

# REGIONAL COOPERATION, PEACE ENFORCEMENT, AND THE ROLE OF THE TREATIES IN THE BALKANS

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Stefano Bianchini

INTRODUCTION. THE BALKANS, REFORM OF THE TREATIES,  
AND EUROPEAN INTEGRATION: THE CHALLENGES  
OF STABILIZATION NOT YET ACHIEVED

In the autumn of 2005, a decade after the signing of the Dayton Treaty, the number of symposia and conferences devoted to commemorating the event soared. Some of the events were celebratory, some academic and analytical: the anniversary lent itself both to an evocation of the end of the military conflict and to new reflections on the peace process in Bosnia-Herzegovina and the role played by the international community. A fair number of activities were undertaken all over Europe but they focussed mainly, if not exclusively, on the events that had taken place during and after the war in Bosnia-Herzegovina itself. What was lacking in the hive of activity of those months was a broader reflection capable of grasping the complexity and the regional interdependencies connected with the consequences of the Yugoslav collapse. The Bosnia-Herzegovina question cannot be dealt with separately from the geopolitical environment surrounding it.

It was precisely for that reason – i.e. with the aim to fill a gap in the analysis, and fully aware that we were on the eve of a new phase which appeared rich in impending, though not always predictable, changes in the Balkans – that an international conference was held in Forlì, on 20th-21st January 2006, for a comparative assessment of the state of the Treaties and of all the problems that need addressing in view of the achievement of regional stabilization.

The meeting was promoted by the “Istituto per l’Europa Centro-Orientale e Balcanica” (Institute for East-Central European and Balkan Studies), the University of Bologna and the University of Graz, with the support of the Italian Ministry of Foreign Affairs, NATO, the local authorities, the CCSDD (the Center for Constitutional Studies and Democratic Development) and The Johns Hopkins University School of Advanced International Studies-Bologna Center.

The aim of the conference was twofold. On the one hand, it aimed to analyze, using a comparative approach, the goals achieved (and lessons learned) in the course of the implementation of the four main treaties (Dayton, Kumanovo, Ohrid and Belgrade) that redefined the balance of power in South-Eastern Europe straddling the 20th and 21st centuries. On the other hand, it aimed at identifying the most important aspects requiring further efforts (both internationally and on the part of the local political actors) in favour of stabilization and regional security. Such an approach was also suggested by the more and more pressing demand – coming from South-Eastern Europe itself – for a revision of the agreements concluded between 1995 and 2003, in order to ensure more efficient governance, as well as more solid bases for the consolidation of peace, reconciliation, economic development and the inclusion of the region within transatlantic institutions.

With those objectives in mind, over eighty experts and scholars from different countries participated in the meeting. Important contributions were also provided by the then deputy Prime Ministers of Macedonia (Arben Xhaferi), Serbia, (Miroljub Labus), and Slovakia, (Pál Csáki); the Special Coordinator of the Stability Pact for South-Eastern Europe, Erhard Busek; the Italian Deputy Minister for Foreign Affairs, Giancarlo Bettamio; and Vittorio Prodi, Member of the European Parliament.

On the whole, considerations emerged that were in many ways similar, both concerning the state of the treaties in the Balkans and the generally shared apprehension that a prolonged exclusion of the region from the process of European integration would have dramatic consequences on the political, economic, and cultural reshaping of such a war-torn area.

This book is a further elaboration of what was debated at the conference, presenting a selection of the themes explored, rearranged in such a way as to offer the reader more than just an opportunity for critical appraisal of burning topical issues. We intend to examine some basic questions about the process of state building, and the sources of legitimacy in the historically and culturally awkward phase of transition from the nation-state, inherited from the 19th and 20th centuries, to a new form of state, still to be defined, that must be capable of meeting the new challenges posed by European integration, international cooperation and interdependence, as well as globalization.

Within this general framework, what emerged from the debate and can be found in the sober reflections provided by the authors of this book is detailed criticism of the exaggerated recourse to ethno-politics in the decision making process in the Balkans. The emphasis upon ethnicity as an organizing premise derived from the point of contact (in a way surprisingly, but actually understandably) between the nationalist (and warmongering) pressures produced in former Yugoslavia and what was in the end the passive and fundamentally “traditionalist” attitude of the “international community”, which proved more concerned

with mediating between ethno-national forces than addressing the problem of how to create new forms of governance, better suited to complex local needs.

The case of Bosnia-Herzegovina – perhaps the fullest expression of the local-international point of contact mentioned above – proved very revealing from this point of view. Up until now the solution in Bosnia and Herzegovina has not only demonstrated considerable inefficiency, made worse by the fact that the economy remains more strongly dependent on international aid than on new investment, but also by the inability to create a common sense of belonging through the building of a *demos* able to take the place of the *ethnos* as the main criterion to build an inclusive political society<sup>1</sup>.

As a consequence, a revision of the Dayton Treaty, at least as concerns Annex IV (dealing precisely with the fundamental Charter), is the essential keystone for the transition from a post-war situation to a constitutionally entrenched legal framework defined in modern terms.

By contrast, the situation in Macedonia seems much better – in spite of the difficulties encountered in implementing the Ohrid Treaty (2001) and the occasionally sharp criticism levelled by some participants in the Forlì conference (to be found in the following pages) at the *ethno-political principle* applied in this case as well. All things considered, Macedonia appears to be capable of ensuring a functional state and creating a basis for economic recovery. In other words, the recourse to soft ethnic consociationalism – thanks to the double majority requirement for voting in Parliament, the ethnically equitable representation in the public administration, and decentralization – has managed to head off a direct clash. The socio-cultural integration that would enable the country to ensure its stability as a civic state entity is still lacking, but with the passage of time the conditions to foster interaction (and no longer just dialogue) between Slav-Macedonians and Macedonian Albanians will be satisfied.

The game seems to be much more complex in the Serb-Montenegrin-Kosovar triangle, especially in the period after 1999<sup>2</sup>.

As a matter of fact, on the one hand, the Belgrade Agreement of 2003 – enforced by the European Union, which gradually became aware of the danger inherent in the seemingly endless process of state fragmentation – has never

<sup>1</sup> Cf. Florian Bieber and Carten Wieland (eds.), *Facing the Past, Facing the Future: Confronting Ethnicity and Conflict in Bosnia and Former Yugoslavia*, Ravenna, Longo, 2005, or Florian Bieber, *Institucionaliziranje etničnosti*, Sarajevo, Forum Bosna, 2003, and Kasim Begić, *Bosna i Hercegovina od Vancesove misije do Daytonskog sporazuma*, Sarajevo, Bosanska Knjiga, 1997.

<sup>2</sup> Suffice to mention here the contributions by Dušan Janjić, *Zapisi iz Srbije*, Belgrade, Draslav Partner, 2006; Dušan Janjić, *Kosovo: Five years of International Administration*, paper presented at the ASN Convention, Columbia University, New York, 15th-17th April 2004. See also Enika Abazi, *Intrastate Conflict, International Interventions and their Implications on Security Issue, Case of Kosovo*, COPRI Working Papers, No. 32, 2001.

been seriously implemented. Its ambiguities facilitated the repeated postponement of reforms, and the referendum held in Montenegro in May 2006 (just a few months after the Forlì conference) which put an end to some knotty questions concerning the joint Serb-Montenegrin state system by abolishing it altogether. In spite of that, even sticking to the traditional and well known (though contradictory) track of the nation-state, there is no guarantee that the process of reconstruction of separate statehoods in Belgrade and Podgorica will in the future result in the triumph of the civic principle in place of the ethnic one, considering the persistence of great methodological and contextual uncertainty, both in Serbia and Montenegro, about how a nation should be built.

On the other hand, the referendum in Montenegro decreed the cancellation of the first international treaty in the series aimed at regulating the succession to Yugoslavia, thus not only sparking further regional geopolitical fragmentation, but also starting a broader process of constitutional revision, capable of reaching out to include other international agreements that by now seem to have become outdated.

Against such a backdrop, the Kosovo question becomes more and more complex. The core of the question is the irreconcilable positions formally adopted by the two parties concerned. But, because of the way the United Nations Mission in Kosovo (UNMIK) managed the administration after the Kumanovo Agreement (1999), the whole decision making process also constitutes a major constraint on the region's future. After the vain attempt to overcome the existing parallel institutions of the Serb minority, UNMIK has not succeeded in creating a convincing system of local administration, nor in promoting economic reconstruction (the economy remains on the brink of collapse), nor in halting the spiral of reciprocal obstructionist tactics and violations of minority rights. As a consequence, the constitutional solutions proposed are weak and devoid of a sound frame of reference in which the *demos* could prevail over the *ethnos*.

The brief overview of the interdependencies at work in the region presented here for the reader's consideration makes continuous reference to the international role and presence. Actually, any discussion of the difficult context of the post-Yugoslav space cannot be restricted to the region itself. The analysis, in other words, must inevitably enlarge its scope, a little bit like a camera zooming out to offer the spectator a progressively more complete view. Similarly, when discussing the Balkans today it is necessary to broaden our attention to include the European dimension. It is particularly important to reflect on the intrinsic (and often underestimated) links that have gradually developed between the EU's deadlock after eastward enlargement and the ongoing post-Yugoslav troubles.

The analogy depends largely on the fundamentally common nature of the problems connected with the management of diversity. Inside the EU we witness a slow, gradual process of "getting bogged down" in this regard. The machinery of traditional governance – the nation-state included – is breaking down



due to the unsolved knotty problem of managing growing social, economic, and, above all, cultural complexity, both within individual states and on the wider horizon of the Old Continent. This is precisely where, in South-Eastern Europe as well we can locate the root of the problems concerning political organization, equal rights, an unfettered functioning of the economy, and a feeling of security.

Near the end of 2005 the Balkans seemed to be on the point of entering a "peaceful normalization" phase, thanks to linkage with the European integration process. Croatia had started access negotiations with the EU, while Macedonia had obtained the status of candidate country. Moreover, the Commission had opened negotiations for *Stabilization and Association Agreements* both with Bosnia-Herzegovina and with Serbia-Montenegro, and soon after a similar treaty was signed with Albania.

Nevertheless, though closer and closer formal ties were being established between the EU and the Balkans, the prospect of actual inclusion and stabilization of the region within the European context was already beginning to fade.

On the one hand, many EU Member Countries, headed by France, Holland and Denmark, had begun to express more and more strongly their opposition to any further enlargement of the EU in the medium run. That was the consequence of the severe institutional and political crisis the EU was experiencing after the Constitutional Treaty had been rejected by France and Holland, as well as the complex battle to get a heavily reduced community budget approved for the 2007-2013 time frame.

On the other hand, potentially major geopolitical changes were once again looming in the Balkans. After Franjo Tuđman and Alija Izetbegović, another pair of protagonists of the Yugoslav disintegration process, disappeared at the beginning of 2006: Ibrahim Rugova, President of Kosovo, and Slobodan Milošević, former President of Serbia, detained in the Scheveningen prison in The Hague, awaiting trial at the International Criminal Tribunal for Former Yugoslavia.

Meanwhile, during 2006, negotiations were opened for the future status of Kosovo, administered by the UN but formally still a member of the Union of Serbia-Montenegro, while a referendum on the independence of Montenegro was announced for 21st May, after lengthy and difficult talks in which the Venice Commission had actively taken part. The referendum was held according to schedule and the result, though by a narrow margin, was in favour of the independence of what had once been the sixth republic in the Yugoslav Federation. As a consequence, several days later the Union of Serbia and Montenegro – established by the Belgrade Agreement in 2003 – was dissolved and the division of the country became a fact.

In Bosnia-Herzegovina by way of contrast, international pressure for constitutional reform has increased in recent years (though the Constitution is an integral part of the peace treaty concluded in Dayton in 1995) with a view to make the decision making process more effective and compatible with European pro-

cedures. There were sound reasons for being concerned – as can clearly be seen in the chapters of this book – but we have to admit that in 2004 Cyprus was accepted into the EU in spite of conditions that were much more demanding than those being applied in Bosnia-Herzegovina, at least in the constitutional sphere.

It is generally acknowledged that in the case of Cyprus there was, and still is, no formal cover, not even a weak one, of a shared state. In contrast, in the case of the small states emerging from former Yugoslavia such a cover is often in place. But it is also true that the international balance of power and the determination of the Euro-American leadership have proven much more efficient and consistent in imposing a solution in Bosnia-Herzegovina and providing a coherent frame of reference, albeit an ambiguous, uncertain and badly negotiated one. In the case of Cyprus the power balance and international political will were apparently much less imposing. In effect, all attempts at negotiating and mediating between the conflicting nationalisms that had been tearing the island apart from the moment the colonial British presence began to weaken, have failed.

In any case, international behaviour has proven richly contradictory in regard to the political problem of nation-state building, self-determination and the right to independence, thus showing how short-lived liberal thought on the matter can be. In recent years Allen Buchanan and Will Kymlicka have tried to contribute to finding a remedy. Similarly, faced with the challenges posed in the new millennium by interdependency and globalization, a growing awareness has developed about the fundamental inadequacy of both the civic and the ethnic concept of nation<sup>3</sup>.

Beyond reporting the daily events and reconstructing the dramatic facts that occurred across the Balkan Peninsula in the course of the 20th century, this is the main theme emerging from the collapse (not yet fully completed) of Yugoslavia; a strongly political theme with numerous problematic dimensions that is of lively scientific and academic interest.

Once more it is the unceasing stream of events that reminds us both of the transience of the adopted solutions where the urge to build or reshape new states in their spatial dimension and in their sources of legitimacy is still alive, and of how uncertain and impotent the tools for interpretation in the arsenals of political and scientific theory and international law can be, when we must define new concepts, strike better balances between individual and collective rights, and establish closer links between international security and the security of a given political society, between adopted solutions and principles of fair treatment in individual cases.

<sup>3</sup> Cf. Allen Buchanan, *Secession*, Boulder, Westview Press, 1991; Will Kymlicka, *Multicultural Citizenship*, Oxford, Clarendon Press, 1995 with Joseph Marko, *Constitutions and Good Governance: Challenges for Post-Conflict Reconstruction and EU-Integration*, in the present volume. See also Stephen Deets, «Reconsidering East European Minority Policy: Liberal Theory and European Norms», in *East European Politics and Societies*, Vol. 16, No. 1, 2002, pp. 30-53.

It is precisely within that frame of reference – where the theoretical, practical and political dimensions converge – that we must interpret recent events such as those in the *Republika Srpska*, where – significantly from 2005 – pressure for a declaration of independence increased, following an approach basically similar to the one adopted in Montenegro or by Kosovo Albanians<sup>4</sup>.

Whether the situations are ultimately comparable is not really relevant. What matters is noting the fact in itself, because in any case it is significant from the point of view of the practice and culture of politics. It also induces international diplomacy to take into due consideration the variables looming ahead, even when lacking the necessary theoretical and interpretative tools to address them. That void will have to be filled, since from the legal point of view a satisfactory answer must yet be found for managing claims of a right to independence. In practice that question, when it arises, is inevitably solved following the “classic” pattern offered by the balance of power<sup>5</sup>.

As a matter of fact, it was in accordance with balance of power logic that the United States eventually decided to take the initiative and introduce a constitutional reform in Bosnia-Herzegovina. Thus a proposal was presented to the political parties of Bosnia-Herzegovina purposely summoned to the United States near the end of 2005. Although it had been formulated by a country proudly boasting its civic-liberal political culture (though the vigour of its roots is being increasingly called into doubt, even in the USA)<sup>6</sup> it did not really change the ethno-consociationalist structure that had characterized Bosnia-Herzegovina in the post-war period. It therefore remains doubtful whether implementation would in fact have effectively addressed the country’s needs for governability, justice and balanced representation. At the same time, it was precisely because the proposal reproduced the ethno-consociationalist approach that it failed to satisfy the liberal-democratic wing of the Balkan country in question, and to take into consideration the fierce criticisms expressed in an extensive literature on the matter.

Despite all that and after further steps to mediate, the American proposal was put to the vote in the Bosnia-Herzegovina Parliament, and was sensationally rejected by it.

<sup>4</sup> On this, consider in particular the actions performed by the Association “*Zajedno do istine*”. See *Zasto inicijativa za nezavisnu Republiku Srpsku*, in [www.plebiscit.rs.sr](http://www.plebiscit.rs.sr) and cf. with A. Omeragic, «*Snovi o drzavi svih Srba*», in *Oslobodjenje*, 29th May 2005, as well as «*Peticija za izdvajanje Republike Srpske iz Bosne i Hercegovine*», in *Oslobodjenje*, 3rd May 2005.

<sup>5</sup> It suffices in this regard to compare the decisions taken by the Badinter Commission for Former Yugoslavia with those by the Supreme Court of Canada concerning Québec. See Opinion of the Arbitration Commission in Bertrand G. Racharan (ed.), *The International Conference on the Former Yugoslavia: Official Papers*, The Hague, Kluwer Law Int., 1997 and Supreme Court of Canada, *Reference re Secession of Quebec*, in [www.lexum.umontreal.ca/csc-scc/en/pub/1998/vol2/html/1998scr2\\_0217.html](http://www.lexum.umontreal.ca/csc-scc/en/pub/1998/vol2/html/1998scr2_0217.html), file no. 25506, 28th August 1998.

<sup>6</sup> Suffice to read the introduction to the book by Jyoti Puri, *Encountering Nationalism*, Oxford, Blackwell, 2004, pp. 1-21.

However, in order not to lose sight of the persistence of the balance of power principle, we must point out that the American initiative was taken during a time when the EU was hit by a crisis and withdrawing into itself. The EU was, of course, the only other leading international protagonist capable of having an impact on the situation in the Balkans – not least because thanks to its process of enlargement and integration it possessed the most effective tool to push through the reforms, i.e. conditionality<sup>7</sup>.

At this point the EU was “taking a break” from international commitment. It had been forced to reflect on its own decision making inability and the obstacles in the way of the process of integration after the enlargement of 1st May 2004 and inclusion of two new Member States from 1st January 2007. Without a Constitutional Treaty, constrained within the tight limits imposed by the Nice Treaty, the EU was compelled to sort itself out: in other words, the *souveraniste* way of thinking was once more prevailing among the political elites of the old Member States, especially in some founder members like France, Holland and Italy, and becoming combined with a resurgence of racism towards immigrants (and by extension also the new Member States), a phobia concerning Islam fomented by fundamentalist terrorism, and widespread fear of international economic competition from globalization.

In fact, the “European dream” which held such a fascination for Jeremy Rifkin<sup>8</sup> had become frozen because of protectionist tendencies, demands for sovereignty, and difficulties in promoting policies of integration, secularism, and respect for otherness.

All that was happening exactly while the process of disintegration of Yugoslavia (with its potential spin off in the neighbouring countries) was clearly far from being finished, highlighting the impact of the interdependencies of the political and territorial destinies of that dismembered country on the region’s uncertain future. In the same context, though in more dramatic and disruptive ways, we can see powerful currents of thought at work opposing the culture of integration and much more favourably inclined towards separation, protectionism and racism.

As a consequence, the major treaties that had imposed peace in former Yu-

<sup>7</sup> On European conditionality, see the recently published study by Heather Grabbe, *The EU’s Transformative Power. Europeanization through Conditionality in Central and Eastern Europe*, New York, Palgrave, 2006, as well as Milada Anna Vachudova, *Europe Undivided. Democracy, Leverage, and Integration after Communism*, Oxford, Oxford University Press, 2005; Victor D. Bojkov, «Conflicting Discourses of International Society in Europe. The Balkans in the Process of EU Enlargement», in Mario Zucconi (ed.), *Post-Communist Transition in Europe and Its Broader International Implications*, Ravenna, Longo, 2004, pp. 211-30; Oton Anastasakis and Dimitar Bechev, *EU Conditionality in South East Europe: Bringing Commitment to the Process*, Policy Paper of the South East European Studies Programme, Oxford, April 2003.

<sup>8</sup> It is no coincidence that Jeremy Rifkin’s book goes back to the years of eastward enlargement: see Jeremy Rifkin, *The European Dream*, New York, Penguin, 2004.

goslavia in successive stages straddling the 20th and 21st centuries – from Dayton to Ohrid, from Kumanovo to Belgrade – had to undergo a new scrutiny, in some ways a kind of cross-examination, since they were assessed both with reference to their capacity (or incapacity) to ensure a stable government and with reference to the amount of influence which the proposed solutions could exert on the tendencies at work within the other Yugoslav republics that had become independent.

In conclusion, the Balkans proved to be actively involved, and with extreme sensitivity, in current trends on the continent as a whole. The region reacted to the tide of change, on occasion anticipating themes and problems that would in the end invest all of Europe, and expressed a profound social and cultural malaise of the same kind felt on the Old Continent in not dissimilar forms.

The dissolution of the Belgrade Agreement (with the end of the Union of Serbia and Montenegro), and the results of the political elections in Macedonia (with the return to power of VMRO nationalists, and, in particular, the rift on the Albanian political scene due to the exclusion from government of the party with the highest number of votes from the electorate of the biggest ethnic minority, which had contributed more actively than anybody else to the Ohrid Treaty), cast a rather sinister light on the future stability of the region, not just because of what had happened, but because of the potential regional uncertainty that derived from these events.

Besides, if on the one hand the Dayton treaty is doomed to disappear, both because a number of alterations have changed the original framework and because the office of High Representative will expire by 2007, on the other hand the results of the political elections in Bosnia-Herzegovina in October 2006 have confirmed the persistence of unease and uncertainty. On the surface, the traditional nationalist parties – the Serbian Democratic Party (*Srpska Demokratska Stranka-SDS*), Croatian Democratic Community (*Hrvatska Demokratska Zajednica-HDZ*), and Muslim Party of Democratic Action (*Stranka Demokratska Akcija-SDA*) seem defeated or on the brink of ruin. But, at second glance, the winners had endorsed, albeit with a new terminology and probably with at least partly different objectives, the old political stances of the defeated (as in the case of the demand for a referendum on independence, pressed by Milorad Dodik in the *Republika Srpska*) or had adopted such radical attitudes (as in the case of Haris Silajdžić) as to induce us to think that their aim is to rekindle the conflict, not to manage it.

Meanwhile, on 30th September 2006, the Serb Parliament passed a new Constitution, confirmed by a bare majority of electors in the referendum of 28th-29th October. Weak popular support for the new fundamental Charter has actually led to a “toning down” of its ambitious goals. This includes the statement in the preamble, which focuses on Kosovo and defines that region as an integral part of the Serb state, establishing “the statutory obligation for all state organs to support

and defend Serbia's state interests in Kosovo and Metohija in all internal and international political relations"<sup>9</sup>. This recent event once more calls attention to a political elite that remains fragile and whose defence of some fundamental principles (like territorial integrity), proclaimed constitutionally and with great emphasis, clashes with a very different territorial situation on the ground. Belgrade cannot exercise sovereignty on a region it regards as its own; similarly, the EU cannot establish its jurisdiction on Northern Cyprus, though it has formally been a part of the Union since 2004 (the EU in fact recognizes the existence of only one legitimate government on the island)<sup>10</sup>.

There is a thick tangle of diverse and confused aspirations centred on the events in Serbia and Kosovo. Around them, the leaderships of Serbia, the Kosovo Albanians (particularly with regard to the safeguards for minorities demanded from the international negotiators), and even the EU (caught between the need to offer Belgrade an honourable way out and the interruption, in the name of another unbreakable principle – namely cooperation with the International Tribunal for War Crimes in Former Yugoslavia – in negotiations for the Stabilization and Association Agreement while waiting for General Ratko Mladić's arrest) seem to hover impotently.

Many of those events were yet to unfold when the Forlì Conference which is at the origin of this book took place, but by then the underlying trend had already clearly emerged and the rapid succession of events in the course of the calendar year did nothing but confirm it. If anything, there are now even stronger fears of a possible short circuit between the unsteady developments in the Balkans and the point of crisis reached within the European Union. The Continent risks to be left with a thoroughly confused vision of its future.

The participants in the Forlì Conference were fully aware of what was at stake and discussed the issues in a series of lively and detailed exchanges. Four Round Tables were held simultaneously in the Town Hall, respectively devoted to the political, constitutional, economic and security dimensions of the treaties. The outcome was condensed in a series of recommendations, which became the final message of the Conference itself and can be found in the appendix to this book.

Among the key ideas there was a generally shared and decisive request for the European Union to stick to the Thessaloniki commitments, to proceed with determination with the evaluations and meet the established schedule for enlargement, without making the conditions for the Balkan countries' access any more demanding than the criteria adopted for East-Central Europe, as seems to

<sup>9</sup> «Preamble, Ustav Republike Srbije», in *Danas*, 1st October 2006, p. 5.

<sup>10</sup> See Bruno Coppieters (ed.), *Europeanization and Conflict Resolution. Case Studies from the European Periphery*, Ghent, Academia Press, 2004.

be the trend emerging in France and some other Member States nowadays<sup>11</sup>. The participants were also well aware of the necessity of relaunching the EU deepening process, since a model can continue to be a point of reference – especially in the most fragmented areas on the continent – only by maintaining the aspirations to a suitably equipped shared government, capable of ensuring “sovereignty of decisions” based on institutional arrangements capable of meeting the challenges of our times.

It is from this perspective that a proposal was put forward to hold a summit in Belgrade between the EU and the South-East European Heads of State and Government, along the same lines as the one held in Zagreb in 2000, with the purpose to spur the elites of the region to persist with steely determination on the path of reforms aimed at integration.

Cooperation with the International Tribunal for War Crimes in Former Yugoslavia set up in The Hague was also identified at the Conference as a top priority in order to favour the democratization and reconciliation of South-Eastern Europe. With the same goals in mind a proposal was also made to establish a Regional Court of Human Rights, similar to the court in Strasbourg, in order to have a supranational court whose *ownership* would be fully acknowledged locally, capable of defending the basic rights of the Western Balkans’ citizens and mobilizing public opinion for the promotion of the rule of law.

The call for a consolidation of justice and public administration by focusing the community’s efforts on those sectors, as well as on the reform of the whole education system, was largely based on the need to establish a close link between the *European experience* and that of the Balkans with regard to cultural sensitivity and intercultural cooperation, in direct opposition to the model provided by the national Member States.

In the debate about the functionality and efficacy of institutions, the participants called for the abolition of the power of veto and ethno-policies, and favoured a system based on qualified majority vote, subsidiarity, the exercise of forms of “joint sovereignty”, and a consociationalist form of democracy, facilitating the development of networks of relations and cooperation as a means to increase reciprocal trust and shared knowledge and innovations, according to an approach already adopted by the EU.

From the economic point of view, the Conference reported a concordance of opinions on regional cooperation aimed at creating a free trade area in South-East Europe and on the importance of the removal of trade barriers, especially non-tariff

<sup>11</sup> Compare, amongst others, the speech by Olli Rehn, *EU Enlargement under Stress: the Policy of Consolidation, Conditionality and Communication*, Institute for European Policy, Berlin, 12th July 2005; *The Salzburg Declaration*, 11th March 2006; and the ESI report, *Breaking out from the Balkan Ghetto: Why IPA should be changed*, June 2005, p. 6.

barriers, in the local intra-regional trade, despite the full awareness – as will be clear in the following pages – of the risk of adding to already existing regional imbalances. The participants also advocated the introduction of incentives for higher domestic investment rates and stressed that Italian foreign direct investment could find an excellent opportunity in the Balkan region. Of course, the visa regimes impeding free movement not just of goods but also of individuals (particularly disadvantageous to some categories such as entrepreneurs, students and teachers) need to be relaxed, and measures taken to facilitate regional mobility.

Finally, with regard to security, the Forlì Conference pointed out the need to strengthen the capacity of local police forces, reinforce penal justice and reorganize the complementary role of NATO, OSCE and the EU in order to keep and enforce peace, but simultaneously aiming at a process of gradual reduction of the supervisory role entrusted to international bodies. Hence the need for an agenda of action capable of building confidence locally, promoting the *consensual* solution of conflicts and unresolved constitutional or regional status issues, including the dispute on Kosovo's future status, which clearly requires the achievement of a solution directly negotiated by the interested parties and mutually agreed upon.

On the whole, the lively and intense debate in Forlì, as well as – it is important to note – the wider international debate and the analyses and proposals gradually submitted to the attention of experts on international policies and international actors by institutes and associations such as the *European Stability Initiative*, *International Crisis Group*, *German Marshall Fund*, *Project for Ethnic Relations*, *Forum for Ethnic Relations* and the like, all reveal that there is a greater and greater sense of urgency for a reconsideration of the general frame of reference within which the state building and state enforcement efforts must be set.

In other words, in times characterized by unavoidable interdependency and globalization, faced with the problems of state partitions and the need to reconstruct some common ground of economic-social cooperation among successor states, there is a growing realization of the ever-increasing difficulty experienced in actually carrying out the solutions suggested by diplomacy and politics. That difficulty is largely due to the unsuitability of the solutions themselves, which draw their inspiration from the nation-state and follow what is by now an obsolete tradition, and in consequence lead toward what may be described, given the fundamental and growing ambiguity between civic and ethnic criteria, as a series of short-lived and incomplete achievements<sup>12</sup>.

<sup>12</sup> For more detail, see Stefano Bianchini, Sanjay Chaturvedi, Rada Ivekovic and Ranabir Samaddar, *Partitions. Reshaping States and Minds*, London, Frank Cass, 2005, and Francesco Privitera, "The Relation between the Dismemberment of Yugoslavia and European Integration", in Jeffrey S Morton, Craig R. Nation, Paul C. Forage, Stefanos Bianchini (eds.), *Reflections on the Balkan Wars*, New York, Palgrave, MacMillan, 2004, pp. 35-54.



There is therefore a need for new horizons of reflection on the theme of the state and identities. From that point of view, the prospect of European integration constitutes the only innovative political project at the disposal of the Old Continent at the present moment. But political leaders dither about tackling it with determination because they are frightened by the many new variables and, above all, by their potential impact on existing social and political balances, an impact that is obviously quite difficult to foresee and control.

Nonetheless, the building of democracy within the framework of European integration – the only course of action capable of successfully addressing the challenges of international trade and globalization in a world where other giants are running neck-and-neck with the United States (namely China, India, Russia and Brazil) – needs to be measured against diversities and multiplicities, once and for all breaking away from the homogenizing mold of the nation-state.

At present, the current crisis in Europe and the persistent fragility in the Balkans paradoxically offer a *unique* ground for reflection, and a most stimulating one, for an intellectual elite willing to put its thoughts at the disposal of politics, and for policy-makers willing to lend their ears. That is why meetings between theoreticians and actors on the international political scene are becoming more and more important, since they provide an opportunity for concerted reflection on the future of European institutions and society, a problem with no ready or satisfactory answer. The single biggest challenge facing Europe today is finding a way to manage diversity and build a multi-ethnic and tolerant society, a challenge for which the fragmented and disjointed society of former Yugoslavia simultaneously presents both an exemplar and a potential solution.

Managing diversity is in many ways the new frontier of the multi-ethnic democracy and cross-cutting identities that are becoming hallmarks of modern society. Ours is a world where many different identities are intertwined and interact, several religious beliefs coexist with the request for secularism, gender issues are consciously raised, families are fragmented, cultures, life styles and sex orientations differ widely, and different generations come together and represent different cultural backgrounds. The problems of peaceful coexistence, free expression, and fair representation for each and all are huge challenges inherent in the creation of new forms of the state and of politics.

The group which promoted the Forlì Conference will continue its research work and analyses on those themes, encouraged by the interest expressed by many scholars from the International Network “*Europe and the Balkans*”. The Balkans, in fact, can be regarded as the tip of the iceberg constituted by latent intolerance, hatred of “otherness”, and an aspiration to homogeneity under the illusion that it can guarantee the safety and self-reproduction of the group. That is the result of the forces that swept away the previous politico-social organization and its sense of belonging and legitimacy, and imposed upon the Balkans a tragic process of homogenization and ethnic cleansing, as well as a reorganiza-

tion of gender relations under the resurgence of patriarchy. The same feelings, *mutatis mutandis*, can also be found in the European Union crisis, especially in city suburbs, in isolated rural districts, and in the encounters/clashes between local cultures and migrants who ignore and fail to understand one another.

The revision of the Balkan Treaties, therefore, offers in the first place a unique opportunity to identify new forms of governance and balance between individual rights and the multiplicity of collective rights, so as to enable South-Eastern European societies to recover and join in a process of development in the broadest sense of the term. But it also offers an opportunity to reflect on the management of diversity, taking into consideration the dynamics at work in the wider European context, with the awareness that an innovative, audacious and culturally advanced answer on the part of governance in the European Union cannot but trigger beneficial effects in the South Eastern part of the continent, and foster integration within a constitutional, economic and social project that can only spring from combined efforts.

That, in the end, is what Europe will require both today and tomorrow.