the state, and entrusts with this power in an operational sense to its representatives through democratic elections. The former Yugoslavia in almost its whole duration was not a democratic state in the sense of the concept of the polyarchy by Robert A. Dahl, who describes political institutions and the processes of contemporary representative democracy through multiple criteria. Among these, the most important are the implementation of power by publicly elected officials, free and fair elections, accessibility of public offices to all in the state and the right to protests, information and political association.

In its first, monarchist period (1918-1941), Yugoslavia was for the most part a dictatorship of the ruling dynasty Karadžević, with shorter interruptions of the organisation of multi-party elections in the first half of the 1920s and in the second half of the 1930s. The second, socialist Yugoslavia (1945-1991) was also a dictatorship, but of the Communist Party and its leader Josip Broz Tito. The League of the Communists of Yugoslavia, which was an official title of the ruling and – the only party in the country, had until the comprehensive democratic changes in 1989/1990 a monopolistic position in the Yugoslav political system. Until the dissolution of the country in 1991 all former Yugoslav republics ceased this monopoly, held democratic multi-party elections and established new governments. In doing so, in Slovenia, Croatia, Bosnia and Herzegovina and Macedonia, in the elections held in 1990, the new

government was formed by the parties of the anti-Communist, more or less nationalist opposition, and in Serbia and Montenegro the successor parties of the former League of Communist which transformed into – socialist, but were also nationalist. Immediately after the end of the democratic multi-party elections in all former Yugoslav republics (in Slovenia and Croatia the elections were held in the Spring of 1990, and in other republics during the Autumn of the same year), new republic leaderships started negotiations on the solution of the Yugoslav political crisis and new relations among the federal units. In this context, it is interesting that the elections for the Federal Assembly of the former Yugoslavia as a representative and legislative body of the entire state were never held, and Yugoslavia is the only former socialist country in Middle and East Europe which in the beginning of democratic transition did not have democratic elections at the national level, but only at the level of the federal units. The negotiations on the future political system of Yugoslavia were carried out during the Winter and Spring of 1991, in which the representatives of the federal government did not participate, but exclusively the representatives of the six Yugoslav republics, and from the very beginning did not function as a mechanism of solving the conflict which was still latent in that moment. The reason for this were the opposite positions of Slovenia and Croatia, which advocated a confederal arrangement of Yugoslavia and Serbia and Montenegro, which advocated a stronger federation in relation to the constitutional solution from 1974. It should be certainly noted that the last text of the 1974 Constitution transformed the Yugoslav state into a slack community of the republics and provinces which by themselves had the marks of the statehood and the right for self-determination to the secession. It is exactly that this constitutional norm which would serve as a legal basis of the referenda on the independence of the former Yugoslav republics. A part of these referenda was held before the formal dissolution of Yugoslavia on 25 June 1991, when Slovenia and Croatia, after the failure of negotiations, proclaimed state sovereignty and the second part

after the beginning of an armed conflict which broke out a day after the proclamation of Slovenian and Croatian independence.

In a theoretical sense, the referendum is an institution of the direct democracy in which citizens directly decide on a particular issue from the political and social life. The referendum decision legitimises the initiative which originates either from the government or the citizens themselves, and in its character can be binding or advisory. Regarding the fact that in the case of the (re)definition of the position of the Yugoslav republics within the then federation or outside of it, the republics constitutions prescribed the necessity of the implementation of a referendum, and the decision on the future of Yugoslavia as a state was, at least formally, passed from the hands of political elites into the hands of the people as a sovereign. The first referendum, or a plebiscite, respectively, on the independence of a single Yugoslav republic was held in Slovenia on 23 December 1990, that is, in the year in which Yugoslavia was still a unitary state. The referendum question was: *Should the Republic of Slovenia become an independent and sovereign state?* In order for a referendum to be successful, according to the law, the majority of all registered voters should have voted for the independence. It did happen because the referendum question was affirmatively answered by 95% of voters, while 4% were against it (the rest 1% relates to invalid ballots). No less than 88.5% of registered voters voted in the referendum. Croatia held its referendum on independence on 19 May 1991 along with the boycott of a part of the Serbian national minority which made up some 12% of the population of Croatia. What was voted in the referendum were two questions, that is, two solutions for the resolution of the Yugoslav crisis (as mentioned, the first one was offered by Slovenia and Croatia, and the second one by Serbia and Montenegro). The first was: *Should the Republic of Croatia, as a sovereign and independent state, which guarantees cultural autonomy and all civil rights to Serbs and members of other nationalities in Croatia, enter a*

union of sovereign states with other republics? The second was: *Should the Republic of Croatia stay within Yugoslavia as a unitary federal state?* No less than 83.56% of voters participated in the referendum; 93.24% of voters declared affirmatively to the first question, and to the second one 1.20% of voters, which means that the advocates of the state independence won more than a convincing victory. The south-east Yugoslav republic Macedonia, after the failure of the negotiations on the future of Yugoslavia, also opted for a referendum on the independence. It was held on 8 September 1991 with the question: *Should Macedonia be a sovereign and independent state, with the right for association with the independent states of Yugoslavia?* No less than 75.72% of voters participated, out of which 96.46% were for the independence, and 3.54% against it. Macedonia, in relation to all other Yugoslav republics, did not witness war conflicts directly tied with the dissolution of the state, but a limited war broke out in 2001 because of the rebellion of the Albanian national minority in the west of the country connected with its position in the constitutional order. Politically and ethnically most complex situation was in Bosnia and Herzegovina in which Muslims (later renamed Bosniacs), Serbs and Croats lived sharing equally power in this central Yugoslav republic. After three nationalist anti-Communist parties won the first democratic election, interethnic tensions grew stronger. Political representatives of Serbs (about one third of the population) strongly opposed any form of rearrangement of Yugoslavia and possible independence of Bosnia and Herzegovina. For all that, a referendum was also held in this republic on the independence on 29 February and 1 March 1992, and the question was: *Should Bosnia and Herzegovina, a state of equal citizens, nations of BiH – Muslims, Serbs, Croats and members of other nations living in it, be a sovereign and independent state?* Despite the boycott by the large number of voters of the Serbian nationality, 63.60% of voters voted in the referendum, out of which 99.70% was for the independence. And while the four former Yugoslav republics paved the way to independence,

in 1992 Serbia and Montenegro formed a common state called the Federal Republic of Yugoslavia. The political unity lasted until 1997, when the Montenegrin leadership came into a conflict with the regime of Slobodan Milošević in Serbia. Finally, even Montenegro held a referendum on independence on 21 May 2006. The question was: *Do you want that the Republic of Montenegro is an independent state with full international legal subjectivity?* 55.50% of voters voted for the independence of Montenegro, and 44.50% against it, with the turnout of 86.49%. In Serbia there was never a referendum on independence, but there was one in its southern autonomous province of Kosovo, in which nearly 90% of the population were members of the Albanian national minority. To be sure, this referendum was held in the period between 26 and 30 September 1991 outside of the internal and international law, and the organisers were the members of the parliament which was prior to this dissolved by the Serbian authorities. In it, with the turnout of 87.01% of voters, 99.98% of voters of mostly Albanian nationality voted for the independence of Kosovo. In this way, from 1990 to 2006 in all former Yugoslav republics, except for Serbia, referenda on state independence were held. Some of the new states became independent for the first time in their history (Slovenia, Macedonia, Bosnia and Herzegovina), some restored the statehood lost in the Middle Ages (Croatia), and some the statehood from the beginning of the 20th century (Serbia, Montenegro). 'Yuexit' was carried out democratically, but with consequential wars.

The case of the dissolution of the former Yugoslavia: an exception in the past or the future rule?

Even though the former Yugoslavia is not the only country which in the beginning of democratic transition in Middle and East Europe witnessed its dissolution and the emergence of new states in its territory, its case is nevertheless special. First, the dissolution of the state,

despite the opposition of a part of the actors of the Yugoslav political crisis, was carried out within the existing constitutional frameworks, on the basis of particular referendum decisions as a democratic form of decision-making. Second, the gaining of independence of new states was accompanied by an armed conflict between the advocates and adversaries of the independence which in Croatia (1991-1995) and Bosnia and Herzegovina (1992-1995) transformed into a years-long war. These wars were waged by central authorities of new independent states and the rebellious part of the Serbian population which with the help of Serbia sought to make independent the parts of the territory in which it lived and possibly connect them to Serbia. Since the international community persisted that this conflict should end, and regarding the number of victims it became the most severe war in Europe after World War II, and they insisted on the territorial integrity of new states, only the foreign military intervention in 1995 could help the cease of hostilities. Third, the political outcome of the Yugoslav crisis and wars which emerged in the first half of the 1990s really established the concept of the nation-state as a primary objective in state communities which, because of their internal contradictions, were not sustainable, especially not when the state system finally became the object of democratic decision-making.

So the dissolution of the former Yugoslavia as a 'Yuexit' of its own kind, a quarter of the century before the referendum decision-making in the United Kingdom, first in Scotland on the state independence, and then in the entire country on the stay or exit from the European Union, announced that different forms of integrations necessarily require democratic legitimation. The most part of former Yugoslav republics through referendum decision-making on state independence confirmed that democracy is a form of government through which it is only a test not only of the government, but also of the arrangement within which this government will act. Once in Yugoslavia, after more than seven decades of different

repressive regimes, conditions for democratic decision-making emerged, the state dissolved. The outcome is not surprising, considering the multi-decennial coercive neglect of the needs of particular areas within Yugoslavia for a particular form of the establishment of nation-states within one multinational state. Even at the peak of the Yugoslav political crisis in the first half of 1991, and before the beginning of the armed conflict, all political actors in the country proposed a particular form of continuation of Yugoslavia as a political community, either as a confederation, or as a symmetrical or asymmetrical federation. Eventually, Yugoslavia did not dissolve in the war because of the separatism of particular republics which, according to the federal constitution, had the right for self-determination, but because of the plan for redrawing inter-republic borders on the basis of the ethnic criterion and – ethnic cleansing as a mechanism of its coercive redrawing. The real question is, then, why the former Yugoslavia at the end of the 20th century, in the middle of Europe, became an example of a violent dissolution of one federal state, and not the Soviet Union which was feared that its dissolution in 1991 could proceed through a series of successive wars. In addition, the larger part of the former Soviet republics formed the Community of Independent States as a slack confederative tentative solution based on common political and economic interests. The reason for the violent dissolution of the former Yugoslavia, which in a series of wars from 1991 to 2001, according to different estimations, claimed 140.000 human lives, should be looked for in a different profile of Yugoslav political elites in relation to those Soviet ones and intentional opting for war as a continuation of the political crisis. As was shown by the trials of the International Criminal Tribunal for the former Yugoslavia (ICTY) established by the UN Security Council in 1992, the most part of political and legal responsibility for the armed conflict can be found in decisions and behaviour of the then leadership of Serbia and their like-minded counterparts within the Serbian part of the

population in Croatia and Bosnia and Herzegovina. The war in the former Yugoslavia was not only a means of the realisation of political objectives, but an end in its own.

Therefore, the post-conflict processes of the normalisation of relations and reconciliation in the area of the former Yugoslavia are even today fragile and uncertain, especially in Bosnia and Herzegovina and Macedonia whose heterogeneous composition of the population makes impossible the creation of classic nation-states. Even though the referendums 'Yuexit' and 'Brexit' are largely different processes – Yugoslavia dissolved through an armed conflict as a federal state into new sovereign states, while the United Kingdom as a sovereign state in a peaceful manner left the previous union of states – their political background is similar. Both processes showed that in Europe, in which the end of the Cold War did not bring the beginning of the long-lasting peaceful period, the concept of a national, sovereign state through various democratic majorities has an advantage in relation to inter-state integrations with the transfer of sovereignty to a higher instance. In the Yugoslav case the convincing majority in particular republics opted for independence and sovereignty; in the case of the United Kingdom only a little more than the half of the voters opted for the exit of the country out of the European Union, but with differences in particular parts of the country (Scotland, Northern Ireland, Gibraltar and the capital London voted for the stay in the Union, and England and Wales for the exit). However, the democratic legitimation in both cases is indisputable. The majorities opted for an exclusive use of the highest authority within the nation-state, and not through different forms of inter-state association. Will the new Scottish referendum on independence in the future have a different outcome, and the referenda of the same sign happen successively also in other parts of Europe and thus confirm that democracy starts from the state status, depends on a series of factors, primarily on the feelings of political collectives in which community they optimally realise their interests. With a rational

consideration, the emotional one should not be excluded in any way because the decisions such as 'Yuexit' and 'Brexit' are most frequently based on several simple and strong feelings and messages. The responsibility of political elites, but also of those who elect them lies in that the decisions – whatever they are and with whatever support – are carried out in a peaceful and democratic manner. When the war becomes the continuation of democracy, democracy has only a one-time role. And the war is the only exit which should be certainly prevented.

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