
Sovereignty, Self-Determination, and State Collapse: Reassessing Yugoslavia

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REVIEW OF ANA S. TRBOVICH

A Legal Geography of Yugoslavia's Disintegration

(New York: Oxford University Press, 2007) 436 pages, \$75.00 hardcover

and

LEONARD J. COHEN AND JASNA DRAGOVIC-SOSO, EDS.

*State Collapse in South-Eastern Europe:
New Perspectives on Yugoslavia's Disintegration*

(West Lafayette: Purdue University Press, 2007) 396 pages, \$49.95 paperback

The disintegration of Yugoslavia and its subsequent collapse into violent conflict have been studied widely and from numerous perspectives. A vast literature, ranging from journalistic accounts to detailed scholarly studies, has emerged over the past decade as analysts struggle to explain this complex tragedy. While the reasons for Yugoslavia's demise have been explored from a multitude of angles, there are few comprehensive studies that take a holistic, interdisciplinary approach. Fewer still attempt to place the former communist

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country's dissolution within the broader conceptual frameworks of sovereignty and self-determination, as well as state weakness and state collapse.

The publication of two new books has begun to fill this gap. The first, *A Legal Geography of Yugoslavia's Disintegration*, by Ana S. Trbovich, Director of the Center for European Integration and Management of Public Administration at the University of Singidunum in Belgrade, Serbia, examines the competing forces of state sovereignty and the right to

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self-determination. Drawing upon history and international law and politics, the author explains how state collapse in Yugoslavia led to violent confrontation. The second, *State Collapse in South-Eastern Europe: New Perspectives on Yugoslavia's Disintegration*, is edited by Leonard J. Cohen of the School for International Studies at Simon Fraser University in Vancouver, British Columbia, and Jasna Dragovic-Soso of Goldsmiths College, University of London. This book offers a broad, interdisciplinary investigation of the causes of Yugoslavia's collapse, together with a brief comparative analysis that seeks to place the violent outcome within the context of the disintegration of multiethnic socialist states.

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INTERNATIONAL LAW: MAKING PEACE OR FUELING CONFLICT?

Trbovich sees the disintegration of Yugoslavia as the consequence of competing claims to the right of national self-determination. She assesses

the importance of numerous factors that contributed to the violence surrounding Yugoslavia's collapse, including the role of external actors such as the European Union. Her conceptual framework centers on international legal principles and draws upon detailed historical evidence to support her analysis.

The author begins with the basic premise that, in the vast majority of cases where the principles of territorial integrity and the right to self-determination clash, the international community has chosen to uphold the former because territorial integrity is seen as the bedrock principle upon which world order is based. In the case of Yugoslavia, however, self-determination for some of the constituent republics was deemed by a few Western states to trump the territorial integrity of the federal state. Further, she argues, the international community applied a flawed interpretation of the right to self-determination, viewing that right as applying to a specific geographic territory, as opposed to a given people. This interpretation contradicts the legal principle embodied in Article 1 of the Charter of the United Nations, which refers to the principle of the "self-determination of peoples." Trbovich argues that the subsequent conflicting interpretations of the right to self-determination held by the Serbs and the Croats led to war and the violent collapse of the state.

International law, as embodied both in state practice and in the UN Charter, relies to a large extent upon the basis of the principle of the sovereign equality of states. Although globalization, economic interdependence, and the rising importance of non-state actors increasingly challenge the international community's grasp of the proper limitations of state sovereignty, it continues to be the most basic and fundamental principle of international law and, more generally, world politics. The two corollary principles that are traditionally related to sovereignty are territorial integrity and non-intervention in domestic affairs. Both of these principles are clearly articulated in the UN Charter, and respect for them has dominated state practice in the post-World War II period. Yet, respect for human rights and the right to self-determination are also prominent principles in the UN Charter. What should be done when these principles clash?

Since the end of the Cold War, the international community has struggled to resolve the tension in the UN Charter between the rights of states and the rights of individuals, most notably in intra-state conflicts that have inflicted enormous suffering on civilians. Efforts to reach consensus on the possible limits of state sovereignty have, most publicly, resulted in the debate over the "responsibility to protect" innocent civilians who, either through the criminality or incompetence of their state,

face grave threats to their security. The assumption underlying this debate is that respect for state sovereignty is not always compatible with respect for human rights.

Is this a fair assumption? Is there an inherent incompatibility between the right of states to enjoy sovereignty, as reflected in the UN Charter's emphasis on the principles of territorial integrity, the right to non-interference in a state's domestic affairs, and the right of individuals to enjoy basic human rights, including the collective right to self-determination? Trbovich argues no. Analyzing the evolution of the human rights and minority rights regimes in Europe, she argues that these regimes have shown at least the potential capacity to protect minorities, making more extreme measures such as secession unnecessary.

Trbovich divides her analysis into several sections: an analysis of Yugoslavia's administrative boundaries; the right to self-determination of the constituent nations of Yugoslavia; the international recognition of the fulfillment of this right; and the resort to force to change borders. In outlining the history of Yugoslavia's administrative boundaries, she seeks to address whether or not those boundaries properly serve as a legal basis for secession. She notes the unique nature of Yugoslavia, asserting that it was the only country where, outside of either the colonial context or a negotiated settlement, the international community recognized international borders that beforehand had only been administrative. Her analysis of the right to self-determination and the aspirations of Yugoslavia's constituent nations

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points out that only the Serbs, as the most populous and geographically dispersed ethno-national group, were best served by preserving the unified state. As it became increasingly clear that a unified Yugoslavia was unlikely, the choice became one of "internal" versus "external" self-determination. While external self-determination would entail the secession of Serb-majority populated areas, which would likely spark a bloody conflict, internal self-determination could rely on the protection of

minority rights as an alternative. Unfortunately, she argues, the precipitous recognition, led by Germany, of Slovenia and Croatia made internal self-determination an unrealistic option.

It is clear that Western policy toward self-determination claims in the former Yugoslavia has been uneven at best, and appears at times to be driven by the consequences of intervention rather than by a uniform commitment to principles. Most recently, the support for Kosovo's declared independence seems driven more by the international community's desire to end its direct role in Kosovo's governance than by a commitment to self-determination, given that Kosovo is the only case where the European Union has recognized a right to external, rather than internal, self-determination. Such a lack of uniformity, as Trbovich argues, undermines the very real potential that the process of European integration possesses to manage conflicting claims of self-determination. Recent events in Kosovo do not bode well for the legitimacy and credibility of the international legal order in this regard.

The strength of Trbovich's book lies in her novel and interdisciplinary analysis of Yugoslavia's disintegration, and in the book's well-researched and extensive evidentiary foundation. Further, she makes a valuable contribution by placing the dissolution of Yugoslavia within the wider conceptual framework of competing rights to sovereignty and self-determination. In addition, the book provides an important balance in the historiography of the conflict, in contrast to the many studies that fail to offer an accurate background and that yield conclusions that both lack context and lead to policy prescriptions that are inherently flawed.

While the book has few weaknesses, two areas warrant further attention. First, many of the arguments presented about internal borders, competing nationalities, and external actors also apply to other countries, most notably the former Soviet Union. While it would not be appropriate or feasible to include a comprehensive comparative study, the concluding chapter would be even more compelling if some consideration were offered of these cases that, while quite similar in terms of the factors Trbovich examines, still managed to avoid the widespread violence seen in Yugoslavia.

Second, while the historical background is extensive and does offer an important balance to the literature, it may not provide non-expert readers with sufficient material upon which to reach their own assessments of the relative importance of nationalism and expansionist ideologies. Those familiar with the region will be able to follow the book's argument and may well welcome a different perspective. Others, however, may not find sufficient material to counter competing claims found in the mainstream literature that generally point to inherent Serb expansionist nationalism as the main cause for the war.

HISTORY, THE FAILURE OF SOCIALISM, AND STATE COLLAPSE

Cohen and Dragovic-Soso have compiled a robust interdisciplinary volume containing contributions from respected scholars and experts on southeastern Europe. Drawing upon the existing literature as well as upon newly available evidence, the contributions span disciplines and together offer a broad overview of the reasons behind the collapse of the central Yugoslav state and the escalation of violence that followed.

Dragovic-Soso's introductory essay examines the varied approaches that attempt to explain Yugoslavia's violent demise. She identifies five distinct categories of explanation and outlines the continuing debates within and between camps. The first category emphasizes the "ancient hatreds" between the different South Slav ethnic groups, or the "clash of civilizations" that exists between their diverse religious traditions, and more scholarly approaches that stem from what she calls the *longue durée* and that examine the legacy of historical geography and imperial rule.

The second category focuses on the historical legacy of state-building, especially the growth and persistence of national ideologies and the failure of "Yugoslavism" to take root. She identifies two irreconcilable perspectives that assume the inherent impossibility of a unified Yugoslav state: the first perspective argues that the Serb national ideology was essentially hegemonic and, therefore, incompatible with those of the Croats and Slovenes; in contrast, the second perspective argues that the Serb national ideology was integrative and essentially pro-Yugoslav. In this view, the "separatist" and destructive Croat national ideology led to the dissolution of the state. Other perspectives that do not single out or "blame" one group over another still perceive the inherent incompatibility of a Yugoslav identity with national identities.

The third category focuses on the legacy of socialism in Yugoslavia, as well as its failures and loss of legitimacy. According to this perspective, the viability of the state essentially rested upon its ability to fulfill two promises: a unique, nationally derived path to socialism and a resolution of the "national question" through federalism based upon the equality of constituent nations.

While the above explanations outline the underlying causes of conflict and offer an assessment of the possibility of Yugoslavia's disintegration, they cannot explain its timing or intensity. In order to gain a clearer understanding of the violent and precipitous nature of Yugoslavia's disintegration, Dragovic-Soso argues that one must also examine a fourth category,

which suggests that there was nothing inevitable about the dissolution. Rather, according to this view, the blame lies with belligerent leaders, especially Slobodan Milosevic.

The fifth and final category examines the impact of external forces. While most studies of Yugoslavia's disintegration focus on internal factors, increasing attention has been paid to the important role played by the international community. Two prominent explanations examine the influence of Western economic policies on Yugoslavia's collapse, and the support of some Western countries for Croat and Slovene independence.

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This overview sets up the remainder of the book, which is divided into three sections. The first examines Yugoslavia's historical legacy by assessing how the inter-war period and the experience of the two world wars complicated, perhaps fatally, future efforts to consolidate statehood based upon a Yugoslav identity. Since many non-Serbs perceived the inter-war Kingdom of Yugoslavia as being dominated by Serbs, few accepted "Yugoslavism" as a legitimate idea. The traumatic events of the two world wars, in turn, created powerful images of victimization and left many unhealed wounds. History's impact, according to these two chapters, was to delegitimize Yugoslav identity and leave open wounds that were vulnerable to manipulation, ultimately leading to mass violence.

The second part of the book analyzes the legacy of socialism from a range of perspectives, including conflicting rights to self-determination expressed in the Constitution of Socialist Yugoslavia, increasing economic grievances that were often regional in nature, the rise of nationalism driven by intellectuals, and the suppression of popular reform in Croatia. Taken together, these chapters outline the underlying causes of Yugoslavia's disintegration. Conflicting interpretations of the right to self-determination, covered in Trbovich's book, were essential in mobilizing populations to push for their respective rights. The lack of clarity in Yugoslavia's constitution effectively removed all credible institutional avenues for resolving these competing claims, increasing the likelihood of violent confrontation. Increasing economic tension further exacerbated the situation because the competition for centrally controlled resources fed into group dissatisfaction and led to further calls for increased autonomy.

The third part of the book examines the breakdown of the state that began in the 1980s. While the previous sections assess the underlying factors allowing conflict to fester, this section focuses more upon the immediate factors that sparked the violent collapse of the Yugoslav state. These chapters analyze the failure to create a Yugoslav identity, as evidenced by the failed effort to create a common educational policy in the early 1980s, and they examine how this failure manifested itself in increasing economic grievances and inter-group competition, as well as competing proposals for a weaker confederacy rather than a more centralized federal authority. This push for decentralization ultimately contributed to the increasing insecurity of the Serbian political leadership and the increasing dependence of the Yugoslav People's Army (JNA) on those leaders. These factors, combined with Western disengagement with Yugoslavia throughout the 1980s and the lack of strategic interest that would have compelled more concerted intervention in the early 1990s, led to the outbreak of violence as the Yugoslav state disintegrated.

The book concludes with a comparative essay by Leonard J. Cohen that contextualizes the Yugoslav experience vis-à-vis the collapse of other federal socialist states. He argues that "disintegrative synergies" between the political and institutional structures, increasing salience of ethno-politics and nationalist mobilization, the impact of international political and economic factors, and the consequences of reform explain the dissolution of the three federal socialist states in Eastern Europe: Yugoslavia, Czechoslovakia, and the Soviet Union. In his assessment, Yugoslavia alone experienced widespread violence, due to four factors. First, Serbs identified closely with the national state and regarded themselves as recent victims of persecution by other Yugoslav nations. Second, the Serbian political leadership was not moderate or accommodating. Third, the military was closely tied to the Serb leadership, and the creation of paramilitary forces exacerbated the lack of responsible civilian control over the instruments of state coercion. Finally, the liberalization process in Yugoslavia was much slower and more protracted, allowing nationalist elites to weaken the legitimacy of the central state.

The strengths of this book lie in its interdisciplinary treatment of the disintegration of Yugoslavia that spans diverse perspectives and timeframes of analysis. Its overview of the state of the literature and its comparative conclusion are both valuable contributions, as are the numerous analyses that draw upon newly available evidence or balance out an otherwise biased historical record.

It would have been even more valuable, however, to have more integration of the various chapters. An analysis synthesizing the diverse perspectives presented in the book would have been a welcome addition. Second, it would have been valuable to see more lessons drawn from the Yugoslav experience for other multi-ethnic states that are plagued with the same lack of legitimacy and state capacity, even if they are not emerging from the collapse of communism.

**BEYOND YUGOSLAVIA:
LESSONS FOR U.S. AND EUROPEAN FOREIGN POLICY**

Both of these books provide lessons that are applicable to a wide range of current challenges facing U.S. and European policymakers. Trbovich’s arguments for more universal application of international legal principles have importance beyond the demand for consistency. It is clear that, in order to be effective, U.S. and European policy needs to be perceived as legitimate. Legitimacy requires statesmen and policymakers to ground policy in principles, not expediency. Just as domestic law enshrines rights for the accused as a bulwark against possible injustices, international law requires that its principles be applied equally and universally to all peoples, whether or not their governments are equally favored.

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By analyzing the failure of the Yugoslav idea, Cohen and Dragovic-Soso shed light on the wider challenge of creating a unified multi-national state. In these countries, competing political and economic interests combine with historic grievances and cultural and religious diversity to create a “push-pull” effect, where some groups push for greater autonomy while others hope to pull the country together into more centralized governance. Given the lessons of Yugoslavia, those trying to create a unified multi-national state must establish internal legitimacy. Such legitimacy will be derived from an effective economic and political system that is perceived to be fair in its distribution of power and resources and from a national defense infrastructure that is not dependent on, nor predisposed to favor, any specific group. U.S. policymakers in particular would do well to heed this lesson given current commitments to political transformation in the Middle East and Central Asia. ■