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## The Legitimacy of Secession and the Case of Montenegro

Bachelor Thesis in Political Science

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Titel: The Legitimacy of Secession and the Case of Montenegro  
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## Sammanfattning

Rätten till självbestämmande har traditionellt sett inneburit att staters suveränitet respekterats. Konceptet har dock kommit att applicerats på andra plan i större utsträckning, då man har argumenterat för rätten till nationellt självbestämmande. En gemensam kultur, eller liknande, har på så vis fungerat som underlag för secessionsrörelser. Secession kan ha allvarliga konsekvenser för de involverade politiska enheterna. Det kan även vara ett koncept svårt att implementera i verkligheten då det berör territoriella aspekter såväl som ifrågasätter vilka som hör till den utbrytande rörelsen. En teoretisk ram användbar för utvärdering av secession har därför sammanställts i denna uppsats, baserad på tre typer av secessionsteorier som applicerats på och jämförts med fallet Montenegro. Ramen bygger på en teoretisk diskussion rörande definitioner av nationalism, nationer och identitet. Dessa definitioner grundas på en civil och medborgerlig förståelse av nationalism, där identitet beskrivs som en dynamisk företeelse. Secessionsramen har därefter applicerats på fallet Montenegro som nyligen blivit en självständig stat. En utvärdering av fallet har sedan bedrivits, baserad på en historisk översikt av landet. För att understryka komplexiteten med secession presenteras sedan argument mot secession som inte bör betraktas som en lösning på etniska konflikter. Alternativa lösningar på sådana presenteras därefter vilket ger en insikt i multiculturalism. Sådana lösningar innebär alla en risk för att etniska gränser ertsas fast istället för löses upp. Montenegros secession kan dock betraktas som legitim då relativt stabila demokratiska och liberala institutioner gått att finna även innan secessionen. Folkomröstningen var även den legitim och influerad av medborgarskap snarare än etnicitet.

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## **Abstract**

The principle of self-determination traditionally refers to respect for state sovereignty. It has been increasingly employed to lower level communities as they have argued their right to national self-determination. National groups have, based on a common culture or likewise, made claims to secession. Secession can have severe consequences for either one of the two political units. It can also be extremely difficult to implement as it involves territorial aspects and the fundamental question of who belongs to the national group wishing to secede. A framework for evaluating the legitimacy of secession is developed in this thesis, based on three general types of secession theories applied and compared to the case of Montenegro. The framework builds upon a theoretical background defining what is meant by nationalism, nations and identity. The language used in this essay is therefore that of constructivism, rooted in the civic idea of nationalism. The belief that human identities are dynamic and subject to change is a crucial assumption. With the aid of an historical presentation of Montenegro, an evaluation of the region's independence is made. To underline why secession should be implemented with care, arguments against secession are then presented. Secession should not be confused with a solution to ethnical tensions. Alternatives to secession are thus demonstrated, showing the complexity of the multiculturalist field in general. Multicultural policies risk fixing ethnical lines rather than dissolving them. The secession of Montenegro is legitimate as relatively stable democratic and liberal tradition existed prior to independence. The referendum in Montenegro was, more over, determined by a well organised referendum where civil elements dominated over ethnical ones.

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# 1 Introduction

The general understanding of world politics has, in the past few decades, shifted from having primarily an ideological dimension to having an ethnical one. The World Wars and the Cold War had sovereign nation-states as primary actors in conflict. The power of nation-states was reduced as globalisation came about and supra-national institutions grew in importance. International institutions are, however, still build up around the concept of the nation-state despite the widespread tendency of civil wars.

There seems to be a link between the convergence of cultures world wide and the increase in ethnic conflicts. This increase can be explained by a simultaneously increasing sense of anomie following the rise of globalisation and disintertwining of nation-states (Dunne, 1995). Globalisation came in the way of governments and their egalitarian promises made between 1945 and 1960, leaving them unfulfilled. At the same time nation-states lost significance and people needed new ways to make sense of the world, like resorting to an ethnic understanding of nationalism (Brown, 2006).

Parallel to the increase in international interaction, an increase in ethnic conflicts took place and the Cold War came to its end. Particularly in the former Soviet Union and Yugoslav states the fall of Communism caused an upsurge of conflicts (Horowitz 1998, 200). The decolonisation of Africa was, more over, followed by an extraction of new states from previous political unions and units, further illuminating the tendency of intra-state conflicts. With a limited focus on the power of the nation-states, the perceptions of conflicts also changed (Dunne, 1995). The alternative understandings of concepts such as nationalism and the principle of self-determination that emerged, brought with them new tendencies in politics. Following the gradual increases in ethnic conflicts was, therefore, a trend towards identity politics.

The nation and the state are no longer seen as synonyms, making the concept of national self-determination contested (Roberts 1999, 79). National groups make claims to form new states and this political trend underlines the importance of reformulating terminology so to fit the world today. Where collective identities are strong and multicultural policies insufficient, separatist claims have been made by national minorities. This phenomena, called secession, is defined by Allen Buchanan (1991, 10):

“Unlike the revolutionary, the secessionist’s primary goal is not to overthrow the existing government, nor to make fundamental constitutional, economic, or sociopolitical changes within the existing state. Instead, she wishes to restrict the jurisdiction of the state in question so as not to include her own group and the territory it occupies.”

Secession thus involves a minority group extracting itself from a previous political union with the purpose of forming a new state or become part of another one. Since the former is usually the case, this is what will be meant with secession in this essay (Buchanan 1991, 10). While multiculturalism in general takes place internally, secession thus has consequences beyond the nation-state. Since the international institutions are centred on the concept of the nation-state, secession movements have to be backed up and recognised internationally in order to enjoy independence. A general framework for legitimate secessions is hence of importance.

The most recent state to legitimately declare independence is the state of Montenegro, extracting itself from the previous political union with Serbia in 2006. Why or why not was this secession legitimate? How did Montenegro’s independence drive evolve? What are the implications of Montenegro’s independence, on the region and its surrounding, and on secession in general? To answer these questions, a theoretical framework for secession needs to be outlined.

## **1.1 Method and Limitations**

This thesis sets out to evaluate the secession of Montenegro. The study has elements of being both inductive and deductive (Esaiasson and others 2004, 304). Deductive to the extent that the theories under the microscope are being tested empirically against the case of Montenegro, but inductive in the way that they are normative theories unsuitable for scientific tests. The normative nature of the three types of theories investigated in this essay implies distinct value systems. The first part of the thesis thus concerns the various paths of ideology that later form the roads to secession. In order to get a valid and consistent ground for assessing the recent secession of Montenegro, it is important to define a set of beliefs as a foundation to build a discussion upon. An attempt has been made, to the extent that it is possible, to step out of the ideological realm and create a logical, and with the analysis consistent, view of society. The evaluation of Montenegro

is done using a qualitative text analysis of secession theories. The literature used have been evaluated using a set of general guidelines outlined by Esaiasson and others (2004, 304). One of these guidelines, dealing with the authenticity of the literature, has been left out due to lack of disbelief in the genuineness of the authors. The remaining three; independence, contemporary relevance and tendency, I will apply to the theoretical background of my work.

As far as independence goes, three aspects are important. The first concerns the possibility to confirm sources. Since the discussion on secession is of a moral nature, this criterion applies first and foremost to the literature on Montenegro. The journal articles depicting the history of the country are consistent with news articles from print media as well as the International crisis group reports. The second aspect of this guideline concerns the type of sources in relation to the event that is being outlined. This is of limited relevance as far as the normative theories of nationalism and secession are concerned. The sources used to depict the past and present situation of Montenegro are secondary since the useage of such meets the purpose of this thesis, are obtainable and less biased. The final aspect is the independence of the author. The literature on secession violates this aspect to the extent that the authors are influenced by the social and subjective context forming the basis of identity. As this is not something that is in any way swept under the rug, it does not need justification. As the legitimate framework for secession in this essay is logically consistent with the views of society outlined in the theoretical background, however, a different view of society would call for other solutions and hence sources.

The contemporary relevance of the literature used in this essay is quite high. Secession is a current issue and the research field of identity politics an evolving one. The entire field of multicultural policies was recently given a central role in the policies of various states. Therefore, the literature used is relevant at this point in time.

It is important to be aware of possible tendencies among authors. The pro-independence movement in Montenegro have an interest in enhancing Montenegrin, instead of Serbian, identity. Similarly, the pro-union camp will gain from emphasising the economical and cultural dependence between Serbia and Montenegro. Aspects like these are, however, accounted for in the theoretical discussion on secession. The empirical part is, again, the part of the literature where tendencies like these are likely to

occur. The journal articles and reports on Montenegro claiming the identity of the Montenegrin citizens to be primarily determined by certain elements has not been treated as evidence in any way. It is difficult, if not impossible, to scientifically categorize identities and loyalties according to the definitions of the concepts used in this thesis. Opinions on Montenegrin identity stated in journal articles have thus been handled with care. Categorising is nevertheless important although approximate. Electoral behaviour has to be assumed to reflect loyalties to a certain extent.

The discussion in this thesis is held under the assumption of democratic principles. What has been classified as legitimate or illegitimate scenarios have been so in respect to democracy as the optimal form of government. It is thus assumed that sovereignty of states, respect of individual autonomy and physical security are general objectives for legitimate newly formed states. This is hence what is meant in this thesis when referring to liberal traditions and when saying that such traditions are present in Montenegro this should be understood to be in comparison to Serbia. It is not my intention to imply that Montenegro is a fullblown democracy as this would be way beyond the scope of this essay. This thesis is, further more, written under the assumption that ethnical tensions and conflicts are unwanted and requires national and international assistance. International cooperation in the institutional sense is build up around the collaboration of nation-state. The inclusion of new states in the decision making processed is complicated and bureaucratic. At the same time, the claims to national self-determination are many. The formation of new states hence have to be restricted somehow. In this thesis, the formation of new states is the privilege of post-secession improved states in a democratic environment.

## **1.2 Purpose**

The purpose of this thesis is to evaluate the secession of Montenegro. In doing so it is also to argue for, what Margaret Moore (1998, 6) calls, just cause theories on secession as a legitimate framework for secession. I wish to illuminate the complexity and moral aspects of secession and hence show that the analytical starting point is the empirical case rather than any constitutional theory on the phenomena. This thesis is an argument against the latter.

### **1.3 Outline**

The first part of the thesis aims at supplying the reader with a theoretical background on the relevant concepts essential for the understanding of secession. Various notions of nationalism and self-determination are hence discussed in section two. Background information on Montenegro is given in section three, supplying the reader with information vital to the following analysis. To the degree that it is necessary a critical analysis is carried out of the underlying ideological assumptions of secession theories, using the case of Montenegro for illustration purposes (Esaiasson and others 2004, 304). The result is a general framework for legitimate secession and an evaluation of the case of Montenegro. Section five and six concerns the arguments against, as well as the alternatives to, secession, where the arguments of liberal communitarianist such as Will Kymlicka are discussed.

## **2 Theoretical Background**

State borders have in the past defined political units but have become a contemporary tool used in managing ethnic tension within states. Understanding the phenomena calling for the revision of state borders, namely ethnic movements and nationalism, is hence crucial. Without it the proposed solutions to ethnic tension might, in fact, become a catalyst for more ethnic conflicts (Horowitz 1998, 182). According to Connor (1994) the difference between ethnic groups and nations is that the former can only be defined by others whereas the latter is defined by the individuals belonging to the nation in question. Further more, if confusing ethnicity with nationalism and thus equating it with loyalty towards the state, the full force and understanding of nationalism will be lost. Ethnic tension thus raises several questions on ethnicity. What is ethnicity and what has caused its dominant position in politics? The answer steams from different perceptions of society and human identity, and thus deserves some attention.

### **2.1 National Self-determination**

While the concept of self-determination has secured its significance in modern history by appealing to liberal and democratic principles, the interpretations of the concept vary

(Roberts 1999, 79). From a liberal perspective, it is the protection of the individual that stands in focus and self-determination has therefore generally been applied to states and understood as respect for state sovereignty (Miller 2000, 111). Such an interpretation can today seem narrow and the conception of self-determination has consequently been applied to national groups. The interpretation of a nation is here borrowed from David Miller (2000, 113) and is defined as:

“A group of people who recognise one another as belonging to the same community, who acknowledge special obligations to one another, and who aspire to political autonomy – this by virtue of characteristics that they believe they share, typically a common history, attachment to a geographical place, and a public culture that differentiates them from their neighbours.”

The implications of national claims to political rights are many. It means an increased pressure on liberal democratic states to include policies protecting, not only individuals, but also collectives. The complex and fluid construction of human identities means that different groups claim the right to different things based on different interpretations of justice and the nature of their own identities. In this way, the principle of national self-determination can, and has been, employed to justify the use of force. The fact that past secession movements have been dominated by struggle and violence shows how important it is to reformulate the principle of national self-determination and the claims to secession. What happened to diplomacy and respecting the laws of war? Should secession be granted to the group that shouts the loudest for it or to the one that strive for independence using democratic means? (Roberts 1999, 91).

The contesting notions of self-determination of states and national self-determination, thus raises the crucial question of how to interpret “the people” constituting the nation (Roberts 1999, 83). A normative interpretation of national self-determination creates a risk of endless secessionist claims (Miller 2000, 110). Political demands are made on both individual and national bases. National demands, interpreting self-determination in terms of democracy rather than sovereignty, are a contemporary issue and a tool for intertwining various understandings of nationalism (Roberts 1999, 83). Since subjective perceptions and assumptions of society determine who the people are, it is important to take a closer look at these.

## 2.2 Nationalism: Civic vs. Ethno Cultural Nationalism

The way in which nationalism is viewed is fundamental to how national tensions are treated and nationalistic claims legitimised. Before investigating theories on nationalistic claims, such as secession, it is thus important to outline the languages in which nationalism can be described and take a closer look at the dynamics of the concept.

In *primordial* wording human identity would be interpreted in terms of heritage, as something given. The most important determinant of identity is, therefore, ethnicity. In multiethnic societies clashes between national groups would thus occur. Since it is not possible to avoid ethnic tension where various national groups interact on a daily basis, political focus should be on reforming states borders to fit those defining a national group. The only alternative solution would be assimilation of ethnic minorities into the ethnic core of a nation-state. The optimism in primordialism is unmistakable as it depicts the relationship between borders and national groups as, not only the cause, but also the solution to national conflicts. Therefore, nationalism does not exist where national borders coincide with national groups but is instead a reaction to a heterogenic situation and the strength of the nation a function of how homogeneous the nation is (Brubaker 1998, 233-260).

The problem with this perspective is that it neglects the many well working examples of multiethnic states. In fact, most nation-states consists of more than a single ethnic core, although the people living in the state might perceive the state to be ethnically homogenous. Britain, for example, is a multiethnic, civic state that views itself as ethnically homogenous. Croatia, on the other hand, is much more homogenous but celebrates civic values. It thus seems to be other forces at hand than those that primordialism accounts for. Conflict-free cases where ethnicity and citizenship refers to the same people, like in Iceland, do not prove that the peaceful coexistence in the state is due to overlapping of ethnicity and state borders. It can just as likely be accredited to civic beliefs and loyalty to the state. If ethnicity is the dominant determinant of human identity, the question of what constitutes an ethnic group seems crucial. If ethnicity refers to bloodlines, it must be possible to say who belongs to each bloodline in order to determine ethnicity (Ignatieff 1999 146).

Predated notions of ethnicity thus subordinates other aspects of identity. For example, the redrawing of state borders following the World Wars and fall of communism, created numerous misplaced national minorities. There are large groups of Russians in the Baltic States who see economical gains as reasons to, despite little political recognition, stay in these states. There are also Hungarian minorities in neighbouring Slovakia with social and territorial ties to the region that keeps them from exiting Slovakia and moving to Hungary (Buchanan 1991, 10). This unwillingness to move is not to be confused with a denial of national belonging or ethnicity, but shows how social aspects of identity can be just as important as ethnic ones.

An *instrumental* view of nationalism is less narrow than a primordial one and recognises the possibility of other, equally important, determinants to national identity. It is the way in which it is done that falls short in practice. Instrumentalism depicts nationalism as a tool used to obtain and maintain self-interests. Touching on the previous perspective, one argument involves latent ethnic understandings of identity that is activated in situations of insecurity. People are assumed to mobilise themselves in situations when they perceive a threat from other groups. Hence, it is the nature and threat of “ethnic others” that measures the strength of the “ethnic us” and political focus should thus be on causes of insecurity (Ronen, 1979). It is this rational aspect of nationalism that is unlikely. In order for it to be possible to use nationalism as a mean to reach an end, a condition of perfect information and self-awareness must be assumed to hold. More over, people are assumed to make rational choices *prior* to mobilising themselves on national lines. Without perfect and unbiased information, however, which in turn assumes that the ruling elite is capable of governing in an objective way, people cannot be expected to make rational choices at all times and the instrumental way of depicting nationalism is thus not completely satisfying.

Instead, nationalism and ethnicity can be described in a *constructivist* language, as myths shaped by language and perceptions (Anderson, 2005). In contrast to the primordial and instrumental approaches, it is the dream of unity that serves as a basis for national mobilisation. Nationalism is thus to be understood in terms of the longing to belong. The ethnic dimension to identity is, like identity in general, dynamic, contextual and subject to change. When approaching nationalistic claims, focus must therefore be on political insecurity and on the construction of myths. How strong a national group is

depends on how committed people are to the myth of the nation-state (or other units) and their level of developmental optimism (Brown 2000, 34-38).

The notion that a civic understanding of identity would be weaker than previously dated notions of identity is nothing but an ideological claim. In contrast, since instrumentalism describes it as possible for a member of a minority culture to rationally choose to mobilise according to civic ideas of equality when this serves self-interests, civic nationalism could not possibly be weaker (Ignatieff 1999, 146).

Since ethnical groups in conflict often make claims to religion, culture or natural resources, how can the dynamic nature of identity be ignored? Rather it is when the belief in civic institutions decline that people resort to ethnic understandings of nationalism. Hence, political focus should be on what causes the decline in civic nationalism, namely, decreasing developmental optimism.

In adopting such an idea of the nationalism, it becomes clear that the strongest nation-state is one that manages to intertwine a civic, ethnocultural and multiculturalist structure in order to account for the myths in a society that influence people's loyalties (Brown 2000, 34-38). Following this logic, the disintertwining of the very same would hence cause anomie and insecurity, leading to tensions and presumably conflicts. It is thus political insecurity that transform civic nationalism to ethno cultural nationalism, and that leads to claims for national self-determination and possibly multiculturalism. All kinds of nationalisms, more over, contain both civic and ethnocultural elements. The common tendency to view civic nationalism as something civilised and good on the one hand, and ethnic nationalism as primitive and bad, on the other, is thus misleading (Brown 2000, 34-38).

### **3 Montenegro**

As a recently independent state, Montenegro will serve as an illustrating example of the process of secession. Nationalism, multiculturalism and the concept of self-determination must therefore be applied contextually. The history of Montenegro up until present time will thus be given in brief.

### **3.1 History of Montenegro**

Montenegro was a political entity already at medieval times, between 1386 and 1421. Serbia did not, however, become a state until around 1800. As often emphasised by advocates of independence, Montenegro was the only state to successfully defy the Ottoman Empire which never gained complete control over the region. This was mainly due to the clans living in the mountains (International Crisis Group 2005, 2). Ruled by Prince-Bishops, Montenegro was, together with Serbia and Romania, recognised as an independent principality at the Congress of Berlin in 1878. Also, before becoming a kingdom in 1910, Montenegro adopted its own currency, the Perper, in 1906. Around 1912, when the first Balkan War took place, Montenegro expanded to its current territorial size under the rule of King Nikola. Prior to that, Montenegro's relation to European powers had been in focus with periodical allies against the Ottoman Empire as a result. King Nikola became known as the "Father-in-Law of Europe" due to his accomplishment of marrying his daughters into several European royal families. (International Crisis Group 2005, 2).

During the First World War, Montenegro fought on Serbia's side against the Austro-Hungarian Empire. The latter occupied Montenegro between 1916 and 1918. When Austria-Hungary left Montenegrin soil, Serbian troops entered the region and in the absence of the Montenegrin government in exile, Montenegro was incorporated into the Kingdom of Serbs, Croats and Slovenes. The Montenegrin Orthodox Church was replaced by the Serb one with the purpose of suppressing independent forces up until 1926 (International Crisis Group 2005, 3).

The Kingdom of Serbs, Croats and Slovenes was in 1929 renamed The Kingdom of Yugoslavia. The following communist era saw many Montenegrins in key political positions under Tito's socialist rule. Following the Second World War, Montenegro was given the status of a republic in Yugoslavia, with an increasing degree of autonomy and in 1979 the foreign ministry of Montenegro was reopened (International Crisis Group 2005, 3). The federation presented opportunities for Montenegrins to climb the social ladder, opportunities not found in Montenegro due to its small economy and size.

In 1989, it was without much difficulty that the government of Montenegro was overthrown by Belgrade and Slobodan Milosevic and talked into supporting the

formation of a pan-Serbian state together with Serbia. Montenegro assisted Serbia in the attack on the Croatian city of Dubrovnik in 1991 and also in the war in Bosnia. The Federal Republic of Yugoslavia (FRY) was formed in 1992, after the break up of the Kingdom of Yugoslavia. The new constellation was a federation between Serbia and Montenegro (International Crisis Group 2005, 3). In 1991, however, Montenegro's president Momir Bulatovic began identifying with the other republics of Yugoslavia that wanted a loose confederation of independent republics. Still, Slobodan Milosevic's had little difficulty convincing Montenegro that they were better off supporting him.

In 1997, the Prime Minister of Montenegro, Milo Djukanovic took control of the ruling Democratic Party of Socialist (DPS). That year Djukanovic defeated Bulatovic in the presidential elections, putting an end to the pro-Milosevic policies of Montenegro. The government of Montenegro distanced itself from Milosevic's war crimes and suppressing minority policies as well as from the negative effects on Yugoslav international relations that it had (Gallagher 2003, 55).

In 1999, Djukanovic also distanced Montenegro from the ongoing conflict in Kosovo by siding with NATO. The, from this date onwards, de facto independent state of Montenegro received many refugees from Kosovo as well as from Serbia, since Milosevic's opposition-members had to escape (International Crisis Group 2005, 3). In 2000 Milosevic forced through constitutional changes without consulting the Montenegrin parliament or the Montenegrin government. The new changes included the election of the federal president who now, no longer, was to be elected by parliament. This stripped away much of the Montenegrin influence as Montenegrins constituted less than five percent of the FRY population (Gallagher 2003, 58). The sanctions imposed by the West on FRY, following the war in Kosovo, also had damaging effects on Montenegro. Montenegro's contacts with Italy was cut off, making the region highly dependent of Serbia for economic survival.

Djukanovic gradually managed to shift most federal functions to a local level. By 2000, only the army and air-trafficking control took place at a federal level (Gallagher 2003, 58). Economic separation was already well on the way with the introduction of the dual currency system in 1999. The Yugoslav currency Dinas was to a large extent supplemented by the Deutschmark (later Euro).

While Djukanovic was aware of the fact that there existed no majority in favour of a repudiation of the federation as long as Milosevic was in power, he still pursued a policy for the sovereignty of Montenegro without provoking the Serbian government (Gallagher 2003, 65). Djukanovic was supported by the West in distancing Montenegro from the sphere of Belgrade politics (International Crisis Group 2005, 3). The support from the West ended following the overthrow of Milosevic.

At the time of the fall of the Milosevic regime, the Montenegrin government boycotted the elections leading up to the collapse. The alarmingly yet strong social glue that Milosevic stood for thus disappeared in the federation. The preceding Yugoslav President, Vojislav Kostunica advocated a joint state under a federal structure, while Djukanovic wanted nothing but a loose union between the two independent states of Serbia and Montenegro (Gallagher 2003, 65). The granting of an independent Montenegro was seen with suspicion by Serbia and many powers in the West, fearing that other regions would demand similar treatment that would lead to unintended consequences such as conflicts in Kosovo, Bosnia or Voivodina. Djukanovic was, for example, ignored by the Bush administration on his visit to Washington in 2001 (Gallagher 2003, 66).

By this time the Montenegrin government was aspiring to join the European Union (EU) so when the EU issued a statement in 2001, saying that the break-up of the federation with Serbia was out of question, it was negative news for the government (Gallagher 2003, 66). As Serbia-Montenegro was about to enter the EU Stabilisation and Association Process as one uniform state, the EU's reluctance was understandable (International Crisis Group 2005, 3).

In the parliamentary elections in Montenegro 2001, Djukanovic's pro-independence coalition won by no more than two percent over the opposition (Gallagher 2003, 66). The State Union of Serbia and Montenegro was formed the following year, inheriting the de jure personality of the Federal Republic of Yugoslavia (Gallagher 2003, 67). The economical sovereignty of Montenegro was secured with the Belgrade Agreement although foreign and defence policies would be shared. The separate economies of Serbia and Montenegro meant that Serbia took on a protectionist approach to domestic industry while Montenegro attempted to align custom duties with the EU, resulting in a higher rate of per capita foreign and private investments (International Crisis Group

2005, 7). The Belgrade Agreement also included the right for Montenegro to hold a referendum on independence after three years (Gallagher 2003, 68).

The State Union was disliked by Serbs and Montenegrins alike and the central government lacked any real power compared to the republic governments (International Crisis Group 2005, 5). The parliamentary election in 2002 was again won by Djukanovic, despite having lost a part of his coalition. This time he had an outright majority, indicating a growing pro-independence camp in Montenegro (Gallagher 2003, 68).

Due to the fact that Montenegro has been more responsive to the interests of the European Union, Montenegrins came to see the union with Serbia as troublesome for a possible future in the EU (International Crisis Group 2005, 6). Serbia has gone against the EU on several accounts, for example disputed the International Criminal Tribunal for the Former Yugoslavia in the Hague (ICTY) and refused to hand over war criminals to the tribunal (International Crisis Group 2005, 6). Other issues that have greatly divided Serbia and Montenegro include defence strategy and the return of captured parts of Croatia. The Croatian region was returned in 2002 which was followed by Montenegro offering war reparations and an official apology for the Montenegrin involvement in the attack. As a consequence of similar policies, Montenegro enjoys much better relations with the other Balkan countries, than does Serbia.

### **3.2 Montenegro at Present**

On 21 May 2006, the referendum over independence in Montenegro resulted in a narrow pro-independence victory. In order for Montenegro to be recognised as an independent state internationally and hence to survive as a new state, the referendum had to meet criteria set up by the EU (International Crisis Group 2006, 1). At least 50 percent of all eligible voters had to participate in the referendum and out of these at least 55 percent had to be in favour of independence in order for the EU to recognise the results (International Crisis Group 2006, 2). The opposition and Belgrade agreed quickly, believing that the part of the population opposing independence was larger than 45 percent (International Crisis Group 2006, 2).

The participation rate in the referendum was high. As many as 89.49 percent of Montenegrin voters cast their ballots. Out of this number 55.53 percent favoured independence, barely clearing the threshold set by the EU of 55 percent (International Crisis group 2006, 6). On 3 June Montenegro left the union with Serbia, becoming a fully independent state. Montenegro could title itself a member of the United Nations (UN) on 28 June the same year (*Dagens Nyheter* 29 June 2006).

The narrow pro-independence victory means that Montenegro faces the challenge of pleasing the pro-unionists in the new state. Bulatovic and his pro-union supporters contested the referendum results, blaming it on the EU. The Montenegrin government is thus up against anti-Western sentiments that might grow among the pro-unionists on the one hand (International Crisis group 2006, 6). On the other, the EU Stabilisation and Association process could assist the government of Montenegro in resolving such issues as Montenegro might become less dependent on Serbia for trade. On 11 September 2006, the EU continued the Stabilisation and Association process with Montenegro as a single state. The process began with Serbia-Montenegro in 2005 but came to a halt as a result of Serbia's inability to cooperate with the United Nations and handing over war criminals (*Dagens Nyheter* 11 Sept. 2006).

The first parliamentary election was held in independent Montenegro on 10 September 2006. Djukanovic and his coalition won the election with a great majority. The opposition was never considered a real threat as they placed more emphasis on criticising the ruling coalition than on formulating an agenda of their own (*Dagens Nyheter* 11 Sept. 2006). Djukanovic has, however, resigned from his post as the Prime Minister of Montenegro although he remains the leader of his party, DPS. The Prime Minister post now belong to former Minister of Justice Zeljko Sturanovic (*Dagens Nyheter* 5 Oct. 2006).

On Serbia's account, the referendum results were greeted with reluctance. Although President Boris Tadic formally acknowledged the independence of Montenegro, Prime Minister Vojislav Kostunica was not keen on doing the same. The media in Serbia has, apart from blaming the EU for the referendum results, been blaming the Albanians, Croats and Bosniaks in Montenegro for the loss of the region. Some 15 percent of the ethnic minorities in Montenegro voted for independence (Holmgren 22 May 2006). The argument goes that the votes of Serbs should have been prioritised over the votes of the

ethnic minorities and hence that Serbia is victimised (International Crisis Group 2006, 7). The fact that Belgrade approved of Montenegro holding the referendum is neglected by the Serbian media. Serbia's ability of coming to terms with its pre-referendum commitments are thus important to Montenegro, now their next door neighbour.

## **4 What Constitutes Legitimate Secession?**

Returning to the discussion on nationalism and notions of self-determination, it can be concluded that the decline in, or non-existence of, civic nationalism leads to claims to national self-determination, or secession. The principle of national self-determination often involves three questions (Moore 1998, 2) These are:

1. Who are the people?
2. What is the relevant territorial unit in which they should exercise self-determination?
3. Does secession have a demonstration effect?

Additional questions of importance include (Roberts 1999, 90):

4. What means of struggle should be pursued?
5. May outside powers give support to national liberation movements?

Starting with the first question, and bordering on the second, the civic notion of people implies that the people in question belong to a given political or territorial unit. In claiming that the people are anything else, they are discriminated against based on ascribed identities. The people of Montenegro are hence those that live in the state or, prior to independence, the autonomous region called Montenegro. Close to a quarter of a million Montenegrins live in Serbia. These were not given the right to vote in the independence referendum.

The territorial unit in question is the region called Montenegro. Since it was previously a independent state before becoming an autonomous region, the territorial dimension have always been clear. Whether secession causes a domino effects depends on the reason for granting independence to a state and touches on question four and five. The

characteristics of the independence drive and the reactions of the surrounding world adds to the reasons why secession was legitimised.

A deeper interpretation of the people, as well as an understanding of the following questions, is accounted for differently by various theories on secession. The different ways to legitimise secession can be bunched into three general groups of theories. They are outlined below.

#### **4.1 Choice Theories**

Choice-theories treat secession as a liberal and democratic right and ground it in the right to political association (Moore 1998, 5). What, according to these theories, is required in order for a secession to be legitimate is a majority that, through a referendum or such, wish to secede from a political union. This type of theories is rooted in the principle of individual autonomy and thus ignores the possibility of any collective dimension to secessionist claims. While identity is treated as fluent in nature it is not done so in a contextual way since ethnical claims to secession are ignored (Moore 1998, 5). The fact that secession is often strived for based on claims to ethnicity or nationality, sometimes enable predictions of the electoral behaviour by examination of the ethnical map of the region. This would certainly be the case in a region like Kosovo where the pro-independence Kosovo Albanians are in a large majority. This indicates that the recognition of collective claims is desirable in a secessionist theory. The risk is otherwise that the referendum depicts ethnicity. In cases similar to the Kosovo example, this can cripple segments of the population, who might view their identities differently.

Although many Montenegrins, being ethnical Serbs, identify with the state of Serbia, other citizens see themselves as primarily Montenegrin. The pro-independence coalition prior to the referendum in 2006, lead by Djukanovic, included the Democratic Party of Socialists (DPS, 31 seats in parliament) and the Social Democratic Party (SDP, seven seats in parliament). Three other parties have one seat each and tend to support the government on crucial questions. More over, these parties along with the Democratic Union of Albanians (DUA), the Civic Party (GP) and the Democratic Alliance in Montenegro (DSCG), were all pro-independence. Two out of three of these parties are

Albanian ones but the Albanian minority tend to vote for the ruling DPS (International Crisis Group 2005, 9). Although the opposition parties targeted ethnical Serbs, the Serb minority are not the only strong advocates of the State Union. These also include Montenegrins with family or social ties with Serbia. The ethnic dimension to secession does hence not seem to be predominant in the case of Montenegro. Using Choice-theories for evaluation might thus be possible at first glance.

What choice-theories leave out, however, is the territorial dimension involved in national self-determination (Moore 1998, 5). Secession claims independence for a territory just like the undivided state once did (Horowitz 1998, 192). Its tendency to involve both a change in state borders and to claim the right to national self-determination touches on two fundamental concepts of international law; the principle of self-determination and the principle of sovereignty (Horowitz 1998, 194). These principles are dependent on each other and it is not possible to change one without automatically changing the other. When one republic of a federation becomes independent, this have consequences for the one left behind. The international community and the position of the rump state, in this case Serbia, must hence be included in the analysis some how.

The territorial question and its implications were present also in the case of Montenegro. The West initially supported Montenegrin separation from the Belgrade political sphere, but changed course as Milosevic lost power. Behind this were fears of regional instability. The tensed situation in Kosovo raised the question of whether Serbia could handle the risk of loosing yet another region without feeling victimized. The Kosovo negotiations also involved a minority question, not present in the case of Montenegro. Nevertheless, the territorial dimension to secession was a hot potato in Montenegro's independence struggle.

The neglectence of collective dimenstions to secession claims and territorial aspects means that choice theories are unsatisfying on two accounts. In the case of Montenegro, they are particularly inappropriate due to the latter.

## **4.2 National Self-determination Theories**

The second group, by Moore (1998, 7) labeled national self-determination theories underline the importance of national membership to individual identity. This second group assume that members of a national group strive for the same ends, which is the protection of a common culture. National membership can also, according to some theories, be employed instrumentally in order to reach other ends. The subject of analysis, or the people, is in this case understood as the members of a national group based on ethnicity. National self-determination of national groups is viewed as the collective version of individual autonomy (Horowitz 1998, 197).

Although national self-determination theories attempt to give ethnical significance to the question of secession missing in choice theories, they downplay cultural factors and fail to describe the dynamics of nationalism. Ethnicity is to be viewed as more central to a person's identity than civic values. Without belief in such an assumption it is, as discussed, merely an illusion that secession is the solution to ethnic tension. Also, when placing too much focus on ascribed identities, the possibility of neglecting minority groups arises. As secessionist groups have it in their interest to downplay any internal divisions, it is important to look at the number of opposing groups when determining the legitimacy of a contextual secession (McGarry 1998, 221). The nature of the opposition is an estimate of future outcomes. If secessionist claims are made by an ethnic minority occupying a given territory and, in turn, the ones opposing a divorce are of other ethnic minorities, it seems fair to assume that the ethnical tensions in the rump state will be transformed into smaller scale tension in the new state. The prominent determinants of identity will shape the pro- and against secession camps and thus underlines the importance of an appropriate analysis of the secessionist groups.

As discussed, the issues of independence seem to have a stronger influence on elections in Montenegro than do ethnicity, although overlapping to some extent. The fluid sense of identity in Montenegro is further illustrated by the number of Serbs living in the region. In 1991, as much as 61.86 percent of the population declared themselves Montenegrins while 9.34 percent considered themselves as Serbs (International Crisis Group 2005, 11). Following the dramatic and eventful years during the late 1990's, when the people of Montenegro started to become divided over the independence issue, these figures changed considerably. In 2003, the Montenegrins constituted 40.64

percent and the Serbs 30.01 percent. One aspect that unite Serbs and Montenegrins is religion, where most identify as Slavic Eastern Orthodox (International Crisis group 2005, 11).

As Montenegro is a multiethnic state, national self-determination theories are not ideal for the evaluation. What is needed is thus theories that do not ascribe national identities to secessionist movement, as done in national self-determination theories, or neglect the possibility of collective claims to secession, as choice theories do.

### **4.3 Just Cause Theories**

The final group of secession theories are just cause theories that strip away the primary right to national self-determination and calls for secession only in cases where remedies of past injustices are needed (Moore 1998, 6). Since national movements are not always organised around concepts of justice, but ethnical or cultural claims, just cause theories can seem misleading and requires a closer look. The central role of the principle of justice in secession theories falsely implies that where secession is justice enhancing, it is automatically legitimate (Miller 2000, 121). The principle of justice often takes on a distributive meaning, including economical factors and living-standard in the two political units.

The scope of the principle thus has to be limited. Attempts to limitations of the principle have been made, one of them formulated by Allen Buchanan, treating it as a two way reciprocal concept. (Miller 2000, 122). In treating it as such, cooperation for mutual advantages stands in focus where all members contribute. The problem with viewing it in this way is that it excludes the rights of disadvantaged members, such as handicapped individuals, that cannot contribute to a reciprocal balance of justice. (Miller 2000, 122).

Instead of limiting the principle of justice to cooperation in this way, David Miller (2000, 122) argues that the cooperation between the two political units as a whole should be emphasised. In this way, individuals with poor possibilities to contribute to the collective are not judged individually but instead it is the community to which they belong that restricts the principles of justice.

In the larger political unit, certain principles are at force. If secession then takes place,

the principles of justice in the new independent state cannot be compared to those of the rump state. Whether the secession was justice enhancing or not is impossible to say as the two political units subscribe to different principles, and this difference is what claims to secession was based on to begin with. In the larger political community, the majority of the secessionist group shared principles of justice that they felt were compromised prior to independence. Hence, the political situation of the rump state cannot be compared to that of the secessionist region for the purpose of formulating an argument against secession.

When limiting the principle of justice in Millers way, it becomes apparent that national self-determination claims are supported if hostility exists between two communities. The few cases where secession could not be legitimised through approximating the principle of justice to secessionist claims are easy to overcome with economical transfers. If the rump state, for example, are left so badly off that the security of the people living there is jeopardized, such a solution could be relevant. Otherwise, different national identities and cultures are likely to exist in a state, genrally supporting claims of secession (Miller 2000, 123). The minority nation in a political union, such as Montenegro in the State Union, might feel that their principles of justice are not adequately reflected or implemented in the union. The principles of justice can thus be approximated to fit secessionist claims. As claims to secession in Montenegro are centred on civic and cultural values rather than ethnical ones, injustice in the past would refer to those done to the territorial unit of Montenegro.

So where collective identities and cultures are in conflict in a political union, just cause theories generally supports secession despite restricted intentions. Here it is important to contrast the claims to secession to the actual impact that secession is likely to have. As secession does not solve internal problems, it is not enough that claims to secession are supported by principles of justice to legitimise the independence of a community.

The remedial rights that, according to just cause theories, can legitimise secession can be of various sorts (Moore 1998, 6). In the case of Montenegro, there are two arguments for unjust treatment of the region. First, Montenegro has in the past constituted an independent state and should therefore have the right to again due so. Secondly, Montenegro have been suppressed by Serbia in the State-Union that existed up until last year.

At present, Montenegro is one of the world's newest and oldest states. Having been the only state to successfully defy the Ottoman Empire, that never gained complete control over the region, statehood forms an important part of Montenegrin heritage (International Crisis Group 2005, 2). The Constitutional changes that Milosevic forced through in 2000, more over, illuminates the imbalance of power in the State Union of Serbia and Montenegro. Montenegro was never given the power or influence it was entitled to. As Serbia has been standing in Montenegro's way of joining the EU, following the halt in the EU Stabilisation and Association Process, the objectives of Montenegro can also be said to have been compromised. None of this would have been a problem if Montenegro did not have a culture distinct from that of Serbia. The multicultural policies of the Montenegrin government, the separate economies and ways of treating domestic industry, the different attitudes over war reparations, regions such as Kosovo and the handling of war criminals all caused cleavages in the State Union. The resulting cultural distinction between Serbia and Montenegro, and the difference in size between the two nations, caused Montenegro to be overruled.

National identities are, however, treated like mobilised by political elites in just cause theories. (Moore 1998, 6). They are thus not good single handed determinants of national self-determination. It can indeed be argued that the regime of Milosevic had impact on national mobilisation in former Serbia-Montenegro. Pro-federation votes in Montenegro have, to a large extent, also been supporters of the Milosevic policies, holding negative attitudes to joining NATO, the EU and cooperating with the Hauge Tribunal (International Crisis Group 2005, 6). Hence it seems risky to grant independence to a region, solemnly based on fluent concepts like national membership and principles of justice.

The consequences of secession must be weighted against past or present injustices. Secession is, in this way, grounded in human rights theory (Moore 1998, 6). As follows from including the consequences of secession in the analysis, it is important that the post secession situation is improved. Since secession does not solve internal problems in a state but merely transfer it to another level, or, alternatively, solves certain aspects of a given problem while creating other, it is important to acknowledge the challenges of the future. If there are strong obstacles for the secessionist state to survive, for example unwillingness of the international community to recognise the new state, and if present

problems are more manageable, secession cannot be seen as legitimate.

Since Montenegro had a constitutional right to call for a independence referendum after three years in the State-Union, the EU agreed despite the initial fear of increased instability in the Balkans (Gallagher 2003, 68). The secession of Montenegro would thus be acknowledged at an international institutional level given that the referendum criteria set by the EU, were met. The dead locked political situation in the State Union also stole much attention from other issues, such as Kosovo, indicating that the granting of independence of Montenegro would restore Serbia's attention where it was most needed (Gallagher 2003, 65).

The secession of Montenegro has improved the possibilities of the country in various ways. The separate economies of Serbia and Montenegro do not burden each other because of their differences in structure. The differences can be seen through Serbia having a protectionist approach to domestic industry while Montenegro has attempted to align custom duties with the EU. The troublesome aspects of Montenegro's economy involve the dependency on smuggling, but it is not expected to become worse through the secession. (Gallagher 2003, 65).

To continue, liberal traditions in secessionist regions will matter since internal problems in the rump state are likely to be inherited by the secessionist group. Liberal traditions prior to independence thus enhances the probability of a successful state (McGarry 1998, 221). Multiculturalist policies are not foreign to Montenegro. In 1990's Montenegro's policy towards Muslims was a lot better and tolerant than in Serbia or Croatia. In 1993, Montenegro continued to receive refugees while Serbia restricted the intake of the same (Gallagher 2003, 55). In 1997 Djukanovic took control of the ruling Democratic Party of Socialist (DPS) and defeated Bulatovic in the presidential elections, putting an end to the pro-Milosevic policies of Montenegro. The government of Montenegro distanced itself from Milosevic's war crimes and suppressing minority policies as well as from the negative effects on Yugoslav international relations that it had. Djukanovic's coalition consisted of advocates of independence and ethnic minorities who were suppressed by Milosevic. In 1999, Montenegro successfully stayed out of the war in Kosovo. This was everything but a small accomplishment, especially considering the historical clan system in Montenegro, where most conflicts was settled with a gun and where Montenegro was seen as a militarized society (Gallagher 2003,

55). Despite the deep political cleavages within the country, Montenegro stayed away from a civil war, showed stability and improved its relations to neighbouring states.

## **5 The case against Secession**

The emphasis on the ethnic dimension of identity has, as mentioned, not only lead to national conflicts but also to secessionist claims. While there are contextual cases where such claims are legitimate, there are numerous arguments against secession.

Secession cannot be said to be exclusively legitimate or illegitimate, liberal or illiberal. It points to a significant relationship between culture and nationalism, however. The contradicting notions of viewing social contracts in society as made up by primarily individuals or families, lead to different notions of who the people are who have a right to self-determination. If social contracts are formed between individuals, it is the citizens in a given territory that rightfully own the right to governance. When instead placing communitarian concepts of self-determination at the centre of discussion, the problem of who rightfully belongs to such communities arise (Horowitz 1998, 195). If self-determination is perceived to be the collective version of individual autonomy, then such a right must be granted on a collective basis under a liberal democratic rule. If instead it is possible that collective self-determination have negative consequences for individual autonomy, we would have to be very careful with communitarian claims, such as secession.

If collective rights are seen as equally important to individuals as individual rights are, and also as compatible with the latter, this would depict a world where secessionist claims by national minorities more often than not would be legitimate. A national minority, in this sense, is defined as a culture that in the past has been self-governing and has occupied a specific territory (Kymlicka 1995, 10). This liberal communitarian approach advocated by Will Kymlicka does however rest on assumptions contradictory to those in this thesis. Although liberalism promotes diversity its primary focus on individual rights and autonomy creates difficulties in justifying collective rights on cultural bases only.

The liberal communitarian theory assigns patriotism the role of the glue of the nation-

state. Patriotism is, in turn, formed as national groups develop loyalty towards the larger political community (Kymlicka 1995, 13). This loyalty depends on the state's respect for the cultural minorities and hence on the level of group specific rights granted to the communities. Civic nationalism however, requires that the individual directs this loyalty to the state prior to any ethnic group and to accomplish this; public institutions and policies should not reflect ethnical differences (Brown, 2000).

Are cultural bonds then really stronger than civic ones? What really says that patriotism is not rooted in the political community's respect for the individual rather than the ethnic group? Since it is an ideological claim, minority rights, at the expense of the majority, cannot be justified. The notion of collective rights and secessionist claims must thus be handled with care. Since multiculturalism grants higher status to ethnic and national minorities than it does to individuals belonging to the cultural majority, it is not compatible with civic nationalism and liberalism, demonstrating one of the major problems of moral theories on secession (Sowell, 1990).

Secession involves territorial aspects and international actors and is highly related to international law. International law does not, however, present a framework for secession as such. It can be stated that a secessionist state must respect the new minorities, be democratic and not suppressive etc. Such criteria do not ensure proper enforcement, however, and neglects the tendency of conflicts to increase due to border changes, insecurity and divisions of communities. What constitutes suppression and what counts as democracy are value based assumptions inappropriate in a legal sense. This point is very important. The ethnic aspect of secessionist claims that leads to independence neglects the ethnic dimension to democracy and free elections. Democracy, when having an ethnic dimension, might in fact be part of the problem rather than the solution, as proposed when using it as criteria for legitimate secessions (Horowitz, 1998, 195). If such a dimension was present in the undivided state, it is likely to be present in the new one. The new minorities will thus be discriminated against based on ascribed ethnical identities, just like the secessionist group ones were in the undivided state. Secession is thus not the obvious solution to ethnical discrimination (Horowitz 1998, 195).

The problems of the undivided state are often inherited by the new one and if anything, the situation becomes more fragile. Since the minority in the undivided state becomes

the majority in the new one, it is likely that they will focus all energy on the promotion of their own culture at the expense of minorities, increasing the likelihood of violent confrontations. This is especially true if their physical security is threatened. Perhaps they make claims to secession of their own or unification claims, opening up to the possibility of a domino effect (McGarry 1998, 222).

Secessionist decisions would thus ideally be based on political judgement rather than on any general theory of justice including the rights of cultural minorities (Waltzer 1999). Special communitarian and general criteria includes making assumptions about who is to pay for past disadvantages and who should be compensated, who actually belong to the disadvantages minorities and what this ethnic membership actually means to them. This task is too complex for generalisations and it does not always result in a legitimate case for secession.

It is important, when it comes to who is entitled to vote for or against secession, that satisfying rules are in force. Since the independence of a territory is at stake, it is reasonable to assume that all those inhabiting this given territory should be given the right to vote. When it comes to the rump state the case is not as clear. Since it is likely that the people living in the rump state join the opposition for secession, due to the negative effects secession would have on them, the point of the referendum would be lost if they were eligible to vote. Minorities who identify with the majority of the seceding group but who are living in the rump state, however, become more difficult to categorise. Since they risk becoming an even smaller minority in the rump state (perhaps still pursuing policies that creates discontent), they should, if the ethnical dimension is dominant, be entitled to vote and have a saying in the matter rather than being discriminated against.

## **6 Alternatives to Secession**

Multiculturalism's legitimacy is shaped and determined by the same moral assumptions as secession, to a large extent. When accepting that human identities are overlapping and complex by nature, it means that no matter how minority rights are set up, they will target segments of cultures, leaving others worse off than to begin with (Sowell 1990, 707-717). Many problems connected to secession are hence also present at lower levels

of multicultural policies.

Most group specific rights do not include the territorial dimension involved in secession, however, making most policies less complicated to implement and justify in divided societies. Multiculturalist policies can therefore, if implemented with care, be a way of addressing sources of discontent before claims to independence become too strong (McGarry 1998, 225). In a world full of multiethnic nation-states, moreover, it is misleading to treat the state as the sole actor of importance. Other possible statuses, like autonomy or supranational institutions, are other solutions to ethnic tension (Miller 2000, 124).

Instead of dissolving ethnic lines, multiculturalist policies can, however, fix them. Identities are compromised if communities are given special rights based on ethnicity. The possibility of overlapping identities is ignored and ethnicity treated as most important to the community. Liberal communitarians such as Kymlicka support free choice and hence individuals who wish to leave one cultural group for another. If this is possible then identity can not be anything else but myths in need of a dynamic environment, not fixed in multiculturalist political structures (Brown 2000, 28).

As opposed to secession, however, other multiculturalist policies can be more reversible in nature, and called for in situations of political cleavages or hostility between communities. Special representation rights, for example, include reducing barriers which inhibit a certain group. These rights are usually a response to some barrier to equal status in the economical and political life of some group and can therefore be seen as temporary. In an ideal society these rights should be uncalled for. Although special representation rights can be an alternative to secession, such rights can sometimes be defended as self-government rights and become permanent (Kymlicka 1995, 27-30).

## **7 Reflections**

National self-determination and choice theories are rejected in this thesis. Apart from not being consistent with the theoretical framework outlined and argued for, they are invalid when applying the guidelines used for evaluating the literature on them. The theories are normative and hence meet the criterion of independence, but they contain

flaws. The theories are not contextual since they ignore, or give too much weight to, ethnical claims to secession creating a gap between theory and event. As these theories have labeled one determinant of identity as dominant, they cannot help but limit focus to parts of the world or certain situations. This is a tendency the authors of the rejected theories share. The increase in ethnical conflicts and secessionist claims is global and contemporary. The focus of analysis thus has to be the world. When adopting a global perspective this includes variations in security, cultures, climate, political and economical stability, meaning that the perceptions of conflict will vary. As follows, the theories neglecting ethnical aspects of identity, or neglecting everything but the same, falls short in explaining the global phenomena of secession. The authors of national self-determination theories thus support their work with selected cases, where the ethnical aspect of identity has seemed predominant. From a global and contemporary perspective, these theories thus lack relevance.

## **8 Conclusions**

The way in which the concepts of nationalism and self-determination are perceived is of great relevance to theories on secession. When self-determination is advocated and applied in a national sense, the question of who belongs to the nation arises. A national understanding of the concepts has become a common claim and the line between self-determination and other multicultural policies is sometimes blurry. Multicultural policies can be granted to national groups of various sorts and for various reasons. In contrast to secession, however, such policies can be temporary rather than permanent and secession can thus have severe consequences if granted on loose grounds. A distinction between secession and multiculturalism in general is hence necessary and the latter a topic for further investigation beyond the scope of this thesis. The territorial dimension to secession means that the rump state and international organisations are affected and that if independence is granted to a secession driven national group, it is important to leave the illusion of secession as a solution to past problems behind. Many times secession simply transforms internal problems to a lower level or even enhances them.

In order to not end up in a trap where secession falsely seems to be a solution to ethnical tension it is important to adopt an open minded understanding of nationalism. The civic

understanding of nationalism leaves room for the complexity and flexibility of human identity and reduces the risk of missing the mark when secession, or alternatives to secession, are considered in a given state. If identities are seen as primarily determined by ethnicity, it is likely that secession will be applied to cases of ethnical tension like in Kosovo. Such a decision is difficult to justify since the tension is likely to prevail in the new state. What is more, in accepting the changing nature of human identity, ethnical tension could be targeted by strengthening the civic beliefs in the nation, rather than fixing the ethnical ones. An alternative to multiculturalism and secession thus arises.

Based on these understandings of nationalism, identity and self-determination, the choice theories and national self-determination theories come across as inappropriate ways of legitimising secession. Choice theories neglects two vital aspects; the territorial dimension and the fact that claims to secession are often formulated on collective, national bases. Although national identification is possible to change, some other type of collective identity is likely to emerge. Acknowledging only individual aspects of identity is thus not satisfying. National self-determination theories, more over, gives too much meaning to the national dimension of identity and downplays other factors in doing so. In making ethnicity a reason for collective versions of individual autonomy, these theories also fail to describe the changing nature of nationalism. Claims to national self-determination are also easy to manipulate and overemphasise. The use of force has in the past been justified in this way as a result of the supposed impossible mission of making two ethnic groups interact peacefully. Secession is, however, not likely to improve the situation in a region if granted based on the extent that force is being used. On the contrary, the more diplomatic means, the more likely successful results of secession are. Liberal traditions, such as the respect for human rights, in a seceding region will matter for this reason. In cases of conflict and high insecurity, secession might work as a solution of last resort. But the success of secession in such cases are determined by the perception of conflict and whether these perceptions overlap with the territorial borders relevant in the case of secession. It is hence important to start with the empirical case before classifying secessionist claims as legitimate or not.

Just cause theories acknowledge the complexity of multiculturalism and secession, nationalism and human identity. They do so through acknowledging the impossibility of

formulating a constitutional theory. Surely, it would be attractive if the legitimacy of secession could be determined in a legal sense, but the price is high and involves too many value-based definitions. A legal theory would thus be of limited practical use as the criteria would be subject to various interpretations. Instead, a political theory with a closer look at the empirical case is needed, before the legitimacy of a possible secession might be discussed. Just cause theories requires a secessionist group with distinct principles of justice, supported by historical and/or present reasons for claiming independence. Although remedies of past injustices is a claim sensitive to manipulation, it is a condition that can be weighted against the consequences for the larger political unit and secession as a whole. The legitimacy of secession is hence determined by principles of justice, remedial rights and the consequences of secession. The latter are beneficial to the secessionist group if minorities are respected in the region and if a potential secession is likely to be acknowledged internationally. Because international insitutions are centered on nation-states, this last criterion is important.

The secession of Montenegro is hence evaluated most appropriately using just cause theories, indicating that the secession was legitimate. Since Montenegro have distanced itself from a history that Serbia, in many ways, have not, the political and cultural cleavages between the two nations were irreversible. Montenegro subscribes to a distinct culture and the history of Montenegro and structure of the State Union, when contrasted to the consequences for Serbia in loosing Montenegro, spell out the legitimacy of Montenegro's independence.

The territorial dimension was simplified by the autonomy of Montenegro in the State Union and the people easily identified as the citizens of Montenegro, in this way. The secession was thus not centred on ethnicity which is an important point considering the changing nature of human identity. The independence referendum in Montenegro was instead dominated by civic values, making it a valid indication of legitimacy of the secession.

Another important aspect is that the situation in the region were not likely to be worsened through secession. Although the security of the Balkans was a major concern for the EU when aligning with Serbia following the defeat of Milosevic, this was mostly because of the ongoing Kosovo negotiations. At some point the cleavages between Montenegro and Serbia started jeopardising security more than a independence

referendum would. More over, attention was stolen from the critical situation in Kosovo.

The security of Montenegrins living in Serbia is not jeopardised by the independence, since they are not being deprived of any political rights. As liberal traditions were present in Montenegro prior to independence equal treatment of Montenegrin citizens are ensured at present. The Serbs in Montenegro are not threatened by the independence for this same reason.

Montenegro have been a self-governning region for long and the State Union of Serbia-Montenegro was, more over, based on the agreement that Montenegro could hold a referendum on independence after three years. Such a constitutional right help legitimise the secession. The constitutional right also meant a higher probability that the referendum would be considered valid at a regional, as well as an international level, becomming evident through the independece opposition and Belgrade agreeing to the referendum prior to it being held. The previous autonomy of Montenegro and the civic nature of the entire independence drive also means that any domino effect on secessionist claims is unlikely at present. Although Montenegro faces the challenges of satisfying the independence opposition wanting to unite with the rump state, no indications of unification movements have been made.

The legitimacy of secession is, however, most conditional and should be handled with care as secession is a serious matter. It involves historical as well as present aspects, international actors and economic justice, treatment of new and old minorities as well as various identities. Federalism, minority rights or consotiationalism as alternatives to secession, must be taken into account at all times although involving serious matters themselves. They all include the risk of strengthening ethnical divisions rather than weakening them which will cause more ethnical tension than it will work out. Special rights includes making assumptions about who is to pay for past disadvantages and who should be compensated, who actually belong to the disadvantages minorities and what their ethnic membership actually means to them. These assumption are necessary but nevertheless, normative. If it is possible that collective self-determination involves negative consequences for individual autonomy, we would have to be very careful with communitarian claims, such as secession.

Multiculturalist principles in general should thus be combined with civic institutions and at all times implemented with care. Secession is not an obvious solution to ethnical discrimination and tension. Hence, the secession of Montenegro is strongly supported by the fact that ethnical claims to secession are not case predominant.

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