

*Mitja Žagar\**

## Human and Minority Rights, Reconstruction and Reconciliation in the Process of State- and Nation-Building in the Western Balkans

### I. INTRODUCTION<sup>1</sup>

The Western Balkans is known for the (actual) existence of all kinds of substantial asymmetries, pluralities and diversities as well as for the complexity of (social, economic, ethnic, cultural, etc.) situations within the region and every country. The MIRICO research with its case (country) and comparative studies and findings presents and confirms also an incredible diversity of perceptions and (re)interpretations of concepts, historic situations and developments, conditioned by specific ideologies and viewpoints, and reflect an enormous variety of concepts, definitions and theoretical approaches that exist in scholarly literature as well as in the public discourse. Such a conclusion can be made also with regard to the studies and reports prepared for the Work Package 4 of the MIRICO project that focus on the role of human and minority rights in the process of reconstruction and reconciliation for state- and nation-building in the Western Balkans.<sup>2</sup>

---

\* Prof. Dr Mitja Žagar is a research councilor at the Institute for Ethnic Studies and full professor at the Universities of Ljubljana and Primorska/Littoral. I would like to thank to Dr Romana Bešter and Dr Sara Brezigar, both research fellows at the same institute, for their assistance in preparing this article.

1 This article is based on the key findings of the Sixth Framework Programme Research Project, "Human and Minority Rights in the Life-Cycle of Ethnic Conflicts" (MIRICO). It is based especially on the synthetic report within this work package: Mitja Žagar and Armin Stolz, with assistance of Romana Bešter and Sara Brezigar, "Synthetic Report on the Role of Human and Minority Rights in the Process of Reconstruction and Reconciliation for State- and Nation-Building in the Western Balkans", MIRICO: Human and Minority Rights in the Life Cycle of Ethnic Conflicts, Sixth Framework Programme, European Academy Bozen/Bolzano, February 2008, March 2008, at <[http://www.eurac.edu/NR/rdonlyres/E776B0B2-97E1-45DE-89BA-3C89D87C42CA/0/26\\_syntheticreport.pdf](http://www.eurac.edu/NR/rdonlyres/E776B0B2-97E1-45DE-89BA-3C89D87C42CA/0/26_syntheticreport.pdf)>.

2 For more information on the (EU) 6th Framework Programme Research Project "Human and Minority Rights in the Life-Cycle of Ethnic Conflicts" (MIRICO), its research findings and also on its Work Package 4 "The Role of Human and Minority Rights in the

Based on those reports and case studies, this article focuses on conceptual and theoretical issues and attempts to present a synthesis that derives from the presented analysis, comparison and critical evaluation of situations, developments, processes, (key) definitions, concepts, approaches, models and (theoretical and historic) frameworks. Rather than being an attempt at their unification, this article tries to present differences detected in these studies and reports and attempts to develop a common (general) theoretical framework, including the elaboration of certain basic concepts and definitions that could be used in the further research. In other words, this article can be seen as an attempt to provide the update on the current state-of-the-art in ethnicity, minority and diversity management studies (more specifically of the current ethnicity, minority and diversity management research) using the results and findings of the MIRICO project.

For this purpose, the article focuses on concepts, definitions and perceptions presented in the following country reports and special (thematic) reports/studies:

Country specific reports on Bosnia and Herzegovina,<sup>3</sup> Croatia,<sup>4</sup> Macedonia,<sup>5</sup> Serbia<sup>6</sup> and Kosovo.<sup>7</sup>

---

Process of Reconstruction and Reconciliation for State and Nation-Building”, see, e.g., <<http://www.eurac.edu/Org/Minorities/MIRICO/index.htm>> and <<http://www.eurac.edu/Org/Minorities/MIRICO/Mirico+project+results.htm>>.

- 3 Asim Mujki, Zarije Seizović and Dino Abazović, “Country Specific Report: Bosnia and Herzegovina. The Role of Human and Minority Rights in the Process of Reconstruction and Reconciliation for State and Nation-Building: Bosnia and Herzegovina”, Human and Minority Rights in the Life Cycle of Ethnic Conflicts, 6th Framework Programme, European Academy Bozen/Bolzano, February 2008, at <[http://www.eurac.edu/NR/rdonlyres/BD177D76-1FEA-4131-9DE6-5A681818BF53/0/20\\_BiH.pdf](http://www.eurac.edu/NR/rdonlyres/BD177D76-1FEA-4131-9DE6-5A681818BF53/0/20_BiH.pdf)>.
- 4 Antonija Petričević, Marko Kmezić and Mitja Žagar, “The Role of Human and Minority Rights in the Process of Reconstruction and Reconciliation for State and Nation-Building: Croatia”, Human and Minority Rights in the Life Cycle of Ethnic Conflicts, Sixth Framework Programme, European Academy Bozen/Bolzano, February 2008, at <[http://www.eurac.edu/NR/rdonlyres/B0DDA9CE-740F-43DF-92B9-1AEB2C409FA8/0/19\\_Croatia.pdf](http://www.eurac.edu/NR/rdonlyres/B0DDA9CE-740F-43DF-92B9-1AEB2C409FA8/0/19_Croatia.pdf)>.
- 5 Zoran Ilievski, “Country Specific Report: Macedonia. The Role of Human and Minority Rights in the Process of Reconstruction and Reconciliation for State and Nation-Building: Macedonia”, Human and Minority Rights in the Life Cycle of Ethnic Conflicts, 6th Framework Programme, European Academy Bozen/Bolzano, February 2008, at <[http://www.eurac.edu/NR/rdonlyres/32C7FCCA-4585-47DE-9C46-C12FAB68ABD3/0/23\\_Macedonia.pdf](http://www.eurac.edu/NR/rdonlyres/32C7FCCA-4585-47DE-9C46-C12FAB68ABD3/0/23_Macedonia.pdf)>.
- 6 Igor Bandovic, “Country Specific Report: Serbia. The Role of Human and Minority Rights in the Process of Reconstruction and Reconciliation for State and Nation-Building: Serbia”, Human and Minority Rights in the Life Cycle of Ethnic Conflicts, 6th Framework Programme, European Academy Bozen/Bolzano, February 2008, <[http://www.eurac.edu/NR/rdonlyres/B647CD4F-361B-41A7-A40A-F8E255560DEA/0/21\\_Serbia.pdf](http://www.eurac.edu/NR/rdonlyres/B647CD4F-361B-41A7-A40A-F8E255560DEA/0/21_Serbia.pdf)>.
- 7 Selatin Kllokoqi, Blerim Ahmeti, Glauk Konjufca and Valon Murati, “Country Specific Report: Kosova. The Role of Human and Minority Rights in the Process of Reconstruction and Reconciliation for State and Nation-Building: Kosova”, Human and Minority Rights in the Life Cycle of Ethnic Conflicts, Sixth Framework Programme, Europäische

- Specific reports and studies:
- “My Truth, Your Truth—Our Truth? The Role of Truth Commissions and History Teaching for Reconciliation”<sup>8</sup>
  - “An Additional Research Report on the Constitutional Regulation of Ethnic Diversity, Protection of National Minorities and (Special) Rights of Persons Belonging to National Minorities and/or National Minorities: The Countries of South Eastern Europe and the European Context”<sup>9</sup>
  - “Strategies for the Prevention, Management and/or Resolution of (Ethnic) Crisis and Conflict: The Case of the Balkans”<sup>10</sup>
  - “EU Policies and the Stabilisation and Association Process”.<sup>11</sup>

In addition to the reports and studies listed above, country and synthetic reports and specific studies from other work packages of the MIRICO project are also taken into account.<sup>12</sup> All relevant literature and sources used directly or referred to (indirectly) in this article are cited adequately.

The central goal of this article, an elaboration of a common (general) theoretical framework, is everything but a simple task. Although the MIRICO reports were based on the project proposal as well as on specific guidelines,<sup>13</sup> they remain very diverse.

---

European Academy Bozen/Bolzano, February 2008, at <[http://www.eurac.edu/NR/rdonlyres/781A7715-5CF0-462D-963C-943EE4AFD5E6/0/22\\_Kovova.pdf](http://www.eurac.edu/NR/rdonlyres/781A7715-5CF0-462D-963C-943EE4AFD5E6/0/22_Kovova.pdf)>.

- 8 Edith Marko-Stöckl, “Specific Report on the Role of History for Reconciliation. My Truth, Your Truth—Our Truth? The Role of Truth Commissions and History Teaching for Reconciliation”, Human and Minority Rights in the Life Cycle of Ethnic Conflicts, 6th Framework Programme, European Academy Bozen/Bolzano, January 2008, at <[http://www.eurac.edu/NR/rdonlyres/0DFF7A44-9AA7-471A-8DD4-F7F6D011F63E/0/25\\_historyreconciliation.pdf](http://www.eurac.edu/NR/rdonlyres/0DFF7A44-9AA7-471A-8DD4-F7F6D011F63E/0/25_historyreconciliation.pdf)>.
- 9 Aleš Novak and Mitja Žagar, “An Additional Research Report on the Constitutional Regulation of Ethnic Diversity, Protection of National Minorities and (Special) Rights of Persons Belonging to National Minorities and/or National Minorities: The Countries of South Eastern Europe and the European Context”, Inštitut za narodnostna vprašanja / Institute For Ethnic Studies, Ljubljana, February–March 2007.
- 10 Mitja Žagar, “Strategies for the Prevention, Management and/or Resolution of (Ethnic) Crisis and Conflict: The Case of the Balkans”, (Draft), Ljubljana, October 2007. A shorter updated and revised version of this study was published as: Mitja Žagar, “Strategies for the Prevention, Management and/or Resolution of (Ethnic) Crisis and Conflict: The Case of the Balkans”, in Sean Byrne, Dennis J.D. Sandole, Ingrid Sandole-Staroste and Jessica Senehi (eds.), *A Handbook of Conflict Analysis and Resolution. Studies in Peace and Conflict Resolution* (Routledge, London, New York, 2008), 456–474.
- 11 Claire Gordon, Gwendolyn Sasse and Sofia Sebastian, “Specific Report on the EU Policies in the Stabilisation and Association Process”, Human and Minority Rights in the Life Cycle of Ethnic Conflicts, 6th Framework Programme, Jessica, at <[http://www.eurac.edu/NR/rdonlyres/B11246A4-097C-421F-83C2-12F570566BDE/0/24\\_SAP.pdf](http://www.eurac.edu/NR/rdonlyres/B11246A4-097C-421F-83C2-12F570566BDE/0/24_SAP.pdf)>.
- 12 See, e.g., <<http://www.eurac.edu/Org/Minorities/MIRICO/Mirico+project+results.htm>>.
- 13 These guidelines had been prepared by the coordinators of Work Package 4 in order to provide a common basic structure, to which the authors should stick when writing the MIRICO reports.

The guidelines did not manage to reduce the huge diversity of approaches, nor did they succeed in unifying the concepts and different understandings and evaluations of studied phenomena. Consequently, this article focuses on a few key phenomena, issues and concepts that—from the perspective of human and minority rights, reconstruction, state- and nation-building and reconciliation—I consider important for the adequate analysis and understanding of the historic and contemporary developments and situations in the region and in individual countries, as well as for the foreseeing of possible future developments and trends there. The multi- and inter-disciplinary nature of ethnic and minority studies as well as such nature of diversity management determines the use of diverse research methods and approaches from social sciences (especially sociology, political science, peace and security and ethnic studies), law and humanities, which were applied in the listed (predominantly) analytical and descriptive country reports and specific studies. The same methodological and theoretical approaches are used in this article, which is based mostly on a comparative and synthetic approach.

#### *A. Research Considerations, Contents and Structure of the Article*

Using the described approaches and methodologies, this article addresses a number of issues that I consider relevant (directly or indirectly) for the presentation, analysis and understanding of the role of human and minority rights in the process of reconstruction and reconciliation for state- and nation-building in the Western Balkans. In an attempt to present the state-of-the-art in the current ethnicity, minority and diversity management research and to develop a coherent theoretical framework in this context, the article builds on a few key research considerations (RC) and questions used to direct my research and to conceptualize and frame offered interpretations, conclusions and synthesis.

Three central research considerations and questions examined in this article are the following:

*RC1:* The listed county reports and specific studies show historic developments, processes, trends, (social) phenomena and current situations in respective countries, as well as present their perceptions and interpretations that differ substantially from environment to environment. We can detect certain similarities and communalities in environments that are studied; however, differences and specificities are more frequent and—in my opinion—more important. Consequently, we should be very careful in every interpretation and evaluation of research findings from specific environments and, especially, in their comparisons and possible generalization. The same is true for detected interpretations of concepts and perceptions that differ even more from one environment to another; additionally, we should take into account (often substantial) differences that exist within individual environments. Any uncritical comparison or generalization of findings and concepts (without listing and stressing all specifics, differences and diversities that exist in individual environments) might be misleading and, consequently, very problematic. This is also a major problem for any attempt at creating a synthesis.

*RC2:* Concepts and definitions listed and presented in country studies should be considered a theoretical framework and (generalized) yardsticks (measures) necessary to make interpretations and comparisons rather than the actual descriptions and reflections of the current situation and conditions in a specific environment or in the region. One of important results of the MIRICO project is the indication (list) of diverse concepts and definitions that exist in theory and scholarly literature, as well as in public perceptions, media and political discourses in the region and in its individual countries. Country reports and special studies enable a compilation of these concepts and definitions and of their diverse perceptions, which we consider an important aid in better understanding the region and its countries.

*RC3:* The country reports and special studies show a relatively satisfactory normative framework of human and minority rights in individual countries and high standards of constitutional and legal protection of national minorities. They also indicate important differences that exist among the countries. Nevertheless, in all countries, they detect a substantial gap between the normative framework and the actual situation of minorities and several problems that appear in the exercise of minority rights that determine the actual level of their protection.

*RC4:* Contemporary societies are complex, asymmetric, plural, ethnically and otherwise diverse, characterized also by the existence of a number of diverse distinct groups, communities and other collective entities. In such environments we could expect that there exist several diverse (individual as well as collective) needs and interests that can be sometimes incompatible and conflicting and that might lead to the occurrence and occasionally escalation(s) of tensions, crises and conflicts. I believe that these diversities and asymmetries, as well as tensions, crises and conflicts, are normal phenomena and the state of affairs in contemporary plural societies; they are also the necessary preconditions for the existence and functioning of modern democracy founded on human and minority rights and principles of equality and non-discrimination. Consequently, it is not surprising that the EU also considers human rights and the adequate protection of minorities (to be) important yardsticks of democracy and the necessary preconditions for the accession to the EU. However, our everyday experiences and scholarly literature, including the MIRICO reports and studies, indicate that there are several problems in the management of diversities and asymmetries. For this reason I argue that contemporary societies need to introduce and develop adequate concepts and models of diversity management, which requires the adequate realization and promotion of human and minority rights, protection of minorities as well as the introduction and development of effective concepts, approaches, models, mechanisms and measures/activities for the prevention, management and resolution of crises and conflicts.

In addition to these four main research considerations/questions determined by the central aim of this article, the following additional issues research considerations/questions help determining its framework.

*RC5:* In studying the role of human and minority rights for reconstruction and reconciliation in the process of for state- and nation-building in the Western Balkans, the MIRICO project focuses on the post-conflict situations in environments analyzed

in country reports. However, we should be aware that the determination of a post-conflict situation in a specific environment might be schematic and problematic. The determinations of pre-conflict, conflict and post-conflict situations in individual environments should be considered a research approach and theoretical tool rather than the actual definitions of historic developments and current situations. Namely, what is defined as a post-conflict situation considering a specific historic time and/or conflict might turn out to be a pre-conflict or latent conflict phase if we take into account the future development in a specific environment.

*RC6:* In this article, special attention is paid to the concept of reconciliation, its applications and impacts on individual environments and the region. Considering the experiences with reconciliation, and particularly the problems that were detected in individual countries and in the region, there is a need to revisit and revise this concept or, possibly, to develop adequate alternative concepts. Although we recognize the importance of justice and agree that perpetrators of crimes should be adequately prosecuted and punished, our estimate is that the current concepts of reconciliation have not produced the desired results. Consequently, we believe that approaches such as normalization and developing adequate conditions for coexistence and cooperation based on common long-term interests might be better and more productive concepts and (alternative) options. I would suggest that rather than focusing on reconciliation, the international community and relevant internal actors could achieve better results by investing their efforts, resources and time in establishing basic conditions for stable future coexistence, tolerance and cooperation in a post-conflict environment.

*RC7:* Lists of relevant actors in the sphere of human and minority rights and reconciliation in individual countries mentioned by country reports and special studies are rather similar and indicate the same actors, or at least the same groups of actors. There are many similarities also in the assessment(s) of their role and impact. In this context we could single out a few important deficiencies, among them especially the lack of the adequate coordination and cooperation in policies and actions of the relevant actors and the lack of a coherent (especially long-term) strategy for the exercise and promotion of human and minority rights.

Following these research considerations/questions presented in this Introduction and using them to select the issues and concepts in the central section of the article (divided in subsections) focuses on the presentation and interpretation(s) of selected key phenomena, concepts and definitions that were presented in the listed reports and studies of the MIRICO research project. Thereby it establishes the basis for the development of synthetic theoretical frameworks that might be useful for the future research in the fields of ethnic and minority studies, diversity management as well as, more specifically, for the future research on the role of human and minority rights in the post-conflict management and their impact on the processes of state- and nation-building. However, one should also consider possible roles and impacts that research findings, concepts and (theoretical) frameworks might have on the future development, which depends on peace, stability, realization and promotion of human rights (including minority rights), equality, free and equal cooperation and integration that,

as stated above, I see as the necessary preconditions for successful democratization and stable long-term social development in the region and in individual countries. For this reason I pay central attention to the concept, policies and practices of the diversity management and to all its components, particularly to ethnic and minority policies, human and minority rights and protection as well as to the prevention, management and resolution of crises and conflicts.

The MIRICO country-specific reports, as well as the other MIRICO studies indicate a number of actors or groups of actors that in their respective environments are relevant for ethnic relations, for the formulation of ethnic and minority policies, for the protection and situation of national minorities and, consequently, who can play important roles in all (or at least some) phases of the life cycle of conflicts, especially those described as ethnic conflicts. In the phase that follows (the end of) violent conflicts, which is usually described as the post-conflict phase/situation, it is important to determine actors that might be relevant in the processes of reconstruction, restoration of coexistence and cooperation, promotion of human and minority rights, reconciliation as well as state- and nation-building in the Western Balkans. However, a better understanding of potential roles and impacts of certain actors and groups of actors would require comprehensive additional studies that would need to take into account specific processes, trends of development, situations and characteristics in diverse environments. Considering the existing national and international standards of minority protection as well as formal status(es) of diverse minorities, these additional studies should pay special attention to the situation, role(s) and performance of each national minority as well as its organizations and institutions, also taking into account relations and cooperation among diverse minorities. Consequently, rather than examining those issues closer, this article only indicates them and stresses their relevance.

The last (sub)section (part) of the central section of this article addresses some question related to the concept of reconciliation and its impact in individual countries and in the region. Indicating some detected problems and shortcomings of the reconciliation efforts in the region, this article discusses possible alternative approaches and concepts that might—at least in the long run—improve the current situation and provide adequate foundations for the future development.

A short concluding section summarizes some findings and conclusions as well as common characteristics and specifics presented in this article that I consider important for the elaboration of a (comprehensive) synthetic overview and for the development an adequate (common) theoretical framework, which can be used for the interpretation of the role of human and minority rights in the process of reconstruction and reconciliation for state- and nation-building in the region and individual countries. I hope that, translated adequately in political processes and actions, these findings and conclusions might prove to be useful tools in developing such inclusive policies and concepts of integration that would enable the inclusion of all individuals and distinct communities by promoting and ensuring stable and democratic development (in and of all spheres and segments of societies), coexistence and equal cooperation as well as human and minority rights in ethnically diverse societies in the Western Balkans.

## II. (KEY) CONCEPTS, PHENOMENA, DEFINITIONS AND PROCESSES

The *Guidelines* for the authors of reports and studies listed a number of key concepts and issues that—based on the project proposal—needed to be addressed. In addition to the ones indicated in this list, the reports and studies included a substantial number of additional concepts and issues that authors considered relevant, at least in the cases of individual countries. From this very extensive expanded list, I try to single out those concepts and issues that I consider important for the better understanding, exercise and promotion of human and minority rights and for the improvement of the situation of national minorities

All social phenomena, situations, developments and concepts presented in this article should be observed and interpreted in their specific historic and social contexts, while also taking into account their temporal dimension. There are a number of internal/national and external/international—social, economic, political—processes, trends, relations and actors and their specific interplay, which in an individual environment determine a specific social and historic context, relations and situation that change over time. Consequently, social phenomena and concepts should be observed and understood as processes in a specific time frame. The general theoretical framework for their interpretation and evaluation is provided by political, sociological, economic and legal theories<sup>14</sup> and philosophy, as well as by other disciplines and fields of social sciences and humanities—including history, geography, psychology, social linguistics, public administration, diversity management, peace and conflict studies, communication sciences, informatics, etc. However, in the European context, the main substantive criteria and standards for the interpretation and evaluation of societies, social situations and processes and the role of social actors are rational and individualistic ideas and ideals of the Enlightenment and liberal democracy.<sup>15</sup>

### *A. Nation-State, State- and Nation-Building*

The traditional institutional and organizational framework for the study of human and minority rights is a state. Usually, today, states are perceived as nation-states, more precisely single nation-states (one nation-states) of 'titular nations'. The concept of a (single) nation-state is a product of specific historic developments in Europe that begun (as early as) in the fifteenth and sixteenth century with the first important turning point in the seventeenth century after the Peace of Westphalia (1648). This historic process intensified in the nineteenth and twentieth century, when the majority of the current nation-states were formed; important turning points in this period were after World War I, when a number of new states were established after the dissolution of Austria-Hungary and the Ottoman Empire, after World War II in the process of decolonization, and after 1989, when the Soviet Union, Czechoslovakia and Yugoslavia disintegrated) However, the process of state- and nation-building and formation continues in the new millennium.

---

14 See, e.g., *op.cit.* note 6, 8.

15 See, e.g., *ibid.*, 9.



In past centuries, the formation of (modern) nation-states went hand in hand with the process of formation of the modern European nations as specific ethnic communities. In this process, states acquired their ethnic dimension and identity—being perceived as tools for the realization of “national interests” of their “titular nations”. In this context, nation-states were perceived ethnically homogenous, which translated into the myth of ethnic homogeneity of single nation-states.<sup>16</sup> This concept could be explained by a simple equation: State = nation = people.<sup>17</sup> Yet in reality, nation-states have never been ethnically homogenous, and a certain level of ethnic and cultural diversity has always existed in almost all societies. New technologies in transportation and communication, increased mobility and migrations, international cooperation, global economy and interdependence are some of the factors that contribute to the increase of this diversity in the late twentieth and early twenty-first century.<sup>18</sup> Nevertheless, the traditional concept of nation-states has not been transformed substantially, and there is little evidence that it will evolve in a more adequate concept, such as that of the multiethnic state. Consequently, the existing constitutional arrangements and political systems continue to be built on the myth of ethnic homogeneity and traditional concept of single nation-states that do not correspond to the multiethnic reality of modern societies and lack the necessary flexibility (required) to reflect adequately the existing diversities and asymmetries.<sup>19</sup>

Considering the country case studies and the time period studied within the MIRICO project, it could be said that they examine specific and dynamic processes of state- and nation-building in the Balkans in the late twentieth and early twenty-first century. The broader context was the process of transformation and disintegration of the Socialist Federal Republic of Yugoslavia (SFRY) marked by escalated (political, economic, social) crises and conflicts—including wars. Consequently, we could say that in addition to state-building and consolidation, this project also addressed the issues of state transformation and destruction—in all cases focusing on human and minority rights, diversity management and protection of national minorities.

---

16 See, e.g., Benedict Anderson, *Imagined Communities: Reflection on the Origin and Spread of Nationalism* (Verso, London, 1983); C.A. Macartney, *National States and National Minorities* (Oxford University Press, Humphrey Milford, London, 1934), 192–211; Hough Seton-Watson, *Nations and States* (Methuen, London, 1977); Anthony D. Smith, *The Ethnic Origins of Nations* (Basil Blackwell, Oxford, 1986); etc.

17 Eric J. Hobsbawm, *Nations and Nationalism since 1789: Programme, Myth, Reality* (Cambridge University Press, Cambridge, 1990), 23.

18 See, e.g., Gerold Ambrosius and William H. Hubbard (translated by Feith Tribe and William H. Hubbard), *A Social and Economic History of Twentieth-Century Europe* (Harvard University Press, Cambridge, MA, London, 1989), 28–42, 84–86.

19 See, e.g., Heinz Gärtner, “State, Nation and Security in Central Europe: Democratic States without Nations”, 32 *Razprave in gradivo/Treatises and Documents* (1997), 31–64; Mitja Žagar, “Constitutions in Multi-Ethnic Reality”, 29–30 *Razprave in gradivo/Treatises and Documents* (1994/1995), 143–164; Mitja Žagar, “Ethnic Relations, Nationalism, and Minority Nationalism in South-Eastern Europe”, in Michael Keating and John McGarry (eds.), *Minority Nationalism and the Changing International Order* (Oxford University Press, New York, 2001), 325–341.

In a way, we could observe the declaration of the independence of Kosovo in 2008 and all developments following it, including different views regarding the legality of the unilateral declaration of independence and regarding the international recognition of Kosovo's independence as the final stages of the Yugoslav crisis and disintegration that should—as all other stages and developments—no doubt have an impact on human and minority rights and the protection and situation of minorities. Like all other successor states, Kosovo wanted to become an internationally recognized and independent nation-state with the Kosovo Albanians (Kosovars) as its titular nation. Their desire was conditioned by the fact that states (more precisely, nation-states) continued (and still continue) to be the only full and equal members of the international community,<sup>20</sup> although in the definition of states as persons of international law and their rights and duties, there is no reference to their ethnic dimension or to the perception of states as nation-states.<sup>21</sup> Recognizing the relevance of ethnic diversity for contemporary societies in the Balkans, however, those states in the international community that were also sympathetic to Kosovo's independence had demanded as the preconditions for their formal recognition of its independence the resolute guarantees by the Kosovo's political leadership that the existence of ethnic and other diversities would be formally recognized and the adequate legal protection of minorities would be ensured.

### *B. The Principle of and Right to Self-Determination*

The establishment of new nation-states in the context of disintegration of the SFRY was observed and interpreted as the realization of the right of peoples to self-determination. Such an approach was consistent with an understanding of the nature and foundations of the Yugoslav multinational federation. Namely, following the traditions of the federally organized national liberation movement this federation was seen as the realization of the right of “Yugoslav nations” to self-determination during and after World War II. Consequently, this right was included in the first Yugoslav federal constitution (the Constitution of the Federal Peoples Republic of Yugoslavia) of 1946 and was referenced in the Preamble of the Constitution of the Socialist Federal Republic of Yugoslavia of 1974, which guaranteed a broad autonomy to the republics defined as sovereign nation-states of respective “Yugoslav nations”. In the 1990s, the realization of this right in most parts of the former federation was understood as the formal precondition for the independence and sovereignty of successor states (which thereby became internationally recognized equal members of the international

---

20 See, e.g., Karl W. Deutsch, *Political Community at the International Level: Problems of Definition and Measurement* (Archon Books, USA, 1970).

21 This generally accepted definition in the Article I of The Montevideo Convention on Rights and Duties of States of 1933 reads: “The State as a person of international law should possess the following qualifications: a) permanent population; b) defined territory; c) government; and d) capacity to enter into relations with other states.” See also, J. G. Starke, *Introduction to International Law*, 10th ed. (Butterworths, London, 1989).

community and full persons under international law) and was proclaimed the central “national interest” of individual nations.<sup>22</sup>

To provide a theoretical framework for the discussions on the disintegration of the SFRY, it might be useful to address a few issues connected with the principle of and right to self-determination and their historic evolution. The introduction of this principle after World War I provided the formal foundation for the disintegration of multiethnic empires and enabled decolonization after World War II.

The right to self-determination was interpreted as a practical realization of this principle of international law that often (from its very conception) was considered problematic and contradictory to some other basic principles of international law (e.g., territorial integrity of states, sovereignty, etc.).<sup>23</sup> International law provides that “all peoples have the right of self-determination”, by the virtue of which “they freely determine their political status and freely pursue their economic, social and cultural development.”<sup>24</sup> This right can be understood and realized in different ways as (1) “the right of people to chose their own form of government within existing borders”; (2) “the right of an ethnic, linguistic, or religious group to redefine existing national borders in order to achieve separate national sovereignty”; (3) “the right of a political unit within a federal system [...] to secede from the federation and became an independent sovereign state”; (4) “the right of an ethnic, linguistic or religious group within an existing sovereign state to a greater degree of autonomy and linguistic or religious identity, but not to a sovereign state of its own.”<sup>25</sup>

Consequently, we can draw distinction between internal self-determination, which can be interpreted as the right to freely choose a government and/or to increase autonomy within an existing nation-state (without interfering with its sovereignty), and external self-determination that leads to the creation of a new independent and sovereign state. Schematically and formally, we can differentiate the following options:

- 
- 22 See, e.g., Mitja Žagar, “National Sovereignty at the End of the Twentieth Century: Relativization of Traditional Concepts; The Case of Slovenia”, in Bojko Bučar and Stein Kuhnle (eds.), *Small States Compared: Politics of Norway and Slovenia* (Alma Mater, Bergen, 1994), 235–252.
  - 23 The Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (Resolution 2625 [XXV] of 1970) recognizes the principle of self-determination as one of the basic principles of international law but at the same time sets limitations stating that “nothing in the foregoing paragraphs shall be constructed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity of political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a Government representing the whole people belonging to the territory without distinction as to race, creed or colour.”
  - 24 Art. 1, para. 1, of the International Covenant on Economic, Social and Cultural Rights, and of the International Covenant on Civil and Political Rights.
  - 25 Morton H. Halperin and David J. Scheffer, with Patricia L. Small, *Self-Determination in the New World Order* (Carnegie Endowment for International Peace, Washington, DC, 1992), xi.

- (i) internal self-determination by
  - (a) devolution and increasing autonomy of local government;
  - (b) regional autonomy;
  - (c) creating a federal state system; and
- (ii) external self-determination by
  - (a) secession (of a certain region or part of territory of a formerly existing state);
  - (b) partition or division of a state;
  - (c) by dismantling a state.

In analyzing the content and nature of the right to self-determination, we could describe it as a collective right of peoples. In the European tradition it was often interpreted as the (inalienable) right of nations (as specific ethnic communities). In a way, this approach would mean that we could speak of ethnic self-determination rather than of civic (democratic) self-determination, which would recognize and respect the existing diversities in a certain territory.

If we analyze the disintegration of the SFRY, surely, we could say that the predominant perception and concept of self-determination were the ethnic ones. It was understood as the self-determination of the (former) Yugoslav nations, which aspired to become 'titular nations' of new nation-states. In multiethnic environments, such as Bosnia and Herzegovina, the implementation of 'ethnic approach' to self-determination might prove disastrous.<sup>26</sup> Considering the existing standards, however, the right to self-determination should be interpreted and realized as the right of the population (individuals with voting right) living in a certain territory to determine their (administrative) status. Traditionally, such a decision is based on a plebiscite (referendum), in which the participation should be assured to everyone (living in the territory) who possesses the right to vote. The decision shall be made by the majority of the (total) population in the territory and not only by the majority of members of a certain nation or ethnic community.

To ensure the adequate rights and protection of minorities (e.g., national, [ethnic], linguistic or religious minorities) in a certain territory, they should be entitled to internal self-determination and the adequate (minority) protection.<sup>27</sup> The main deficiency of this approach is that the international community has not developed adequate and effective mechanisms to ensure the realization of the highest standards of minority rights and to provide for adequate autonomy of distinct minority communities.

Observing secessionist tendencies and movements in the world, we could conclude that the described nature of the current international community is among key reasons and motives for their existence and continuation. The community of states has not developed any adequate mechanisms to ensure the adequate position and protection of minorities, indigenous people and other distinct communities, and in particular the equal position of nations without their own nation-states (so called 'stateless nations').

---

26 See, e.g., *op.cit.* note 3, 2.

27 Only in extreme cases when the very existence of a certain national minority is endangered it might be entitled to an external self-determination. See e.g., Žagar, "Ethnic Relations, Nationalism, and Minority Nationalism...", *op.cit.* note 19, 325–341.

However, it is possible to conclude (observing different cases in different parts of the world) that the opposition to secessionism and denial of claims for self-determination by states and the international community actually strengthen nationalism and perpetuate secessionist claims. Secessionist movements (especially secessionist nationalists) describe others' opposition and disapproval as unfair, claiming that such a position is advocated by politicians and governments of states that had already benefited from the realization of their right to self-determination and sovereignty of their own (nation) states before they changed their position to deny the same right to the others, fearing that other's self-determination might hurt their interests.

We would argue that the main problem is the actual nature of existing nation-states and the lack of adequate alternative concepts. Namely, the central goal of secessionist movements is usually the establishment of a nation-state of their own—based on the same exclusive concept and myth of ethnic homogeneity that continue to perceive the already existing diversity as a problem—and are reluctant to grant the adequate protection and status to minorities and distinct communities that exist in the territory.

### *C. Sovereignty and National Sovereignty: (Re)Interpreting the Past*

Other important concepts that need to be addressed are the concept of sovereignty and the specific and different understanding of the concept of national sovereignty. Although it was traditionally associated with the independence and sovereignty of states, nationalist movements extended and changed the meaning of the concept of national sovereignty to include sovereignty of nations as specific politically organized ethnic communities. This way, they established and stressed the ethnic basis and nature of national sovereignty that in their view surpasses its civic nature. Such an approach is consistent with the myth of ethnic homogeneity of (single) nation-states that are perceived as the ultimate tools to realize the national interests of their titular nations, whereas the nationalists interpret diversities that exist in plural societies as (at least possible) obstacles in realizing these interests.<sup>28</sup>

Such an approach can explain the practices that can be described as aggressive (policies of) nation-building (e.g., in specific circumstances, when more than a third of the territory of Croatia was occupied by the Serb Rebels).<sup>29</sup> The same (nationalist) logic can be used to interpret and argue for state disintegration (e.g., in the case of the SFRY) and state integration (e.g., reintegration of the occupied territories in Croatia), which might be (and in the described cases they were) very costly, economically challenging and painful.<sup>30</sup> However, usually in nationalist discourses, economic and other costs and difficulties are not the most important factors; they are seen as acceptable in the context of realizing the key national interests, including in achieving national unity, which also explains the success and (social and political) efficiency of the nationalist rhetoric in the public mobilization for war. In the context of disintegra-

---

28 See, e.g., *op.cit.* note 9, 11–13; *op.cit.* note 22.

29 *Op.cit.* note 4, 3.

30 *Ibid.*, 9–10.

tion of the SFRY the nationalist rhetoric was produced and used for several purposes (particularly for political mobilization of masses) and managed to establish a general feeling of “being exploited by others” (e.g., more-developed federal units felt exploited by less developed ones because of the aid that they had to provide for the development of the latter, and—*vice versa*—less developed regions felt exploited by more-developed ones, which used their natural resources), which made almost everybody unhappy with then-existing arrangements.

Nationalist rhetoric often uses one-sided, emotional, adjusted or false (re)interpretations of the past and history with a goal to attract and mobilize as many followers as possible within their ethnic community and environment. Actually, ideologically, politically, morally (ethically) and ethnically conditioned (re)interpretations of the distant and recent past, but also the present, are traditional and frequently used tools of political technology and propaganda throughout the world and history. So it is not surprising that these tools have also been used in the SFRY and its successor states—in all environments and by almost all involved actors.<sup>31</sup> In this context, we should single out the role (and responsibility) of the state-controlled media in promoting specific and official perceptions and (re)interpretations of the past and reality that served the ruling regimes.<sup>32</sup>

As has been and currently is a frequent practice of nation-states, the SFRY successor states and the leading ethnic politicians in all environments sought to impose ethnic homogeneity through socialization carried out by educational systems that promoted the myth of ethnic unity and reinforced the constituent myths of the respective nations. Analyzing the history and development of nation-states, we could say that often their titular nations imposed their own definition of ethnic and national homogeneity and then used the state to build a (civic and ethnic) nation around it. The state in this context becomes more than just a socially neutral way of organizing society; it became an ethnically defined or (at least) ethnically conditioned agency for building the society itself. Consequently, it is not surprising that such nation-states are reluctant to grant the (official) recognition and protection to minorities living in their territory, which in turn provokes dissatisfaction on the part of minorities (actually, all non-state ethnic groups, including stateless nations). If their dissatisfaction is not addressed properly, they might come to see the only solution to their dissatisfaction by their current situation, status and arrangements (within the existing nation-states) as being the establishment of new ethnically based nation-states of their own.<sup>33</sup>

We can agree with Kymlicka’s conclusion presented in the Serbia country report that that the studied states and their ruling elites in their nation- and state-building efforts have tried and still are trying to develop a new societal and political culture “through policies relating to the official language, the centralisation of power, a uniform system of national education, drawing borders of administrative units, and the policy of migration and naturalisation”.<sup>34</sup> The national (political, economic, cultural,

---

31 For example, *op.cit.* note 4, 13ff.

32 For example, *op.cit.* note 6, 4.

33 See, e.g., *op.cit.* note 22.

34 *Op.cit.* note 6, 19.

etc.) elites want to develop such a new soci(et)al and political culture (which covers both public and private sphere and is linked to a specific territory, culture and ethnicity), which is consistent with their specific perceptions and interests.

#### *D. Diversities, Asymmetries and Pluralism*

Although the country reports and specific studies do not discuss directly and extensively the concepts and definitions of pluralism (with the exception of political pluralism),<sup>35</sup> diversities and asymmetries directly, the phenomena that they are depicting are very present in them. Obviously, there is a relatively high level of agreement regarding their content and social relevance.

Regarding the use of the terms 'pluralism' and 'diversities', we could say that they refer to the presence/existence of any kind of different and diverse elements/components/structures and actors/entities—including their (inter)relations/interdependence. Taking into account the complexity of contemporary societies, there are almost countless dimensions of pluralities and diversities. The term 'asymmetries' is usually used to indicate the fact that the constituent parts and elements of all contemporary societies and environments are not symmetrical and homogenous—in contrast with traditional perceptions of societies as homogenous and symmetrical entities, with diverse theoretical models, and with the actually existing constitutional/ political systems of nation-states.

Directly and indirectly, the county reports examine political pluralism. The term refers to the political space(s) and process(es) in which different actors take part—ideally in a democratic setting. Often, political pluralism is understood as the existence of a multi-party political system, although it cannot be reduced exclusively to the existence of diverse political parties and the institutions of the political system within which they act. Political pluralism can be described as the space or, more precisely, open society that enables free competition of political projects and actors that compete for (political) power under equal terms within specific (political) systems determined by respective constitutions and laws.<sup>36</sup>

---

35 *Op.cit.* note 6, 16–17.

36 *Ibid.*, 16–17. Using the definition by Nenad Dimitrijević: "Political pluralism is a segment of a historical type of the society. It is meaningful and possible only as a component part of a whole resting on certain social, political and ideological preconditions and it is reproduced in accordance with certain laws. It concerns such type of communal living which is labelled as a modern society and which, emerging on the ruins of an organically structured society, can be recognised by the separations of the civil society and the state [...]" In the context of an open society it enables "free competition of particular political projects which compete for power under equal terms". Nenad Dimitrijević, "Samoupravljanje kao utopija u nacionalističkom ključu: Jugoslovenski socijalizam", in *Slučaj Jugoslavija, socijalizam, nacionalizam, posledice* (Belgrade, 2001), 54, 56, cited from *op.cit.* note 6,16–17.

*E. Multiethnic and Multicultural Societies,  
Multiculturalism and Interculturalism*

Nevertheless, the central topics of the country reports, specific studies and MIRICO project at large are the ethnic and cultural dimensions of pluralism and diversities, especially issues relevant for the national minorities, their rights and protection. Considering their ethnic make up, all Balkan countries studied in the MIRICO project are multiethnic and multi cultural, ethnically heterogeneous.<sup>37</sup> In this context, we could say that the term multicultural society refers simply to the fact that in a certain environment different distinct ethnic, linguistic and/or cultural communities (co)exist. Sometimes this situation is described as multi-ethnicity. However, these terms might acquire additional meanings when they are used in the political context or in programmatic documents. Thereby, the guidelines of the Council of Europe for the creation of a “genuinely multicultural society”—e.g., in Serbia<sup>38</sup>—and requests of the international community for “multi-ethnicity” in Kosovo<sup>39</sup> should be interpreted as urgent calls to ensure the necessary conditions for peace and social stability, ethnic coexistence and cooperation, for democratization and consolidation of democracy, for the adequate implementation, improvement and promotion of human and minority rights in these multiethnic environments, which is only possible if racism, xenophobia, (aggressive) nationalism and intolerance are fought.

This brings us to the catchy, but complex, concepts of multiculturalism and interculturalism. They can be understood as political principles, ideologies, approaches, specific policies and measures, as well as theoretical concepts and models for the regulation and management in ethnically and culturally plural environments. Following Taylor's<sup>40</sup>, Gutman's<sup>41</sup> and Kymlicka's<sup>42</sup> lines of thought, we could say that multiculturalism refers to the principles, regulation(s) and policies in a multiethnic society that

---

37 Discussing ethnic heterogeneity in societies, we should be aware of the existing diversity in the labour force and market, in which ethnicity might be an important factor of its segmentation and organization. In this context, reference can be made to fractionalization in the labour market. See *op.cit.* note 4, 9–10.

38 *Op.cit.* note 6, 25.

39 *Op.cit.* note 7, 13–15.

40 For example, Charles Taylor, “The Politics of Recognition”, in David Theo Goldberg (ed.), *Multiculturalism: A Critical Reader* (Blackwell, Oxford, Cambridge, MA, 1994), 75–106; reprinted from Amy Gutmann, Steven C. Rockefeller, Michael Walzer and Susan Wolf (eds.), *Multiculturalism and The Politics of Recognition* (Princeton University Press, Princeton, NJ, 1992). Charles Taylor, *Multiculturalism: Examining the Politics of Recognition* (Princeton University Press, Princeton, NJ, 1994).

41 Amy Gutmann, *Identity in Democracy* (Princeton University Press, Princeton and Oxford, 2003).

42 For example, Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Clarendon, Oxford, 1995); Will Kymlicka, “Immigrants, Multiculturalism and Canadian Citizenship”, paper presented at the Social Cohesion Through Social Justice symposium (Canadian Jewish Congress, Ottawa, 2 November 1997), at <[http://www.pearson-shoyama.ca/Hot\\_Button/immigran.htm](http://www.pearson-shoyama.ca/Hot_Button/immigran.htm)>; Will Kymlicka, “Nation-building and Minority Rights: Comparing West and East”, 2 *Journal of Ethnic and Migration Studies* (2000),



formally recognize and affirm the existence of diversities and distinct communities, establish and guarantee their (special) rights, equal status (possibly with autonomy) and adequate protection, with the central aim of establishing conditions for the coexistence and cooperation of all distinct communities in an environment and for the preservation and development of their distinct cultures. In addition to these elements, interculturalism includes not only firm rules, mechanisms and measures for coexistence and equal cooperation of distinct communities within an environment that should guarantee their preservation and distinct development, but pays special attention to their intertwined existence, their common interests and activities leading to new cultural and other practices in the context of constantly evolving cultures and common existence in all other spheres. Consequently, rather than the preservation and coexistence of distinct cultures, the central goal of interculturalism is to enable their intertwining, cooperative and active common existence, being aware that in such processes distinct cultures are constantly transforming. However, both terms are frequently defined in the same way and are used as synonyms, which might be attributed to the evolution of the concept of multiculturalism in time. In any case, two concepts are important element of integration and integration policies that should in democratic and diverse environments replace or at least complement the (traditional) ideology, policies and practices of involuntary assimilation.<sup>43</sup> In this context there is a permanent

need to build the political culture and raise the level of tolerance between people who are still heavily burdened by the recent past. The work of the civil sector is important in eradicating prejudices. Educational reform and the inclusion of the principles of multiculturalism and interculturalism into all aspects of school activities would help the cause.<sup>44</sup>

Although multiculturalism and interculturalism are usually evaluated positively, there are justified criticisms of specific models of multiculturalism that might be applied—or misused (according to the perspective of advocates of multiculturalism)—in the context of ethno-politics. Such a case might be Bosnia and Herzegovina, where arrangements are used that can be described as the “model of essentialist multiculturalism [that] focuses on consolidating the position of an ethno-cultural community as the [central] holder of fundamental rights”<sup>45</sup> and main political entity. Based on the principles of the Dayton constitution, which constructs the state predominantly on the basis of ethnic identities of “constituent peoples”, this model ignores all other dimensions and spheres and, consequently, puts everybody who does not belong to these “constituent peoples”

---

173–182; Will Kymlicka, *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship* (Oxford University, Oxford, New York, 2001).

43 See, e.g., Romana Bešter, “Integracijska politika – politika integracije imigrantov: Teoretični model in študija primera Slovenije” [Integration policy – policy of integration of immigrants: Theoretical model and a case study of Slovenia], Ph.D. Dissertation on file at the Faculty of Social Sciences, University of Ljubljana [Fakulteta za družbene vede, Univerza v Ljubljani], 2006.

44 *Op.cit.* note 4, 39.

45 *Op.cit.* note 3, 15.

(but also those who do belong to the “wrong constituent peoples”) in a certain territorial-political entity in an inferior position and automatically excludes them from candidacy for some key political offices that are reserved only for members of “constituent peoples”. Rather than increasing the cohesion within the state by developing common interests and stimulating cooperation, one of the consequences and side-effects of this system is that it creates new differences among “constituent peoples” and reinforces the existing ones by making these differences very important.<sup>46</sup>

An additional problem of this constitutional arrangement is that it was imposed by the international community—from outside, which was acceptable as the necessary measure and arrangement at the moment that this external intervention was needed to end the war. However, in the post-war situation, when democratization is set as one of the main goals of country’s development, the democratic deficit inherent in the current arrangement becomes a problem.

Consequently, considering specifically Bosnia and Herzegovina (but also other multiethnic environments in the Balkan and worldwide), we could agree with the proposal that:

Perhaps the principle of justice as fairness in a multicultural society could be stated as follows:

1. Equality in the widest access to basic rights and liberties for every citizen of BiH;
2. Ethnic inequalities are just only if they result in balanced benefits for everyone, and especially for the worst off members of society — minorities, be they non-constituent, or constituent;

In other words, it is not unjust to improve the position of the worst off people—those who are in a marginalized position due to their group affiliation—through affirmative action in a multicultural society. Indirectly, one can argue that these measures would improve the position of all citizens because they create a single advanced, secure and democratic environment. To reach toward this hypothetical strategy would confirm our readiness, or better, our political maturity. These “rules of the game” would establish one liberal-democratic framework within which one could advocate the plurality of social forms without invoking a “right to pass”. This would demonstrate that liberal democracy does not annul differences, but that such differences can only attain full reach within such a framework.<sup>47</sup>

#### *F. Collective Identities and Social/Political Mobilization*

Identity is an important issue when discussing multi-ethnicity and multiculturalism and interculturalism. All country reports directly or indirectly address this issue without paying much attention to the definition of this phenomena. The identities mentioned and described are collective identities, most frequently ethnic or state identities,

---

46 The authors of the Bosnia country report describe this process as the reverse chain of inference. See *op.cit.* note 3, 4.

47 *Op.cit.* note 3, 26.

that can be classified as specific types of collective identities. Consequently, it might be useful to introduce the following simple working definition of collective identities:

[E]very collective identity is the feeling of belonging to a certain entity, defined by different objective and subjective criteria. For collective identities the feeling of belonging and criteria should be agreed upon and shared by persons belonging to a certain collective entity (members).

To this simple definition I would add that every (individual and collective) identity as a social phenomenon is a process and not a state; it appears, changes, transforms and eventually ceases to exist. Collective identities influence and in certain ways define individual identities of persons and *vice versa*.<sup>48</sup>

In addition to self-identification and the acceptance by members of a certain collective identity, in some cases, the definition and acceptance of others might also be relevant to establishing the membership of a respective collective entity.

Social identities, as specific types of collective identities, they might be understood as “a link between an individual and a group sharing the same historical, linguistic and cultural origin, and sometimes geographic area.”<sup>49</sup> We could define such collective identities based on certain cultural and ethnic criteria also as ethnic/cultural/linguistic identities. We have already discussed some issues regarding ethnic identities in the studied countries.

The reports also discuss national and supranational identity, which—being directly connected to a respective statehood—is clearly understood to be broader than a specific distinct ethnic identity. In a way, we could speak of a state identity that is, however, not ethnically neutral. Main characteristics of such a state identity are (the status of) citizenship of a respective state and a strong feeling of belonging and loyalty (of individuals—citizens and all distinct collective entities) to this state that is usually determined as patriotism. We could say that constitutional civic patriotism is a concept, identity and practice that is often lacking completely or, to a large extent, is not adequately developed in the region and its countries.

An interesting example of the complexity of ethnic and state identities is the Constitutional Court of the Republic of Macedonia’s ruling on the use of the flags of the communities of the republic. The ruling determined that

[T]he members of the communities have an undisputed right to hoist their flag together with the flag of the Republic of Macedonia in the cases when competitions

---

48 Mitja Žagar, “New European Identities: Central Europe the EU Eastern Enlargement and Identity Formation”, in Jody Patricia Jensen (ed.), *Europe Bound: Faultlines and Frontlines of Security in the Balkans* (Savaria books on politics, culture and society, 4) (Savaria University Press, Szombathely, 2003), 301–325.

49 *Op.cit.* note 6, 17. See also, J. E. Trimble and R. Dickson, “What is Ethnic Identity?”, in Celia B. Fisher and Richard M. Lerner (eds.), *Encyclopaedia of Applied Developmental Science*, Vol. I (Sage, Thousand Oaks, CA, 2005), 415–420; Kanchan Chandra, “What Is Ethnic Identity and Does it Matter?”, at <<http://www.nyu.edu/gsas/dept/politics/faculty/chandra/ars2005.pdf>>.

or other meetings of cultural, artistic or sport character are organised, or celebrations and ceremonies having as its aim expressing, fostering and developing the identity of the members of the communities. This for a reason, that the hoisted flag of the members of the communities in such cases will reflect their specifics and identity, and will enable to differentiate them from the other participants in such manifestations for the purposes of which the flags are actually used as symbols.

However, that cannot be said also for international political meetings, international competitions, international scholarly gatherings at which solely the Republic of Macedonia may be represented or take part with a view to expressing, fostering and developing the identity of the Republic of Macedonia, as a sovereign state.<sup>50</sup>

The Constitutional Court, respecting specific ethnic and community identities, puts them in the context of the state (national) identity of the republic, which requires and deserves to be expressed, fostered and developed. However, the question remains as to whether this state identity is seen as open, inclusive, and able to encompass all identities that exist within the country. The problem might be that some communities, especially the Albanian, might sometimes (or at least in some cases) see the Macedonian state/national identity as the predominantly ethnic identity based on (Slavic) Macedonian ethnic nation and culture and, consequently, might consider it alien and exclusive.

In Bosnia and Herzegovina there is also a recognized need to establish “Bosnian-Herzegovinian supra-national identity” that would become a cohesive factor and force at the state level.<sup>51</sup> However, for the time we could conclude that ethnic identities, and particularly those of “constituent peoples”, clearly dominate, whereas the state supra-national identity hardly exists at all.

The alternative of “ethnic” versus “civic” is not only a problem of institutional structures and elites, but also of the population at large. There is almost no overarching “Bosnian” identity and loyalty to the state of BiH, not only because of the ethnic cleavages. Paradoxically enough, almost only the foreigners in the institutions of BiH (The Central Bank, the Constitutional Court, the Human Rights Chamber) developed a “Bosnian” identity.<sup>52</sup>

Although the international community would like to see a civic (state) identity emerge in Kosovo that would eventually supplement and possibly overcome ethnic identities regardless of the declaration of independence of Kosovo, this is not likely to happen soon. Critics of Kosovo’s declaration of independence claim that this very declaration might be an important reason in this context. The official Kosovo policy, many politicians and nongovernmental organizations (NGOs) are advocating a new collective identity—‘Kosovar’ national identity, which would be an open and inclusive collective identity allowing for the inclusion of all distinct ethnic identities.<sup>53</sup> However, ethnic

---

50 *Op.cit.* note 5, 15.

51 *Op.cit.* note 3, 13–14.

52 Joseph Marko, “Post-conflict Reconstruction through State- and Nation-building: The Case of Bosnia and Herzegovina”, 4 *EDAP* (2005), 16, at <<http://www.eurac.edu/edap>>.

53 *Op.cit.* note 7, 14–15.

identities still dominate and the 'Kosovar' identity continues to be seen as ethnic and predominantly Albanian. It is therefore less attractive to the Serbs and other minorities. With the improvement of human and minority rights, with ethnic coexistence and cooperation, with better situations and protection of minorities and with continuous democratization, the attractiveness of this new collective identity might improve. However, such developments are likely to take a long time, providing that democratic and peaceful options of development materialize.

Hopefully, new collective identities in the Balkans (as well as in other parts of the world) will develop as civic (citizenship)-based identities built on the recognition of and respect for diversities. Consequently these identities would not be ethnically neutral, but ethnically and otherwise inclusive—open in their nature and acceptable to everybody and to every distinct community in a certain environment. However, as they are conceived and are being promoted, they do not exceed respective nation-state borders. Consequently it might be better to determine them as new types of inclusive state/citizenship identities or trans/supra-ethnic identities. On the other hand, considering the use of the concept of supra-national and supra-nationality in international law and international relations, true supra-national identities should exceed borders of nation-states. Such supra-national identities could be common European and EU identities (considering the supranational nature of the EU itself) that are shared by people from different environments/countries/states, possessing different citizenship, who are (or at least might be) of different ethnic origins. Such European and EU identities can be attractive also to the people(s) and countries of Western Balkan that aspire to become the EU members and impatiently expect its further Eastern and South-Eastern enlargement. They would like to be included in these identities and to share them with other 'Europeans'. To be truly successful in the accommodation and management of diversities and asymmetries (both those already existing and new ones expected to appear in the future), which is a central issue of the MIRICO project, and to become a real cohesive force in the contemporary European societies, these common European identities should be (come) open, inclusive and multiple (plural and multilayered), commonly accepted and shared, designed so as to accommodate and include the existing and transformed ethnic, local, regional, national and state identities in Europe.

### 1. Ethnicity, Ethnic, National and Ethnic/National Mobilization

In discussing ethnic, trans/supra-ethnic, national and supra-national identities and other concepts presented above, we touched the central issues that pertain to the use and understanding of the terms and concepts of 'ethnic' and 'national'. Not surprisingly, in all MIRICO reports and studies, we can detect a relatively high level of consensus in their use, definitions and understanding of these phenomena and concepts, although some differences and divergent approaches can be found. These (MIRICO) approaches to the definition and understanding of ethnicity (ethnic and national) could be summarized as functionalist, instrumentalist and constructivist. These approaches contrast with the understanding, interpretation and (public) use of (the term) ethnicity, which are predominantly primordial(ist) and essential(ist) in almost all environments and which have been frequently (mis)used for political mobilization of people along ethnic lines. It is important to note that these primordial(ist) and essential(ist)

concepts have been, and are, promoted by (state) educational systems throughout the region and in all educational programs and have thereby become an important element and content of political socialization of people. Ethnic mobilization<sup>54</sup> proved particularly effective in environments that lacked appropriate and developed democratic (political) infrastructure, culture and structures (institutions including traditional political parties, systems), and in which nationalists (nationalist politicians and movements) stressed and used ethnic divides to define and mobilize their followers in political processes, particularly in the first multi-party elections in the beginning of the 1990s. In this period, in all parts of the former, several politicians and political parties (mis)used ethnicity, ethnic differences, nationalist rhetoric and policies that they considered the most readily available, strongest and the most effective political basis for the success of their political parties and the best tools for the realization of their political goals, including the central goal of capturing political power in their respective environments. In several environments, at least in the short term, their approach and the mentioned motivators (often combined with the 'democratic labels/names' imported from the West and populist rhetoric that stressed the support for democratization and formal introduction of democratic institutions) proved more effective than building upon political and ideological divisions that traditionally play a central role in democratic processes in developed Western democracies, which had—with occasional interruptions—evolved in the past two centuries. In the former Yugoslavia, these traditional democratic political and ideological divisions had not existed or have only started to develop and evolve. However, realizing the public appeal of certain Western patterns, they have imported and often (mis)used their names and labels that had nothing or very little in common with their namesakes in the West. Now we can assess that such developments had a negative impact on all environments. Their consequences were especially negative and tragic in ethnically plural and diverse environments, such as in Bosnia and Herzegovina.<sup>55</sup>

At this point, there is a need to define the term 'ethnicity' in a way that might describe different phenomena, situations and concepts. Frequently, this term is used to refer to two concepts. On the one hand, it describes a specific group/community, defined and characterized by ethnic characteristics (both objective ones, such as language, religion, common ways of life, history, territory, constituent myths, etc., and subjective ones, such as specific collective identity and feeling of belonging, solidarity, belief in common origin, ancestry and history, etc.) that are shared and recognized by the members of a respective community, but that are also recognized by others who are not considered members of this community. On the other hand, it refers to the ethnic belonging of an individual and/or a group to a certain collective (ethnic) entity, to a specific collective identity, as well as to a state of being ethnic, etc. In this context, the term 'nation' (ethnic/ethno nation) refers to a specific type of ethnic community that emerged in the modern time (in the period of "modernity") concurrently

---

54 See, e.g., *op.cit.* note 6, 4.

55 See, e.g., *op.cit.* note 3; Mitja Žagar, "Yugoslavia: What Went Wrong? Constitutional Aspects of the Yugoslav Crisis from the Perspective of Ethnic Conflict", in Metta Spencer (ed.), *The Lessons of Yugoslavia* (Research on Russia and Eastern Europe Series, Vol. 2) (JAI Press, Canada, 2000), 65–96, at 87.

with the emergence and development of capitalist economy and ideology, as well as with the elaboration and development of modern nation-states. Thus nations are not only ethnic, but also political and economic communities. Their ethnic characteristics and identities might be the strongest factors supporting their internal cohesion, while also defining their (ethnic) nature and specific contents. They differentiate respective (ethnic) nations from all other nations and all other types of (contemporary) ethnic communities, such as minorities and diverse distinct communities/groups. In nation-states, a specific status and role of their titular nations are established, which often place other distinct communities within the borders of the respective states in a somewhat subordinate or secondary position. In other words, titular nations dominate their nation-states. The fact that modern ethnic nations and nation-states (as a specific type of states) developed and evolved simultaneously impacted some languages that use the same term 'nation' for both phenomena and concepts, which might cause some terminological and conceptual confusion. Consequently, it might be beneficial if in a scholarly discourse in these languages a practice and standard would be established to clearly define the use of this term in specific cases (possibly by using adequate adjectives, e.g., 'ethnic nation', or concepts, e.g., nation-state).<sup>56</sup>

Reviewing the MIRICO reports and studies, we could establish that the term 'nation' is used predominantly to indicate specific ethnic communities, in the sense of an ethnic nation. However, consistent with the terminology of international relations and international law, these reports and studies use the term 'international' to describe relations between and among states,<sup>57</sup> whereas the term '(inter)ethnic relations' is used to describe any kind of social relations with a distinct ethnic dimension. In other words, ethnic relations are those in which ethnicity plays a role or which are conditioned by ethnicity. Traditionally, the term '(inter)ethnic relations' is used to describe relations between and among all types of distinct ethnic (collective) entities as well as between and among their members—including modern nations as specific ethnic communities and their individual members.

As mentioned, the majority of existing nation-states are perceived as single nation-states that are ethnically (at least relatively) homogenous. Our ethnic reality, however, has been and is different; it is plural and diverse. Only a few states officially recognize this reality and are formally defined as multi-ethnic or as (ethnically neutral) civic states. In reality, as we tried to show, civic states are not truly ethnically neutral. Deriving from a nation-state model, the existing models of multi-ethnic/national state might also not be adequate solutions. As it is the case with Bosnia and Herzegovina, by establishing the concept of constituent peoples/nations and giving them special status and rights, such models might neglect other dimensions of diversities and/or might put other distinct (non-constituent) communities in an inferior position that might result in discrimination against them.<sup>58</sup>

---

56 See, e.g., Mitja Žagar, "A Contribution to an 'Ethnic Glossary'", 28 *Razprave in gradivo / Treatises and Documents* (1993), 155–166; Mitja Žagar, "Constitutions in Multi-Ethnic Reality", 29–30 *Razprave in gradivo / Treatises and Documents* (1994/95), 143–164.

57 See, e.g., *op.cit.* note 9.

58 See, e.g., *op.cit.* note 3, 13–15; *op.cit.* note 9, 5.

## 2. Demos and Ethnos

In this context, it is useful to examine the concepts of *demos* and *ethnos* and their relationship. Usually, the term *demos* refers to the people, to citizens of a certain state who are the addressees and carriers of political rights. The term *ethnos* describes the phenomenon of ethnicity, more-precisely diverse ethnic communities and, particularly in the present day, nations. However, such schematic and simple explanations might be misleading. The analysis of the constitutions of European countries shows that formally they declare the principle of popular sovereignty.<sup>59</sup> However, one should not automatically assume that their definition/understanding of the people—as the body of their respective citizens—is ethnically neutral. To the contrary, as presented above, the perceptions and the existing concepts of nation-states are not ethnically neutral and do possess their ethnic dimension(s) and nature, which is—at least implicitly—already demonstrated by the regulation and use of the respective official languages. Some constitutions, and in particular their preambles, (also) reflect national(ist) sentiments at the time of their adoption. Consequently, constitutions often directly refer to national sovereignty, thereby more specifically indicating their ethnic dimension. Usually and more specifically, they directly indicate the popular (citizens) and ethnic (nations) basis of sovereignty.<sup>60</sup> The analysis of the preambles detects a few diverse understandings of concepts of the people, peoples and nations that could schematically be presented and classified in the following way:

- People vs. Nation,<sup>61</sup>
- People that are a Nation,<sup>62</sup>
- Nation that is People,<sup>63</sup>
- Nation and Others,<sup>64</sup> and
- Explicit acknowledgment of multiethnic composition of the population.<sup>65</sup>

Regardless of all proclamations of democracy and democratic principles, as this discussion so far shows, the ethnic and ethnos usually still dominate civic and democracy in the countries of the region. However, conclusions that *ethnos* dominates *demos* completely and/or that *ethnos* and *demos* are irreconcilable with each other might be considered exaggerated.

The existing theoretical concepts and models of (liberal) democracy are civic ones. Usually, they neglect the ethnic dimension of diversities and pluralism altogether. My position is that democratic models should not ignore ethnic diversity as one of the (most) important dimensions of social diversities that influence the emergence and elaboration of specific interests, which in turn have an influence on the political proc-

---

59 *Op.cit.* note 9, 11–12.

60 *Ibid.*

61 *Ibid.*, 5–8.

62 *Ibid.*, 8–9.

63 *Ibid.*, 9.

64 *Ibid.*, 9–10.

65 *Ibid.*, 10–11.



ess. I believe that every true democracy should not only formally recognize and respect ethnic and all other existing diversities, but should also:

- establish mechanisms that would address them adequately,
- enable their preservation and development (if members of distinct communities desire so),
- and the integration of their specific interests into political process, guaranteeing them an adequate influence.

In reality, however, we can often find societies in which the ethnic principle becomes the dominant principle in all spheres of life—including politics. If the ethnic principle becomes the dominant organizational principle and the dominant criterion in decision making, such a practice might not only limit democracy in every (ethnically and otherwise) diverse environment, but might also undermine or prevent it altogether. This can be especially problematic and dangerous in environments in which the dominant ethnic/racial/religious communities introduce a system of government and politics that exclude or discriminate against others based on (their) different ethnic/racial/religious characteristics (e.g., the system of apartheid in South Africa, the situation of non-Aryans in Nazi Germany, to name a few of the most extreme and universally known cases). Although it is less extreme and exclusive, the constitutional system in Bosnia and Herzegovina determined by the Dayton Constitution might be considered problematic as well. Stressing the principle of the recognition and equality of “constituent peoples” that we consider relevant, legitimate and (even) urgent in a multinational environment, the current constitutional system of Bosnia and Herzegovina is an exclusive and discriminatory system because it establishes the ethnic criterion as the key precondition for the election to certain key public offices. For example, an individual has to belong to one of the “constituent peoples” to be able to run for the office of the member of the presidency of Bosnia and Herzegovina; everybody who does not declare himself or herself a member of one of “constituent peoples”, including all individuals belonging to diverse minorities, is automatically excluded. I believe that such a system contradicts the principle that no one should be forced to declare his or her ethnic belonging to exercise equal rights within a democratic political system. Consequently, the introduction of such an exclusive ethnic criterion as the belonging to “constituent peoples” in a multiethnic and multi-religion environment in which a number of minorities traditionally live with the constitutionally declared is also problematic from the perspective (of the violation) of the principle of equality of individuals. Additionally, it might be considered a system and policy of enforced assimilation that is involuntary imposed on persons belonging to minorities.<sup>66</sup>

The situations and practices described are a few visible examples of the ethnization of politics<sup>67</sup>—ethnically based, determined and directed politics that can be described as ethno-politics. Similar practices can be found in other parts of the

---

66 *Ibid.* Additionally—from the perspective of the principles of equality and freedom of expression of ethnic belonging—I should mention a problem of the status and situation of members of a certain ‘constituent people’ who live in an entity that ‘belongs’ to other ‘constituent people(s)’ and is, consequently, ‘dominated’ by it (them).

67 See, e.g., *op.cit.* note 11, 24.

world and are possible in environments in which ethnicity is or can become a relevant (or even dominant) social and political issue and, consequently, the basis for social and political mobilization. Extreme forms of the ethnicization of politics are different forms of ethnic entrepreneurship. Those practices can be described as (shameless) (mis)uses of ethnicity for political and economic ends/profit. They include the (re)production and strengthening of ethnic and cultural differences that help increase and better define ethnic borders and cleavages in respective ethnically diverse environments.<sup>68</sup> They might be attractive for diverse ethnic and/or national elites and are most frequently employed by nationalist politicians, movements and parties. Those political actors see these political practices as viable, potent and effective approaches and are not bothered by the fact that they contradict and undermine traditional perceptions of (liberal) democracy and democratic politics. Strategies involving constant invention, (re)production and strengthening of ethnic and cultural differences and cleavages, which nationalists apply in many environments, reinforce perceptions of divided societies and of ethnicity and culture(s) as key factors and delineators (territorial and non-territorial) borders of these cleavages and divisions. The reproduction of divided societies demarcates current clearly defined cleavages and divisions. Capitalizing on the fact that the concept and standards of national interests might be rather illusive, the main strategy of nationalists is to defend their claims and politics by presenting and defining their particular interests and politics as national interests, often declaring them vital national interests.<sup>69</sup>

### G. Nationalism

Almost all MIRICO reports and studies refer to nationalism, nationalists and nationalist policies. When considering the vast number of different definitions of these phenomena in the literature as well as in these reports and studies, it is necessary to explain and define these phenomena and concepts and the way in which the terms are being used.

Nationalism was not only the force that played a key role in the elaboration and development of the concept of nation-states in the past two centuries, but it was also the key factor in shaping developments in the territory of the former Yugoslavia and its successor states in the past decades. The term 'nationalism' can refer to different phenomena and concepts and—in this context—might have several different meanings,<sup>70</sup> such as, among others:

- “Strong feelings of individual and collective ethnic identity and belonging to a specific ethnic community—the nation. Nationalism is considered to be the strongest collective identity that usually is defined in a negative way, determining one’s own ethnicity against that of others;

---

68 See, e.g., *op.cit.* note 3, 3–5.

69 *Ibid.*, 10–11.

70 See, e.g., Montserrat Guibernau and John Rex (eds.), *The Ethnicity Reader: Nationalism, Multiculturalism and Migration* (Polity Press, Cambridge, Oxford, Malden, 1997); John Hutchinson and Anthony D. Smith (eds.), *Nationalism, Oxford Readers* (Oxford University Press, Oxford, New York, 1994); Keating and McGarry, *op.cit.* note 19.

- strong ethnic sentiment and emotion, often exaggerated and directed against ‘others’ that demands homogeneity and unity of a specific nation and its members;
- political and social ideology and a specific type of political philosophy that stresses importance, uniqueness, superiority of a respective nation in comparison with others and, if necessary, at the cost of others;
- specific political and social principles, also used as criteria for the recognition of belonging to, and membership of, a certain ethnic community;
- specific, usually ethnically exclusive, policy of social movements, political parties or nation-states;
- political or social movements;
- political concept and strategy aimed at political mobilization of people who feel they are members of a certain ethnicity ...;
- a doctrine of political legitimacy;<sup>71</sup> etc.<sup>72</sup>

The meanings and concepts listed above are just a few that we consider directly relevant. Already a superficial analysis of the scholarly literature and media could produce a list several times as long. However, all the meanings and concepts listed, and possibly almost all additional meanings and concepts that could be identified, share a common characteristic, regardless of their differences:

All these concepts and phenomena are based on the idea of homogeneity, monolithism, and natural or enforced ethnic unity. The main objective of nationalism is to promote and defend the “national interests” as formulated by the nationalist movement, party, or government. National interests are supreme and worth any sacrifice, including death. Whoever questions these supreme national interests risks being branded a traitor and can be expelled. An individual’s duty to the polity, which represents the nation, “overrides all public obligations, and in extreme cases (such as wars) all other obligations of whatever kind”.<sup>73</sup> Consequently, nationalism is the most demanding form of ethnic or group identification and identity.<sup>74</sup>

Considering the potency and role of nationalism in the process of elaboration, development and evolution of modern nation-states, it is surprising how scarce the scholarly literature on nationalism was until the 1990s.<sup>75</sup> However, after the resurgence of

---

71 Montserrat Guibernau, “Nations without States: Catalonia, a Case Study”, in Keating and McGarry, *op.cit.* note 19, 133–154, at 133.

72 *Op.cit.* note 10, 18–19, based on Mitja Žagar, “A Contribution to an ‘Ethnic Glossary’”, 28 *Razprave in gradivo/ Treatises and Documents* (1993), 155–169, at 163–165, 168–169.

73 *Op.cit.* note 17, 9.

74 *Op.cit.* note 10, 19.

75 See, e.g., Benedict Anderson, *Imagined Communities: Reflection on the Origin and Spread of Nationalism* (Verso, London, 1983); John Armstrong, *Nations before Nationalism* (University of North Carolina Press, Chapel Hill, 1982); Ivo Banac, *The National Question in Yugoslavia: Origins, History, Politics* (Cornell University Press, Ithaca, London, 1993); Michael Banton, *Racial and Ethnic Competition* (Cambridge University Press, Cambridge, 1983);

nationalism at the end of the twentieth century, the situation changed substantially with an ever increasing volume of works being published.<sup>76</sup> In the scholarly literature, in media and in current scholarly debates as well as in MIRICO reports and studies, several varying interpretations and concepts (of nationalism) can be found, such as the following.

(1) Ethno-nationalism (ethnic nationalism), which stresses the ethnic basis of nationalism and refers to a legitimate claim of every ethnic group to sovereignty. More precisely, this concept refers to the “legitimate right” of nations: “In this context, ethno-nationalism could be understood as ‘the political principle postulating that every ethnic group which considers itself a nation has a legitimate claim to sovereignty.’”<sup>77</sup>

---

Walker Connor, *The National Question in Marxist-Leninist Theory and Strategy* (Princeton University Press, Princeton, NJ, 1984); Karl Deutsch, *Nationalism and Social Communication: An Inquiry into the Foundations of Nationality*, 2nd ed. (MIT Press, Cambridge, MA, 1966); Ernest Gellner, *Nations and Nationalism* (Cornell University Press, Ithaca, NY, London, 1983); Michael Keating, *State and Regional Nationalism: Territorial Politics and the European State* (Harvester Wheatsheaf, Brighton, 1988); Elie Kedourie, *Nationalism*, 4th expanded ed. (Blackwell, Oxford, Cambridge, 1993); Peter F. Sugar and Ivo J. Lederer (eds.), *Nationalism in Eastern Europe* (University of Washington Press, Seattle, London, 1969).

76 The following is a selection of a few works on nationalism published in the 1990s that indicates the vibrant development of the field (theory) in this period: Søren Rinder Bollerup and Christian Dons Christensen, *Nationalism in Eastern Europe: Causes and Consequences of the National Revivals and Conflicts in Late-Twentieth-Century Europe* (Macmillan Press Ltd., Houndmills, London and St. Martin's Press, Inc., New York, 1997); Georg Brunner, *Nationality Problems and Minority Conflicts in Eastern Europe: Strategies for Europe* (Bartelsman Foundation Publishers, Gütersloh, 1996); Walker Connor, *Ethnocentrism: The Quest for Understanding* (Princeton University Press, Princeton, NJ, 1994); Ernest Gellner, *Encounters with Nationalism* (Blackwell Publishers, Oxford, Malden, 1994); Ernest Gellner, *Nationalism* (Phoenix, London, 1998); Liah Greenfeld, *Nationalism: Five Roads to Modernity* (Harvard University Press, Cambridge, MA, 1992); John Hutchinson and Anthony D. Smith (eds.), *Ethnicity, Oxford Readers* (Oxford University Press, Oxford, 1996); Richard Jenkins, *Rethinking Ethnicity: Arguments and Explorations* (SAGE Publications, London, Thousand Oaks, CA, New Delhi, 1997); James G. Kellas, *The Politics of Nationalism and Ethnicity*, 2nd ed. (Macmillan, Basingstoke, London and St. Martin's Press, New York, 1998); Tom Nairn, *Faces of Nationalism: Janus Revisited* (Verso, London, New York, 1997); Anthony D. Smith, *National Identity* (Penguin, Harmondsworth, London, 1991); Anthony D. Smith, *Nationalism and Modernism: A Critical Survey of Recent Theories of Nations and Nationalism* (Routledge, London, New York, 1998); Yael Tamir, *Liberal Nationalism* (Princeton University Press, Princeton, NJ, 1993); Stuart Woolf (ed.), *Nationalism in Europe, 1815 to the Present: A Reader* (Routledge, London, New York, 1996).

77 See, e.g., *op.cit.* note 4, 3. (Citation from Alina Mungiu-Pippidi, “Sense and Prejudice in the Study of Ethnic Conflict: Beyond System Paradigms in Research and Theory”, in Ivan Krastev and Alina Mungiu-Pippidi (eds.), *Nationalism after Communism: Lessons Learned* (CPS Boks, Central European University Press, Budapest/New York, 2004), 14.)

(2) Aggressive nationalism<sup>78</sup> is forceful and brutal in its rhetoric, form and action and can be either inwardly or outwardly directed. It might be carried out by nationalists—individual politicians, nationalist movements and/or parties—usually with the aim to mobilize and unify their followers, possibly the whole ethnic community, and to capture power within a state. It is also often directed outwards in an attempt to 'recapture' or 'conquer' territories or symbolic space that is perceived to belong to a respective ethnicity. If it is oriented outward, especially if it is carried out by the ruling elites and/or governments (as a means of/in national politics), it might be considered especially dangerous and threatening to their neighbors and can be determined as (offensive) hegemonic nationalism;

(3) In contrast to aggressive nationalism that is considered a negative and dangerous phenomenon, defensive and/or liberating (national-liberation) nationalism has been viewed as a mostly positive political and social force and concept in the nineteenth and twentieth century, especially in the context of the emancipation of European modern nations and in the process of decolonization. Its actions are aimed at defending a certain (politically mobilized and organized) ethnicity against actual and/or possible/perceived external and internal threats/dangers to its very existence, at improving its situation and/or at providing for development. Often it is connected with aspirations of peoples, frequently interpreted as ethnicities or in European context (more precisely) nations for their self-determination. In this context we mention Blokker's consideration that nationalism:

[A]s a movement for self-determination for an ethno-culturally and pre-politically defined group, is often interpreted as being highly distinct from the 'benign' nationalism which evolved in polities with already sedimented collective identities. Ethnic nationalism is deemed exclusionary, integral, and the definition of collective autonomy and self-determination that it contains is seen as being distorted and exclusionary towards non-members, as opposed to civic, emancipatory nationalism which promulgates the 'benign' forms of inclusion, national belonging and political community building.<sup>79</sup>

(4) The ethnic dimension/nature of contemporary societies seems to be more or less an omnipresent phenomenon, with more than 6,000 ethnicities (distinct ethnic communities/groups) listed worldwide. When considering the political and social potency of ethnicity as the basis for ethnic identities/identification and political mobilization, we can identify different forms of nationalism—as a specific type of ethnic ideology, policy and organization—in all parts of the world. Although our perceptions and evaluation of nationalism presented above describe it as a predominantly negative phenomenon that is inherently incompatible with democracy, we cannot ignore its social role and importance. We could also not ignore its rather positive perception in

---

78 See e.g., *op.cit.* note 6, 5.

79 Paul Blokker, "Populist Nationalism, Anti-Europeanism, Post-Nationalism, and the East-West Distinction", 2 *German Law Journal* (2005), at <[http://www.germanlawjournal.com/article.php?id=562#\\_ftn7](http://www.germanlawjournal.com/article.php?id=562#_ftn7)>, cited also in *op.cit.* note 6, 27.

many environments and historic epochs. Consequently, some authors tried to define less unacceptable or even positive and democratic types and models of nationalism that might be seen as positive concepts of inclusion, nation- and state-building, even democratic political community building. In this context, benign, civic (citizens'), emancipatory and/or liberal nationalism can be seen as political concepts that might be used by democratic actors in plural(istic) societies to neutralize negative forms of nationalism. As Tamir concludes, nationalism is such a powerful social and political force that democratic and liberal actors cannot surrender to nationalists and their aggressive ideologies and policies—at least not as long as the adequate and equally successful alternative democratic and inclusive concepts, ideologies and models are developed.<sup>80</sup>

(5) Mainstream nationalism focused on nation-building, nations and nation-states, Consequently, states were perceived as ethnically homogenous (single) nation-states of titular nations. In this context, nationalism sees the very existence of minorities and especially their nationalism(s) as problems and as obstacles to the realization of their central national interests and goals. However, we should not ignore phenomena that can be described as 'nationalism of nations without states' (stateless nations), 'diaspora nationalism', 'regional nationalism', and 'minority nationalism' in multi-ethnic states.<sup>81</sup> The nature of minority nationalism to a large extent depends on the local or regional situation of the minority group.

In environments where traditional minorities represent a small share of the population, these relatively small national minorities might be granted and guaranteed substantial minority rights. Their minority nationalism focuses on the preservation of the national minority and its distinct ethnic, cultural, linguistic and historic identity. Such minority nationalism can be described as defensive nationalism that, although still exclusivist, does not build on hostility to 'others'—in this case especially to persons belonging to the majority population and, possibly, to persons belonging to other minorities. In some cases, especially if minorities are very small, even certain elements of inclusion and integration might be present.

The situation might be very different in multi-ethnic environments in which national minorities represent a considerable share of the population. The size and political organization of a national minority can be considered important factors in minority

---

80 See Yael Tamir, *Liberal Nationalism* (Princeton University Press, Princeton, NJ, 1993).

81 See Ernest Gellner, *Nations and Nationalism* (Cornell University Press, Ithaca, NY, London, 1983), 101–109; Montserrat Guibernau, *op.cit.* note 68, 133–154; Michael Keating, "Asymmetrical Government: Multinational States in an Integrating Europe", 1(29) *Publius—The Journal of Federalism* (1999), 71–86; Michael Keating, "Regional Devolution: The West European Experience", 4(16) *Public Money & Management* (1996), 35–42; Keating, *op.cit.* note 75; Will Kymlicka and C. Straehle, "Cosmopolitanism, Nation-States, and Minority Nationalism: A Critical Review of Recent Literature", 1(7) *European Journal of Philosophy* (1999), 65–88; Michael Watson (ed.), *Contemporary Minority Nationalism* (Routledge, London, New York, 1992).

nationalism.<sup>82</sup> If a national minority represents a relatively large share of the local or regional population or even the local/regional majority, we could expect diverse proposals for territorial autonomy that might intensify if the size and share of the minority population increase. If a certain national minority is the local or regional majority, proposals for federalization of unitary (nation) states or for increased autonomy of federal units in federations are possible as well—especially if the minority is unhappy with the existing arrangements. If the dissatisfaction of such a national minority continues to increase or if minorities feel endangered within or even by the existing nation-state, we could expect claims for independence and requests for secession that argue for the application and realization of the principle of self-determination. Such developments took place in the processes of the formation of new nation states in post-World War I Europe and worldwide in the process of decolonization, in which nationalism of stateless nations and minority nationalism played important roles as the central ideological bases of national liberation. Considering the focus of the MIRICO project, Kosovo's struggle for independence and its recent declaration of independence might be considered the most recent case(s) of such a development.<sup>83</sup> After analyzing the MIRICO reports/studies and examining historic developments in the Balkans in the past two centuries, particularly the recent past, it could be concluded that exclusive ethnically based nationalism—in whatever form it appeared—played a predominantly negative role and might be considered an imminent danger to peaceful coexistence and stability in the region as well as in all its environments. Even in cases such as the building of modern ethnic nations and nation-states in the nineteenth and twentieth centuries, when nationalism was considered a positive and/or (at least) relatively benign phenomenon, it did have largely negative impacts and consequences. It remained an exclusive concept and ideology that aimed at the internal homogenization of respective societies, which were perceived above all as specific ethnic entities. It thereby limited or even eliminated their internal diversities and pluralism, while simultaneously excluding and marginalizing all others, particularly national/ethnic minorities, regardless of the principles proclaimed regarding their protection. Consequently, special attention needs to be paid to the phenomena and concepts of nationalism as well as to nationalist ideologies, policies, movements, political parties and politicians that exploit nationalism for the political mobilization of their followers. Ideally, studying these phenomena

---

82 Michael Keating, "Northern Ireland and the Basque Country", in John McGarry (ed.), *Northern Ireland in Comparative Perspective* (Oxford University Press, Oxford, New York, 2000); Graham Smith, "Russia, Multiculturalism and Federal Justice", 8(50) *Europe-Asia Studies* (1998), 1393–1411.

83 For more, see, e.g., Žagar, "Ethnic Relations, Nationalism, and Minority Nationalism...", *op.cit.* note 19, 325–341. The implications of the declared independence of Kosovo and the fact that it was immediately recognized by some states (e.g., the United States, several EU member states, etc.) but not other states (including the Russian Federation and China) that oppose its recognition and consider it contrary to the principles of international law, are yet to be studied. Although those countries that recognized the independence of Kosovo declared it a specific—*sui generis*—case, it might become an important precedent that will be used by other distinct entities (regional, ethnic/national, religious, etc.) in different parts of the world that are unhappy with their current status, constitutional and institutional arrangements and, consequently, seek their independence.

and concepts can contribute to the development and improvement of the early warning mechanisms that will indicate the danger of possible escalation of tensions and conflicts in individual environments as the result of intensifying nationalism(s) and its/their political effects. It would be even more important for such studies to contribute to the elaboration of alternative democratic and inclusive ideologies and policies of coexistence, cooperation, inclusion and integration based on equality, human and minority rights, and the adequate protection of national and other minorities. Such ideologies, policies and practices should recognize, respect and build upon all interwoven diversities and asymmetries that exist and constantly evolve in every environment declaring, presenting/promoting and treating them as relevant comparative advantages. Such a concept of diversity management that is also advocated by the EU and that should be promoted by the international community might offer a viable alternative to the existing nationalist ideologies and policies that impact, and to a large extent still dominate, the region and its individual countries.

Simultaneously, this concept of diversity management might be used as a framework and yardstick for research and analysis of asymmetrical, plural and diverse contemporary societies. It would be particularly useful for studying social and particularly (inter)ethnic relations (as continuous processes in these societies) and the possible escalation of tensions, crises and conflicts in this context, but also for developing the adequate theoretical and practical frameworks, mechanisms and measures for the management of relations and for the prevention, management and resolution of crises and conflicts.

*H. Ethnic Relations, Cooperation and Conflicts, Diversity Management and the Prevention, Management and Resolution of Crises and Conflicts*

As already mentioned above, the term and concept of (inter)ethnic relations are used to describe any kind of social relations with their distinct ethnic dimension(s). Usually, the term refers to relations between/among all types of distinct ethnic (collective) entities (including modern nations as specific types of ethnic communities) and their members. A similar approach can be used to define ethnic conflict as a specific type of conflict that has an ethnic dimension. Or, in Wolff's words, as a type of conflict "in which the goals of at least one conflict party are defined in (exclusively) ethnic terms, and in which the primary fault line of confrontation is one of ethnic distinctions."<sup>84</sup> I would argue that we could speak of an ethnic conflict always when at least one party to the conflict, or even an outside observer sees such a conflict as an ethnic conflict—e.g., because of the definition/ perception of a single party or parties to the conflict, its/their goals and/or the definition of fault line of confrontation in ethnic terms and/or along ethnic lines.

When defining ethnic conflict as a specific type of conflict, we can use diverse traditional classifications of (social) conflicts to indicate their nature, organization, intensity and duration. Consequently, to define the intensity and type of conflicts, we

---

84 Cited in *op.cit.* note 5, 4.



can use criteria and classifications suggested by Gurr, Wallesteen and Sollenberg,<sup>85</sup> which the country report on Macedonia summarizes in the following way:

‘War’ can be defined as intense and protracted militarized violence that results in over 1,000 deaths. ‘Moderate conflict’ is a broad category meant to capture the middle ground between war and peace. It encompasses such actions as ethnic riots, inter-communal clashes, state-sponsored repression, and brief episodes of militarized violence (such as the ten-day war in Slovenia that left eight dead). Finally, cases of ‘peace’ are marked by the complete absence of bloodshed and the use of institutions to mediate ethnic differences. What is not implied by the ‘peace’ category is interethnic harmony or dominant group generosity.<sup>86</sup>

Nevertheless, these are just a few possible classifications of conflicts that can be applied.<sup>87</sup> Considering the complexity of social phenomena and processes in general, and of ethnic relations in particular, the study and analysis of these relations, crises and conflicts require that far more sensitive and precise classifications be used as reference frameworks and yardsticks. From the perspective of diversity management, and especially for the prevention, management and resolution of crises and conflicts, it is extremely important that possible conflicts are detected at the earliest possible stage, when their intensity is still low. The main rule of conflict management and resolution is that the sooner conflicts are detected and the lower their intensity is, the better the chances for their successful and peaceful prevention, management and resolution—hopefully through democratic means. Protracted conflicts, even if they are of a relatively low intensity, are usually more difficult to manage and almost impossible to resolve. The longer they last and the more they become a part of identity and perceived reality of those involved, the management of those conflicts becomes more difficult and the chances for their resolutions lessen. Some cases of protracted conflicts, in which all sides have become accustomed to the tension and intensity that do not escalate substantially, become self-regulatory and a part of everyday life of certain environments.

For successful diversity management and for the prevention (of escalation), management and resolution of crises and conflicts in a specific environment, all relevant

---

85 See, e.g., Ted Robert Gurr, “Peoples Against States: Ethnopolitical Conflict and the Changing World System”, 38 *International Studies Quarterly* (1994), 347–377; Peter Wallesteen and Margareta Sollenberg, “Armed Conflict and Regional Conflict Complexes, 1989–97”, 5(35) *JPR* (1998), 621–634.

86 *Op.cit.* note 5, 4.

87 See, e.g., Sean Byrne, Dennis J.D. Sandole, Ingrid Sandole-Staroste and Jessica Senehi (eds.), *A Handbook of Conflict Analysis and Resolution, Studies in Peace and Conflict Resolution* (Routledge, London, New York, 2008); Mitja Žagar, “Diversity Management—Evolution of Concepts”, 52 *Razpave in gradivo/ Treatises and Documents* (2007; thematic issue on international, constitutional, legal and political regulation and management of ethnic pluralism and relations, including prevention, management and/or resolution of crises and conflicts as components of diversity management, edited by Sara Brezigar, Peter Lavskis, Knut Erik Solem and Mitja Žagar), 6–37.

factors and actors that can contribute to the possible escalation of crises and conflicts need to be detected and addressed adequately. This would require continuous monitoring and studying of ethnic relations and relevant social processes and the development of effective mechanisms and measures for the early detection of intensifying tensions and of the possible escalation of crises and conflicts. Such mechanisms and measures need to be built up permanently and be complemented by the mechanisms and measures for the prevention of the (further) escalation of crises and conflicts as well as for their management and/or resolution. Recognizing that crises and conflicts as possible consequences of diverse and possibly conflicting interests are normal phenomena in every plural and diverse environment as well as that all tensions, crises and conflicts can have simultaneously constructive and destructive potentials. It is important to prevent their possible escalation and particularly their transformation into violent conflicts, which can only be done by addressing, managing and resolving them adequately in a democratic way. However, plural and diverse societies should also develop adequate mechanisms that could be activated when the prevention and management mechanisms and measures that are being applied are not successful in the prevention, management and/or resolution of existing and escalating crises and conflicts and when these crises and conflicts transform into violent conflicts, which are especially difficult to manage and resolve.

Inadequate mechanisms and measures for the prevention, management and resolution of crises and conflicts, as well as the use of disproportionate (institutional) repression and violence by a (possibly nationalist) government can lead to the further escalation of conflicts and violence in a country. These conflicts and violence can be ethnically based and conditioned and might result in such extreme outcomes and forms as genocide. Usually, aggressive nationalism is a key factor and source of such politics and actions. However, in addition to political and ideological reasons for the escalation of conflicts and violence, one should not forget the importance and impact of economic interests and motivations—including criminal ones. Consequently, crime, and especially organized crime and criminals, can become a key factor and key actors in an ethnic conflict.<sup>88</sup>

Schematically, the life cycle of a conflict is often divided into three main phases: a pre-conflict phase, phase of intensified conflict (when its escalation and intensity reach their peaks and are followed by the de-escalation) and post-conflict phase. In practice it is almost impossible to delimit these phases (and their subphases) in the life of a specific conflict, since two or even more phases can unfold simultaneously. Additionally, a post-conflict situation of a certain conflict can coincide with a pre-conflict phase of another conflict and/or indicate the beginning of the escalation and the phase of inten-

---

88 For example, the country report on Serbia states: "The examination of the nature of these conflicts sheds a new light on the motivation for the participation in this war. Behind the slogans of the defence of Serb inhabitants in other republics there was in reality a widespread system of plunder, unlawful acquisition of immense natural resources, arms and oil deals among all parties in the conflict. This led to the enrichment of criminals close to the Serbian secret services, of the police and army generals and the political leadership of Serbia." *Op.cit.* note 6, 5.

sification of yet another conflict.<sup>89</sup> Consequently, classifications of phases of conflicts are above all analytical tools for studying and analyzing specific conflicts that can help us better understand their dynamics and life cycles. They might be very helpful for successful diversity management and for the prevention, management and/on resolution of crises and conflicts.

As the article speaks constantly about “diversity management” in general, as well as about the “prevention, management and/on resolution of crises and conflicts”, it is necessary to define these concepts more precisely. I should point out again that there is no universal consensus regarding these concepts and their definitions. Consequently, authors should always explain why and how they are using these concepts, clearly present their specific definitions and list relevant references, as well as be consistent in their use to avoid possible misunderstandings and/or misinterpretations. Additionally, the definitions presented in this article should also be considered an attempt at defining common ground and the theoretical framework.

Considering development of the past two decades, we can view diversity management as the broadest concept and (social) strategy that might be used in contemporary societies to deal with existing pluralities, diversities and asymmetries.<sup>90</sup> Consequently:

[D]iversity management should provide a social and normative framework in which all different existing and possible socially relevant diversities and asymmetries could be detected, expressed and recognized, but also taken into account in social and political processes when participating actors desire so and express their interests. In this process conditions, needs, interests, rights (including duties) and actions of every possible and detectable actor (mostly diverse collective entities with their formal or informal forms of organization, but also individuals) should be taken into account, however, in the context of global society taking into account specific and common conditions, needs, interests and rights of all other possible/detectable actors. Consequently, diversity management is a useful tool for the creation, promotion and strengthening of social cohesion in diverse societies, based on recognition and respect of existing and possible diversities—taking into account that societies (as well as all their components) rather than being static and permanent categories are processes with their temporal dimension in constant evolution and transformation. Diversity management should establish a normative and actual framework, and provide for democratic expression, reconciliation and coordination of all expressed interests and for the formulation of common interests—shared by all or almost all members of a society—that are long term frameworks for internal cohesion and stable existence and development of diverse societies. If such shared common interests do not exist and do not bind together and lead collective actions of diverse collective entities and individuals the consequence might be lack of the necessary social cohesion and possible crises and escalation of conflicts, especially in cases when certain collective entities, most frequently distinct communities and individuals feel exploited and/or discriminated against. For this reason I would like to stress the

---

89 See, e.g., *op.cit.* note 87, particularly Žagar (2007).

90 See, e.g., *op.cit.* note 11.

social importance of the adequate protection of diverse minorities and distinct communities and rights of minorities as the necessary elements of diversity management in contemporary societies.

Considering that diversities, asymmetries, existence of diverse and sometimes conflicting interests, and consequently possibilities for escalation of conflicts are normal phenomena in plural societies, necessary components of diversity management should be also strategies and mechanisms for the prevention of escalation of crises and conflicts and for their management and/or resolution in cases, when preventive strategies, mechanisms and measures do not succeed in preventing their escalation. Additionally, specific strategies, approaches and policies are needed for the management of diversity in post conflict situations, where again special attention should be paid to the situation and protection of diverse minorities and distinct communities.<sup>91</sup>

To develop concepts and models of diversity management that can be successfully applied in specific environments, we need to take into account an enormous complexity of diversities that include, for example, gender, social, labor and workforce, professional and all other socially relevant diversities. Consequently, development and implementation of successful concepts and models of diversity management should be considered an ongoing process that requires the permanent, adequate and complex support of research that is necessary to comprehend, consider and reflect the immense complexity and multidimensionality of contemporary societies as well as the fact that relevant actors, factors and processes are interdependent and interwoven.<sup>92</sup> One needs to define characteristics, actors and fields (e.g., economy, education and training, institution building, democracy, human rights, etc.):

[...] that might in specific environments be identified as relevant for successful diversity management strategies should always take into account circumstances, situation, needs and interests that exist there and should be adjusted to these specificities. For this reason it is essential that a strategy for every specific environment clearly defines and specifies and tries to establish the broadest possible consensus regarding the following:

- (1) General goals, especially long term goals;

---

91 *Op.cit.* note 87, Žagar (2007), 23–24.

92 The recognition of the importance and complexity of diversity management was one of the reasons for the development of the MIRICO project that, upon the successful application, became the basis for the development of a broad international network specializing in these issues. One of practical results and important initiatives deriving from this project and network is the Joint European Doctoral Program in Diversity Management and Governance that was developed by the Universities of Bologna, Graz and Primorska/ Littoral from Koper and by the New Bulgarian University from Sofia and should start in fall 2009. This joint program with its modules will address several dimensions of diversity and asymmetries in contemporary societies and will be the opportunity to transfer research results directly in the postgraduate education.

- (2) Specific approaches and goals that are derived from general, long term goals and should be considered their concretization;
- (3) Institutional and organizational framework;
- (4) Relevant actors, their relations and cooperation, and their roles regarding general and specific goals in all relevant fields.

It is equally important that relevant actors agree on their strategy regarding the acquiring of necessary resources of all kinds (financial, material, human, etc.) that should make the common strategy feasible.<sup>93</sup>

As presented, the concept and strategy of diversity management also include the prevention, management and/on resolution of crises and conflicts as their important components. The concept of “prevention, management and/on resolution of crises and conflicts” is the result of the evolution of concepts of “conflict resolution” and “conflict management”. Initially, these were two competing approaches to dealing with conflicts that both developed a number of very useful and effective approaches, methods, techniques, mechanisms, etc. However, the actual complexity of contemporary societies and diverse conflicts showed that, often, the best results were achieved when an adequate and specific combination of diverse approaches, methods, techniques and mechanisms was developed that took into account specific circumstances, situations, needs and interests that existed in a particular historic moment.<sup>94</sup>

While speaking of the prevention, management and/on resolution of crises and conflicts, it might be useful to comment on the concepts of “crisis” and “conflict” that are used simultaneously—indicating that the terms are not used as the synonyms. Although they both refer to tensions that might appear in diverse societies as possible consequences and derivatives of varied and sometimes conflicting interests that exist in a certain environment, and although the phases of their life cycles might be determined in the same way (pre-conflict/crisis, conflict/crisis, post-conflict/crisis), the distinction between them is very useful for the purpose of diversity management. It is especially useful in performing an adequate analysis of the situation, developments and processes in a specific environment and for development of effective strategies and measures. As the definition of the concept of conflict, and specifically ethnic conflict, was discussed above, here the concept of ‘crisis’ will be briefly addressed.

When speaking of a crisis in everyday discourse, we often refer to a low-intensity conflict that—usually as a protracted conflict—exists in a certain environment and influences life within that environment. However, in the context of diversity management and for the purpose of the prevention, management and resolution, this term usually describes a specific institutional context. Namely, in a specific environment, we can speak of a crisis when the existing system (organizational arrangement) and its institutions and mechanisms are not successful in dealing with problems that are relevant for the people who live there, thereby provoking their dissatisfaction, which results in their demands for changes. Ideally, the system and its institutions can respond to such a situation and resolve a crisis by developing and implementing various measures and activities that resolve existing problems and meet demands of the people.

---

93 *Op.cit.* note 87, Žagar (2007), 25.

94 See, e.g., *ibid.*, 10–22.

Sometimes institutional reforms, the transformation of the existing mechanisms and the development of new mechanisms and institutions are required to address a crisis properly—in other words to manage and/or resolve it successfully. Crises can deepen and escalate, however, if the system is unable to respond adequately to the demands of the people. In such cases the dissatisfaction of the people with the existing system grows and demands that the system be adequately reformed and transformed. If a system is unable to reform and transform itself in a democratic way, it might try to respond through repression, which further increases the dissatisfaction of the people and worsens the crisis. This can lead to the escalation of problems and conflicts, possibly resulting in their transformation into violent conflicts or even revolution.<sup>95</sup>

The country reports address the issues relating to the management, regulation, resolution and transformation of conflict, conflict and dispute settlements and peace building that are all relevant for individual countries and the region.<sup>96</sup> As parts of diversity management, these activities should be understood as a continuous—in some cases never-ending—process. The Macedonian report describes and conceptualizes them in the following way:

“Conflict management (and the associated term ‘conflict regulation’) can be defined as the ‘attempt to contain, limit, or direct the effects of an ongoing ethnic conflict on the wider society in which it takes place.’<sup>97</sup> In contrast, conflict settlement aims at ‘establishing an institutional framework in which the conflicting interests of different ethnic groups can be accommodated to such an extent that incentives for cooperation and the non-violent pursuit of conflicts of interest through compromise outweigh any benefits that might be expected from violent confrontation.’<sup>98</sup>

The difference between conflict settlement and conflict resolution is that the latter ‘requires identifying the causal factors behind the conflict, and finding ways to deal with them.’<sup>99</sup> To end or resolve a long-term conflict, a relatively stable solution that identifies and deals with the underlying sources of the conflict must be found. Resolution of a conflict implies that the deep-rooted sources of conflict are addressed, ‘changing behavior so it is no longer violent, attitudes so they are no longer hostile, and structures so they are no longer exploitative.’<sup>100</sup> The term refers both to ‘the

---

95 See, e.g., Rod Hague and Martin Harrop, *Comparative Government and Politics: An Introduction*, 6th ed. (Palgrave Macmillan, Houndmills and New York, 2004), 136–141.

96 See, e.g., *op.cit.* notes 1–3, 6, 8, and 9.

97 Ulrich Schenker and Stefan Wolff (eds), *Managing and Settling Ethnic Conflicts, Perspectives on Successes and Failures in Europe, Africa and Asia* (C. Hurst and Co., London, 2004), 12.

98 Stefan Wolff, *Ethnic Conflict, A Global Perspective* (Oxford University Press, Oxford, 2006), 134–135.

99 Brad Spangler, “Settlement, Resolution, Management, and Transformation: An Explanation of Terms”, in Guy Burgess and Heidi Burgess (eds.), *Beyond Intractability* (Conflict Research Consortium, University of Colorado, Boulder, September 2003), at <[http://www.beyondintractability.org/essay/meaning\\_resolution/](http://www.beyondintractability.org/essay/meaning_resolution/)>.

100 Centre for Conflict Resolution, *Introduction to Conflict Resolution: Draft Distance Learning Course* (Department of Peace Studies, Bradford, UK, 2000), at <<http://www.brad.ac.uk/acad/confres/dislearn>>.

process (or the intention) to bring about these changes, and to the completion of the process, so it is difficult to avoid ambiguity about its precise meaning.<sup>101</sup> There is an on-going scholarly debate whether conflict transformation is an alternative to conflict resolution,<sup>102</sup> or merely the last step in the conflict resolution process - understood as 'the comprehensive term to encompass various approaches and methods used to handle conflict non-violently at all levels in society.'<sup>103</sup> Nevertheless, it is clear that conflict transformation means working on achieving the deepest levels of change in personal, relational, structural and cultural relations in society. This approach means transforming a conflict 'from violence and destruction into a constructive force which produces social change, progressively removing or at least reducing the conditions from which the conflict and violence have arisen.'<sup>104</sup> Peace that develops in this way will be deeply rooted and sustainable. Transformational interventions promote 'non-violent mechanisms that reduce and ultimately eliminate violence, foster structures that meet basic human needs and maximise participation of people in decisions that affect them.'<sup>105</sup><sup>106</sup>

The study *EU Policies and the Stabilisation and Association Process* discusses the role of the EU in diversity management, specifically, in conflict management and resolution. It points out the importance of the regional approach, as well as its problems and failures.<sup>107</sup> It describes the development and evolution of the EU policies and responses, which was marked by the shift "from reactive crisis membership to the emergence of a long-term incremental transformational approach to the entire Western Balkan region."<sup>108</sup> In short the role and involvement of the EU can be presented in the following way:

The EU has clearly been on a steep learning curve as it sought to carve out appropriate policy responses to the rapidly changing developments in the Western Balkan region in the course of the 1990s. It has developed new instruments in its attempt to accommodate the dual challenges of conflict and post-conflict management coupled with post-communist transition. In this it has been influenced by (i) its early failures in conflict management and in handling the complex shifts in majority-minority

---

101 *Ibid.*

102 John Paul Lederach, the founder of the conflict transformation theory, argues that 'conflict resolution' implicitly implies that conflict is bad and should be ended, whereas conflict transformation sees conflict as a motor that can be geared to constructive change. See John Paul Lederach and Michelle Maiese, "Conflict Transformation", in Burgess and Burgess, *op.cit.* note 99.

103 Centre for Conflict Resolution, *Introduction to Conflict Resolution: Draft Distance Learning Course*, (Department of Peace Studies, Bradford, UK, 2000), at <<http://www.brad.ac.uk/acad/confres/dislearn>>.

104 *Ibid.*

105 *Ibid.*

106 *Op.cit.* note 5, 4-5.

107 *Op.cit.* note 11, 10-13.

108 *Ibid.*, 13.

relations in the Former Yugoslavia in the early 1990s; (ii) the accession process of the ten Central and East European countries (CEECs) that entered the Union in May 2004 and January 2007, a process which in the view of the Commission was fruitfully shaped by the pull effect of conditionality; (iii) intra-EU developments which post-Maastricht have been influenced by the attempt to develop an effective second pillar in the form of the Common Foreign and Security Policy; and (iv) the lack of EU legal base and accompanying institutional capacity which would facilitate the meeting of the norm of 'respect for and protection of minority rights' in external countries.<sup>109</sup>

This steep learning curve also produced the Stabilisation and Association Process (SAP), which was considered to be an adequate EU response to the challenges of contemporary development in the Western Balkans, and hopefully, a framework for future democratic development, peace and stability in the region. In this context the relevant question is:

[...] whether the SAP constitutes a considered policy approach to post-conflict resolution or whether it approximates (1) an indirect trickle-down approach based on presumed peace dividends from delivering economic and social stabilisation and closer EU integration (2) coupled with fragments of more targeted policies including in the area of minority rights—even if these have been less clearly and specifically formulated.<sup>110</sup>

However, there is no doubt that human rights and minority rights, as their important constituent elements, are the principal ingredients and contents of successful diversity management. The respect for and full application of human rights are key contents and the necessary (pre)conditions of a true democracy, which is considered the most adequate arrangement for diverse societies. In this context we should stress the importance of the successful regulation and management of relations among several diverse majorities and minorities that can be defined according to different criteria (considering their social relevance) and along several possible dividing lines. Taking into account the importance, potency and (actual and possible) impact of ethnicity in contemporary diverse societies, ethnicity constitutes one of the most important criteria and dividing lines that can be used as a potent tool for successful social and political mobilization of the people and of distinct ethnic entities. Consequently, diversity management should pay special attention to ethnicity and to the regulation and management of ethnic relations, including the protection of minorities. An important issue in this context, which was addressed especially by the Bosnia and Herzegovina country report, is the dichotomy and possible conflicts between individual and collective (nature of) rights. Giving priority to one or the other group/type of rights could be very problematic, particularly if giving rights and special status to a distinct group or certain groups constitutes discriminations of other groups and/or individuals who do not belong to the favored group(s). The definition of the "constituent nations/peoples"

---

109 *Ibid.*, 6.

110 *Ibid.*, 7.



in Bosnia and Herzegovina and their constitutional status, as well as the structure of the existing system, are built upon the central principle of (their) constitutional equality, which is translated into the adequate (proportional) “ethnic composition” of all institutions and offices. Such constitutional arrangements in all spheres of life, and especially in politics, can be considered to discriminate against other ethnic communities and individuals who do not belong to constituent nations. These arrangements also discriminate against members of constituent nations who happen to live in the “wrong” entity.<sup>111</sup> Consequently,

[t]he functions of representation and decision-making, and the establishment of the legal framework, are permeated by discrimination on the basis of kinship. For example, Article 5 of the GFAP given Constitution of BiH provides that “The Presidency of Bosnia and Herzegovina shall consist of three Members: one Bosniac, one Croat, each directly elected from the territory of the Federation, and one Serb directly elected from the territory of the Republika Srpska.” This provision is extremely discriminatory. In particular, it is anti-Semitic, in that it prevents a Jewish citizen of Bosnia from becoming president.<sup>112</sup>

In Bosnian case maybe a more accurate description of an ethnic group, or “constituent people” could suggest that an ethnic group represents social construct based on religious and political background that ensures politically and culturally opportune feelings of belongingness only upon the encounter with the other and the different. Such a construction undermines the freedoms of a BiH citizen by ascribing a narrow socially and politically structured role it ascribes to him or her.<sup>113</sup> This construction is characterized by phrases, metaphors and discursive patterns that take only pre-political form only upon first glance because they are expressed in terms of blood origin, predestination by birth, etc. indeed they appear to be very effective tools of political domination.<sup>114</sup>

Collective rights are often associated with the former communist regime and its ideology of collectivism.<sup>115</sup> They are therefore often criticized, particularly by those who emphasize the individual nature of human rights or even consider the collective dimension incompatible with human rights, which they see as exclusively individual. However, I would argue that certain rights, such as minority rights, do have their dual nature that cannot, and should not, be separated. These rights simultaneously include the individual rights of persons belonging to minority communities who are the *titulars* (addressees) of these rights, as well as the collective rights that belong to distinct minority (ethnic) communities and enable their survival, development (especially preservation and development of their distinct culture and identity) and equal

111 See *op.cit.* note 3, 2–5, 23–27.

112 Asim Mujkić, “We, the Citizens of Ethnopolis”, 14(1) *Constellations* (2007), 112–128, at 117.

113 Within the present ethno-political framework a citizen of BiH is politically relevant only as a member of this or that constituent group.

114 *Op.cit.* note 3, 14–15.

115 See, e.g., *op.cit.* note 6, 10.

integration.<sup>116</sup> Although some still argue that the concept of special rights, such as the rights of minorities, can be considered inconsistent with the general principle of equality and is consequently discriminatory, the majority—at least in Europe—recognizes that such special rights are necessary to ensure equality in a diverse society by equating the starting positions of those individuals and distinct communities that are (socially) excluded, marginalized and/or are in a non-dominant position. These views also constitute the foundations and logic of diverse programs and measures of affirmative action. In this context, they should be considered important elements of the successful prevention of discrimination and anti-discrimination measures in diverse societies. A typical example can be observed in the issue of ensuring the equal access of persons belonging to minorities to the labor market, which is particularly important in conditions of economic crisis or deprivation.<sup>117</sup>

Human rights, human right standards, minority rights and the protection of minorities, equality and non-discrimination are especially important for societies in transition. An issue that is often not given adequate attention is that of gender equality (in general) as well as the participation of women in the public and political life. The position, rights and protection of minorities, equal opportunities, and gender equality are not just important litmus tests of equality and democracy in general, but also the yardsticks and tools to measure the success of anti-discrimination policies.<sup>118</sup>

All societies studied in the MIRICO project are societies in transition. They are undergoing substantial and rapid transformation—to a large extent stimulated and conditioned by their desire to participate in Euro-Atlantic integrations. They are particularly eager to join the EU, which tries to stimulate and direct them using so-called ‘conditionalities’. The formal introduction of political pluralism and multiparty political systems marked the turning point and the beginning of a new phase in processes of democratization. These processes have been specific and different in each of the countries and are often marked by dramatic developments, crises and escalation of conflicts. Consequently, the development and promotion of democratic political culture, institution building, and the consolidation of democracy and democratic institutions remain key tasks in all countries.<sup>119</sup> Although the EU perspective might be the key force that stimulates these countries to declare these tasks their key priorities and achieve some progress in these fields, any success in this respect would benefit the people and civic society especially by improving their access to, and their opportunity to exercise influence on democratic political process. Additionally, success in these fields can contribute to improvement of (good and democratic) governance, positive practices of governance and democratic accountability of politicians and the government. These developments are possible only if the principle of the rule of law is being followed and applied fully. That would also imply the implementation of the highest standards of human rights in these societies. The logical practical consequences of such

---

116 See, e.g., Mitja Žagar, “Rights of Ethnic Minorities: Individual and/or Collective Rights? Some New(er) Trends in Development and the (Universal) Nature of Human Rights—the European Perspective”, 1(4) *Journal of International Relations* (1997), 29–48.

117 See, e.g., *op.cit.* note 4, 5.

118 See, e.g., *op.cit.* note 4, 27–29.

119 See, e.g., *op.cit.* note 6.

developments should be substantially improved legality (both as a principle and daily practice) and consequently, increased legitimacy of the politics, political systems and governments as well as of societies as a whole.

The realization of these goals and such developments might take time and should be observed as a long-term process of profound reforms that can be successful only if based on a general consensus in the respective society. Considering multiple and diverse structural, normative and institutional deficiencies and obstacles, including economic and social ones, such reforms and developments require the involvement and mobilization of all available (internal and external) resources in concerted efforts. Reforms and concerted efforts demand the adequate political leadership capable of constantly detecting, building, promoting and reinforcing common interests and social consensus regarding democratic, equal and inclusive social development, while simultaneously rejecting and fighting nationalism and other exclusive and discriminatory ideologies, policies and practices.

Unfortunately, one of deficiencies and obstacles detected in all environments is the lack of such leadership. In some environments, especially in Bosnia and Herzegovina, substantial constitutional reform is urgently required. This reform must address several issues, deficiencies and problems, such as the exclusive nature of the existing arrangements that based on the principle of equality of “constituent nations” reduce the existing pluralism and diversity and exclude all that are not members of the “constituent nations”; the ethnicization of politics (including the perpetuation of nationalism(s) and their political monopoly); the need for inclusive and democratic citizenship, based on the principle of equality; extremely complicated procedures; complex but ineffective parallel or even multiple structures, institutions and governments; (un)accountability and (in)efficiency of institutions and offices, which can result in undemocratic rule and failing democracy; etc.<sup>120</sup>

In this context it is necessary to address the central questions that the country report on Bosnia and Herzegovina presents in the following way:

“Somewhere along the way of ethno-political supremacy a citizen has been lost, and that is not a problem any more. Yet if something does not impose itself as a problem that does not mean that there is no problem. In other words, ‘the political authority of a group, however, does not justify the oppression of individuals within the group.’<sup>121</sup> But in order to prevent such oppression, there should be available ‘legally legitimate ways of protecting basic rights.’<sup>122</sup> In the light of current constitutional debates all key players to the debates should be warned that ‘nationalism, whether writ large or small, does not justify absolute authority or violation of basic rights of individuals. Conversely, to limit the power of nations does not deny national groups self-governing authority. It denies them absolute authority, which no nation should have over individuals.’<sup>123</sup>

---

120 See, e.g., *op.cit.* note 3, 6, 22ff.

121 Amy Gutmann, *Identity in Democracy* (Princeton University Press, Princeton, NJ, 2003), 53–54.

122 *Ibid.*, 54.

123 *Ibid.*

Indeed it can be speculated that such an imposition of basic rights could be counter-productive. In fact authors such as Kymlicka warn us that ‘in the end, liberal institutions can only really work if liberal beliefs have been internalized by the members of the self-governing society, be it an independent country or a national minority’<sup>124</sup>, and ‘that group representation is not inherently illiberal or undemocratic, and indeed is consistent with many features of our existing systems of representation.’<sup>125</sup>

But what if the group representation in BiH is proven illiberal and undemocratic, that is, what if the group representation in BiH lacks basic legitimacy? What if current ethno-political set-up with its practices of fear, discrimination – during post-conflict, and with its practices of the illegal use of force and genocide – during war, in fact continually prevents internalization of liberal beliefs. Should one go on to conclude, in a rather ‘orientalist’ manner that certain group of people is not fit for liberal democracy?<sup>126</sup>

In environments that are as ethnically plural and diverse as are the Balkan societies, one cannot ignore ethnicity and its social relevance. However, reducing the recognized plurality to just a few (constituent) ethnic entities and thereby granting their members privileges while in many ways excluding all others can be considered a very problematic concept. Consequently, one can understand the dilemma of the choice between and/or adequate balance of the concepts of ‘ethnic’ and ‘ethical’ equality,<sup>127</sup> or between ‘individual’ and ‘collective’ rights.<sup>128</sup> In my view, considering specific circumstances in an environment, a political choice might be to give the priority in a certain time periods to one or other concept. If the individual nature of rights and equality is being ignored or the collective nature of rights and equality is being stressed and privileged at the expense of individual rights, as it is the case in Bosnia and Herzegovina, one should reinforce the importance of individual rights and equality, especially the equal inclusion of every individual—which also implies equal access to all jobs and offices.<sup>129</sup> However, considering all diversities and asymmetries that exist the Balkans, a key priority in the long term is to search for an adequate balance between individual and collective rights, based on the recognition that, by nature, some rights, especially rights of minorities, are simultaneously individual and collective. This is especially important in environments in which a human rights culture still needs to be developed<sup>130</sup> and in which we can detect intolerance towards and discrimination against minorities.<sup>131</sup>

We should address also the issues of adequate territorial and functional distribution of powers and competences within a system, as well as the administrative division and organization of the territory of a state. In other words, there is a need to pay

---

124 Will Kymlicka, *Multicultural Citizenship* (Clarendon Press, Oxford, 1996), 167.

125 *Ibid.*, 134.

126 *Op.cit.* note 3, 5.

127 See *ibid.*, 15–18.

128 See *ibid.*, 18–20.

129 See *ibid.*, 15–22.

130 See, e.g., *op.cit.* note 6, 15–16.

131 See *ibid.*, 12.

adequate attention to local government (as well as eventual regional/cantonal government), its position, competences and autonomy. This is especially important in countries that are rather centralized. In every ethnically plural environment, the existence of an inclusive, democratic and effective local government/level at which people realize most of their daily needs and interests, is of key importance for the position, protection, equal inclusion and voluntary integration of minorities and persons belonging to them (their members). It is, consequently, not surprising that, often, minorities—if relations in local communities are relatively good, but especially if minorities represent local majorities in these communities—favor and demand decentralization and increased autonomy of local government. However, especially in divided societies, decentralization might in some cases be seen as an attempt to divide the territory along ethnic lines and in ethnic terms.<sup>132</sup> In this context, the issue of regionalization that is being discussed (and demanded) in all countries of the region might prove particularly delicate.

In some cases, federalism and diverse federal arrangements might prove to be very relevant tools for the adequate organization and administration of the state territory, for the management of ethnic diversity and—occasionally—for the adequate protection of minorities. Currently, the only federation in the region is Bosnia and Herzegovina, which might be considered an extreme case of ethnic federalism. In Bosnia and Herzegovina, due to the special position and status of ‘constituent nations’, even rights of individual citizens and their political participation are conditioned by their ethnic belonging.<sup>133</sup> Consequently, we could say that an adequate balance between individual and collective/ethnic rights and equality is (also) of key importance, especially when taking into account that the functioning democracy is usually considered a necessary precondition for a successful federation.

### *I. Key Actors*

States and state institutions have been, and continue to be, the main actors in region. Consequently, nationalists see (the creation and/or continuous existence of) nation-states of their own as an ultimate goal and as an omnipotent tool for realization of national interests, which only they are entitled to define. Of course, when speaking of states that are relevant actors in the Balkans, we do not refer just to the states from the region, but also to other states (particularly global and regional powers) in the international community that have played, play, might have played or may play diverse relevant roles in the region.

Key institutions within states are governments—or more precisely, those institutions that formulate, adopt and implement state policies, especially the executive and legislative branches of government and the heads of states, depending on their constitutionally and legally defined powers and competences. Resulting from democratic elections, these institutions are considered the expression of the balance of political power in a certain environment at the time of elections. Ideally, in addition to regular elections, democratic systems also offer other possibilities for the people to directly

---

132 See, e.g., *op.cit.* note 7, 40.

133 See, *op.cit.* note 3, 4.

and indirectly engage in democratic participation and influence democratic political decision making. In non-democracies, instead of governments we often speak of the ruling regimes that dominate all spheres of life. In the process of transition, the question remains of how and at what rate states in transition (can) transform into democracies by replacing undemocratic rule and control (of the regime) in different spheres of life with democratic participation.<sup>134</sup>

In addition to the government, other state institutions might be important for successful diversity management, such as the state/public administration that deals directly with the people and various issues in diverse environments. Although they might not be a direct part of state public administration, one should also mention local communities, local government and institutions that are most directly connected with the people, including diverse minorities and their members.<sup>135</sup>

States (attempting to promote their democratic image) often present their roles, policies and impact as positive contributions to the consolidation and development of democratic institutions, as well as to successful diversity management. However, in the Balkans states, their institutions and ruling regimes often were (and sometimes still are) the carriers and promoters of exclusive nationalist policies, and were sometimes even the institutional violators of human rights.<sup>136</sup> Consequently, the role and impact of states need to be analyzed and evaluated to establish the state's actual impact on democracy and democratic diversity management.

Education—more precisely, educational systems and institutions—is often an important actor in the consolidation and development of democracy and diversity management, possibly more important than governments and other state institutions. Consequently, it is not surprising that all countries of the region are trying to introduce and implement educational reforms that would reflect transition and adjust education to their changed situation and needs. Although the number of private educational institutions is gradually increasing, states still dominate education and do not want to lose their absolute control over education and educational institutions that remain key factors in political socialization, indoctrination and promotion of ideologies. Education, particularly integrated educational systems and institutions that stimulate integration of all their pupils/students regardless their origin and background, can be a key factor shaping ethnic relations in ethnically plural and diverse environments. Such integrative functions can be achieved through the promotion of human rights (including minority rights), democracy, tolerance, coexistence, equal cooperation and integration. However, in a democratic setting, educational institutions can play such roles only if they recognize and respect the existing diversities and introduce adequate measures for the protection of minorities and their members in all schools and programs.

Among actors that impact ethnic relations and can play important roles in diversity management, we should mention also non-state actors within individual states, such as:

---

134 See, e.g., *op.cit.* note 4, 16.

135 See, e.g., *op.cit.* note 6, 21.

136 See, e.g., *op.cit.* note 5, 17.

- Political parties, especially considering their impact and role in political socialization, political processes and decision making, including their participation and roles in elections.<sup>137</sup>
- (Political) dissidents and dissident organizations (of different kinds) in undemocratic societies that opposed the ruling regimes (in countries of the region, these were especially the former communist and nationalist regimes) and fought—in legal and illegal ways—for their (down)fall and/or transformation.<sup>138</sup>
- Social and political movements, including new social movements, which co-shape politics and civic society in individual environments. In this context, the destructive role of nationalist movements, politics and forces in the Balkans should especially be stressed. In almost all countries they contributed to the tragic historic developments in the past two centuries, especially in the 1990s. They are also a danger to successful diversity management and (inter)ethnic relations in the future.<sup>139</sup>
- Trade unions and diverse professional interest organizations that, in addition to class relations, can also be relevant factors in diversity management and (inter)ethnic relations.
- Civic society, including all its segments and actors, such as:
  - NGOs and diverse associations of citizens that, through activities in various fields, can substantially contribute to the improvement of education and training, intercultural information, awareness raising, trust building, stimulating cooperation, inclusion and integration, etc., which are all important for successful diversity management in diverse societies;
  - Non-state economic actors, private and public companies and enterprises. In the context of (inter)ethnic relations and diversity management, special attention shall be paid to economic actors with (particular) ethnic background and identification that are especially important for developments and processes in divided societies;
  - Media, and in recent times especially electronic media, through their role in providing adequate information, in promoting interethnic understanding and cooperation, in education and training, including civic education, etc. This indicates their importance and responsibility for successful diversity management. Considering their social and political importance and impact, they are sometimes described as the ‘fourth branch of government’ in democracies, etc.

Finally, we should stress the role of the international community that encompasses a number of relevant actors who can impact (inter)ethnic relations and contribute to successful diversity management in different ways. The international community can stimulate and promote tolerance, (interethnic and international) communication and cooperation and undertake diverse activities and measures that can contribute to suc-

---

137 See, e.g., *op.cit.* note 5, 6; note 4, 17.

138 See, e.g., *op.cit.* note 6, 10.

139 See, e.g., *ibid.*, 18.

cessful diversity management, especially through their engagement in the prevention, management and/or resolution of crises and conflicts.<sup>140</sup> This group of actors includes:

- States as members of the international community through international cooperation, preferably developing common policies and undertaking concerted activities and measures. However, as already mentioned, one should not forget the role that individual states can play—in this case usually following their specific national interests.
- International organizations, treaties and integrations through their institutions, bodies, policies, programs and measures aimed at the directing developments and promoting peace and stability in specific regions. In this context the MIRICO project paid special attention to the role of the EU, its policies and their impacts on developments in the Balkan region.<sup>141</sup>
- Foreign and international NGOs through their direct involvement, projects and programs in the region and individual countries that might contribute to the improvement of interethnic relations, building interethnic communication and cooperation, the prevention, management and/or resolution of crises and conflicts, etc. They are considered especially important for the development of civic societies in ‘target countries’. Nevertheless, their actual results and contributions often fail to fulfill the expectations, especially with regard to development and self-sustainability of indigenous civil society in these environments.

### *J. Reconstruction and Reconciliation*

The concept and process of reconstruction can be defined simply as the rebuilding, reparation and reconstruction of damage caused by military conflicts as materialized in several concrete policies, measures, programs and projects.

The concept of reconciliation, however, is more complex and, in many ways, more problematic. The complexity of this concept can be seen from the specific report on reconciliation and truth commissions, which focuses particularly on the role of history, history teaching and various interpretations of history in such processes in attempts—that are often, if not usually, politically conditioned—to reach agreement regarding the (historic) ‘truth’.<sup>142</sup>

The concept of reconciliation can be associated with the process of ‘social reconstruction’ and, in post-conflict, societies can be defined as “a process that reaffirms and develops a society and its institutions based on shared values and human rights.”<sup>143</sup> As the specific report indicates, the concept of “normalization” used by Puhovski might be

---

140 The involvement of the international community has been relevant in all countries of the region; however, it was in the case of Macedonia that it was actually successful in preventing major escalation of conflicts and their transformation into violent ones. See, e.g., *op.cit.* note 6.

141 See, especially, *op.cit.* note 12.

142 See *op.cit.* note 8, 3–4 (Section 1.1. “Definition of the Term Reconciliation”).

143 Harvey M. Weinstein and Eric Stover, “Introduction: Conflict, Justice and Reclamation”, in *ibid.* (eds.), *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocities* (Cambridge University Press, Cambridge, 2004), 1–26, at 5.



appropriate as well. “Former belligerent groups and individuals have to find new ways of living together peacefully and promoting tolerance and inclusiveness.” To restore normalcy and return to normal life, they consequently have to achieve “the ‘building of relationship’, according to Jean Paul Lederach’s<sup>144</sup> minimal definition of reconciliation.”<sup>145</sup> According to his definition, the critical components of reconciliation include truth, justice, mercy, and peace. As the country report on Macedonia indicates:

“Reconciliation is not an event but a process. It is not a linear process. It is a difficult, long and unpredictable one, involving various steps and stages. According to the authors of “Reconciliation After Violent Conflict”<sup>146</sup> the first stage is replacing fear with non-violent co-existence; the second step is building confidence and trust and the third step is achieving empathy.”<sup>147</sup>

Galtung concludes that the best results can be achieved when all parties in a certain environment, especially those that were involved in a conflict agree to “cooperate in resolution and reconstruction.”<sup>148</sup>

Usually reconciliation, especially interethnic reconciliation is understood as “a process that requires both conflicting parties to face recent past objectively.”<sup>149</sup> In other words, reconciliation is a specific process that leads to the commonly acceptable and accepted (re)interpretation of the past, especially of specific shared traumatic past developments. In a way it is a past-oriented and usually painful process of healing that, however, has several present- and future-oriented goals and impacts. Ideally, it can create the formal basis and conditions for peace, coexistence and cooperation in the present and future and for the necessary social cohesion that enables elaboration and realization of common interests. However, the danger is that this process, which should normally be limited to a certain, relatively short period, can become a never-ending, permanent process that constantly reinforces certain historic traumas.

As such, the concepts and practices of reconciliation can be problematic and even counterproductive, especially if reconciliation is attempted in an environment in which there are no clear-cut divisions between the victims and perpetrators, between the victors and losers. In such cases, it is often almost impossible to reach a consensus or even compromise regarding the past and commonly acceptable interpretations of this past. The task becomes even more difficult in the process of transition in societies faced with

---

144 John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (United States Institute of Peace Press, Washington, DC, 2004), 151.

145 *Op.cit.* note 8, 4.

146 David Bloomfield and Teresa Barnes and Luc Huyse (eds.), *Reconciliation After Violent Conflict: A Handbook* (International Institute for Democracy and Electoral Assistance IDEA), 19, at <[http://www.idea.int/publications/reconciliation/upload/reconciliation\\_full.pdf](http://www.idea.int/publications/reconciliation/upload/reconciliation_full.pdf)>.

147 *Op.cit.* note 5, 6.

148 Johan Galtung, “After Violence: 3R, Reconstruction, Reconciliation, Resolution: Coping With Visible and Invisible Effects of War and Violence”, at <<http://www.transcend.org/TRRECBAS.HTM>>.

149 *Op.cit.* note 4, 5.

the dilemmas of transitional justice and in which democratic set up of the society is still unstable.<sup>150</sup> Additionally, there are several dimensions of justice and truth, often several truths—such as judicial, political and moral justice and truth.<sup>151</sup>

An effective process of reconciliation also requires a clearly defined and regulated procedural and institutional framework. The procedures and the participation of individuals and institutions should be exactly determined at the very beginning of the process and agreed upon by all parties. Usually, the ‘truth commissions’, which have the mission of establishing the truth and determining the responsibility of perpetrators, function as key institutions in this process. However, their compositions, mode of operation, roles, powers and competences can be defined differently in different environments. Ideally, they should be well adjusted to specific circumstances and needs of a specific environment.

One of main preliminary issues that are necessary for the successful work of truth commissions and for reconciliation is the precise definition of criteria for the determination of responsibility and accountability. Although there is often a collective blame associated with a certain party or collective entity that is seen as the main perpetrator of wrongdoings and/or atrocities in a certain environment, reconciliation requires the establishment of individual (or at least individualized) personal responsibility and accountability.<sup>152</sup> Usually, it is expected that individual perpetrators will admit their responsibility and accountability as well as express their regret for the wrongdoings that they have committed.

Reconciliation might also be considered as the undoing of past wrongdoings through the perpetrator’s recognition of responsibility and accountability and remorse on the one side and through victims’ forgiveness. Reconciliation with the past is a symbolic act, possible only if all relevant parties are willing to participate. Usually, before reconciliation can begin, certain necessary preconditions—such as reconstruction, the return of refugees and displaced persons, introduction of the adequate regulation, measures and policies for the protection of minorities, etc.—need to be ensured.

Reconciliation often appears in political declarations and diverse documents from the region and related to the Western Balkans. Usually, these documents speak of reconciliation in the context of human rights, protection of minorities, refugee return, reconstruction, post-conflict development, democratization and consolidation of democracy, peace and stability, etc.,<sup>153</sup> and state that reconciliation could contribute to these goals. However, not only do they fail to define reconciliation’s principles and goals, but they also fail to define the process and procedure of reconciliation.

My general observation is that attempts at reconciliation in the Balkans failed to reach expected results. Furthermore, often, recent and current attempts have produced the opposite results and even increased tensions. These general considerations require some additional explanation.

---

150 See, e.g., *op.cit.* note 6, 7–8.

151 *Ibid.*

152 See, e.g., *op.cit.* note 4, 15.

153 See, e.g., *op.cit.* note 11.

Although it is believed that successful reconciliation contributes to improvement of community relations and stability in an environment torn by conflict, paradoxically, every attempt at successful reconciliation—as its necessary preconditions—requires rather stable relations, agreement and recognition by all sides involved in the process that reconciliation is needed, already existing (channels and rules of) communication, as well as tolerance and coexistence. Portrayed as a two-way process, reconciliation inherently presupposes certain missionary elements that derive from Christian theologies (considering all differences within Christian religions, it is better to use the plural in this context) and the concept of forgiveness (on behalf of victims). This is the reason that reconciliation is sometimes described and perceived as an institutional design that rewards the bad guys (perpetrators of wrongdoings).

In my view, every attempt at true reconciliation should be considered the permanent ongoing process. Although it is traditionally limited just to certain determined periods and specific historic events and contexts, it should take into account a broader social and historic context. These specific historic events (e.g., the Holocaust) and contexts have their prehistory as well as their consequences in diverse spheres that might last for several generations. Consequently, these events should not be forgotten, but should be considered important lessons that could contribute to the prevention of such and/or similar events in the future. As such, reconciliation that has to be agreed upon and accepted by all relevant actors in a certain society should not be ended when the responsibility of perpetrators for specific events or wrongdoings is established, when they express their remorse and when the victims formally express their forgiveness. Traditional approaches to reconciliation should be transformed into permanent processes of screening and evaluating social relations that should point to undesired and problematic developments and actions in a certain environment. In this context, the process should constantly re-examine and confirm the will of all parties to participate in the process, as well as basic principles and values that are agreed upon in these environments. Simultaneously, it has to determine directions and strategies of future development.

Therefore, I would agree with the view that rather than speaking about reconciliation in post-conflict societies, it might be more productive to speak about normalization. Frequently, 'normalization' is understood as the restoration of pre-conflict conditions and arrangements or, in some cases, simply as the absence of (escalated and particularly violent) conflicts. Both interpretations are problematic. Namely, in most cases, it is impossible to restore pre-conflict conditions in environments that were destroyed by violent conflict. The very process of rebuilding (which refers mostly to economic and social rebuilding) takes a long time, whereas violent conflicts often destroy beyond repair relations and structures in a society. Consequently, 'normalization' should be understood as the process of creating conditions of mutual recognition and acceptance, tolerance, coexistence and (hopefully equal) cooperation in a certain plural and diverse environment that should be the basis for determination and realization of common interests.

In this context it should be stressed again that conflicts as possible consequences of the existence of diverse needs and interests in every plural society are normal phenomena in such an environment. Logically, normalization should therefore encompass the development of adequate procedures and mechanisms for peaceful and democratic

management and resolution crises and conflicts that are based on the principles of equality and non-discrimination and human rights—including minority rights.

The concept of a 'post-conflict society' is also very problematic. When referring to societies in which violent conflicts have just been stopped, or at least interrupted, it would be more appropriate to speak of 'post-violent-conflict societies'. This approach would indicate that diverse (low-intensity, protracted, emerging, etc.) conflicts still exist and might escalate in the future. If these conflicts are not managed successfully, they might escalate and possibly transform into violent conflicts, thereby transforming a post-violent-conflict society into a society experiencing violent conflicts. In this case, we could say that a post-conflict society might be just a pre-conflict phase of future escalated conflicts in a certain plural/diverse environment.

When analyzing efforts and practices of reconciliation in the Balkans, the initial consideration is that there is no consensus regarding reconciliation in the region. Although it is often being listed as the necessary precondition for normalization and long-term peace and stability, nobody has defined precisely what reconciliation in the Balkans and in every individual state in the region should be and in what way it should be implemented. Aside from general political statements of international and national leaders, there are no substantive or institutional conditions, arrangements and agreements that are necessary for a successful process of reconciliation. There is no consensus about the historic developments, events, issues, actors and periods that should be addressed by such a process. Consequently, we could question the very existence of the basic precondition—the willingness and readiness of all relevant factors to engage in the process of reconciliation. There is neither adequate legislation nor informal agreements on procedure, institutions and criteria for the evaluation and reconciliation. Additionally, general and specific goals and expected outcomes (consequences) of reconciliation are not adequately determined.

Considering specific historic and current developments and situations, it would be necessary to study reconciliation in every Balkan country as a specific case study. Consequently, I am aware that any generalization might be very problematic. Nevertheless, we could indicate certain common characteristics and similarities that allow the following conclusions, which should serve as starting points for the future discussions:

- Political will and readiness to start the process of reconciliation in most countries of the region do not exist or are very limited. Consequently, one should consider statements by politicians calling for reconciliation lip service and an attempt to please the international community (who continues to promote the idea), rather than the actual desire to start with the reconciliation.
- There are no serious attempts to determine and agree upon the content(s), procedures and institutions for the process of reconciliation, which would be necessary to start the process.
- Frequently, there is a dispute regarding the actors that should be involved in the process of reconciliation and their roles. This is to a large extent conditioned by diverse perceptions and evaluations of historic events and their consequences, as well as by the lack of recognition of responsibility of diverse actors for their actions and their outcomes.

- There is no consensus regarding the desired outcomes and long-term goals of reconciliation, which should be understood as the basis for the future cooperation of all actors.

Consequently, I would conclude that—practically—reconciliation in the Balkan region does not exist; it is not even spelled out and accepted as a realistic goal. Much less is it understood as a permanent process that requires acceptance and continuous participation of all relevant actors. I believe that only such process, which might be better called normalization or, simply, a democratic political process, could provide the stable basis for power-sharing and cooperation in determining and realizing common interests of all individuals and distinct communities in these environments. The international community, which continues to promote reconciliation in the region, has not clearly spelled out what it wants. Surely, reconciliation has not been promoted as the continuous process that would go on for generations thereby permanently contributing to the decrease of tensions and conflicts in individual environments. This way it would provide the basis for coexistence, voluntary and equal cooperation and integration. It should therefore not be surprising that I consider reconciliation in the Balkans a failure (rather than a missed opportunity, since the necessary preconditions have not existed and still do not exist). Consequently, I would argue that other adequate concepts and approaches that would address problems of the region and needs of its future development need to be developed.

### III. CONCLUSIONS

While presenting the complexity of phenomena and concepts studied by the MIRICO project, I try to develop a broad common theoretical and conceptual framework based on the current state-of-the-art that can be used in ethnicity, minority and diversity management studies and in research of those phenomena. In this context the general conclusion is that human and minority rights, the adequate protection of minorities, tolerance, inclusion, voluntary and equal participation, integration and cooperation, etc., constitute the necessary components of successful diversity management in contemporary plural, diverse and asymmetric societies. Focusing on national minorities and ethnic relations, one should stress the importance of ethnicity, (inter)ethnic relations and minorities, as well as their adequate recognition, regulation and management for peace, stability and successful development of these societies, and in particular for the process of reconstruction and reconciliation for state- and nation-building in the region.

Research considerations presented in the introduction have been confirmed to a large extent. We can agree that any uncritical comparison or generalization of findings and concepts (without listing and stressing all specifics, differences and diversities of individual environments) might be very misleading and problematic.

The concepts and definitions presented and formulated in this article could be considered a theoretical framework, the basis and (generalized) yardsticks (measures) for adequate research, for the interpretations of research findings and for comparative research, which must then take into account specific historic development, circumstances and conditions in individual environments. In other words, rather than con-

sidering concepts and definitions direct reflections of situations in individual countries and in the region, they should be treated as the tools and yardsticks that enable and improve research and serve as the (theoretical) framework and criteria for comparison.

Each country of the Western Balkans should be observed as a specific and unique case. The same is true for ethnic relations there as well as for conflicts that each should be considered a specific case—case *sui generis*. Consequently, it is even more important that each case and relevant actors involved in it are closely analyzed. However, common characteristics and detected similarities allow for the classification and development of certain common approaches as well as for the establishment of common principles, standards and criteria. In analyzing diversity management, as well as the prevention, management and resolution of crises and conflicts and the reconciliation of its components, a few deficiencies have been detected. Among them, I shall particularly mention the lack of a coherent (especially long-term) strategy for the exercise and promotion of human and minority rights, which are key components of successful diversity management in plural and diverse environments. The lack of the adequate coordination and cooperation of actors was also detected, which is a problem both in the formulation and development of adequate strategies as well as in their promotion and execution.

Regarding reconciliation, we can confirm that the current concepts of reconciliation have not produced the desired results. Consequently, we believe that approaches such as normalization—which should be understood as developing adequate conditions for the coexistence and cooperation based on common long-term interests—might be better and more productive concepts and options. They should also take into consideration the fact that there is a substantial gap between the normative framework and the actual situation of minorities and that several problems appear in the exercise of human and minority rights, which determines the actual level of the protection of minorities in every society in the Balkans.