

Recognizing Identity
The Creation of New States in Former Yugoslavia

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To my parents

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ABSTRACT

This dissertation examines the emergence of norms and the process through which these influence state behaviour. State identity conceptualized in ethnic or civic terms, shapes state preferences concerning the recognition of new states. Hence, the ethnic or civic identity of Germany, France, Greece and Italy influenced their policy on recognition of the former Yugoslav republics of Slovenia, Croatia, FYROM (Macedonia) and Bosnia-Herzegovina. Nevertheless, the examination of these policies indicates that these preferences were tempered by security concerns and perceptions of threat. Hence, although this thesis supports the constructivist claim on the power of principles such as identity, it also incorporates the realist claims on the significance of geopolitics in foreign policy. Consequently, it does not claim the supremacy of one theory over another instead it attempts to provide a better framework for understanding the sources of foreign policy.

RÉSUMÉ

Cette thèse examine l'émergence des normes et le processus à travers lequel celles-ci influencent le comportement d'un état. L'identité de l'état conceptualisée en termes ethniques ou civiques forme les préférences des états concernant la reconnaissance de nouveaux états. L'identité ethnique ou civique de l'Allemagne, de la France, de la Grèce et de l'Italie a influencé leur politique de reconnaissance des anciennes républiques de Yougoslavie, de Slovénie, de Croatie, du FYROM (Macédoine) et de Bosnie Herzégovine. Néanmoins, l'étude de ces politiques indique que ces préférences ont été atténuées par des inquiétudes concernant la sécurité étatique et par des perceptions de menaces. Bien que cette thèse soutient l'idée constructiviste concernant le pouvoir des principes, comme identité, la thèse relie l'idée réaliste sur l'importance des géopolitiques en politique étrangères. Par conséquent, la thèse ne soutient pas la supériorité d'une théorie envers une autre. Elle essaie plutôt de fournir un meilleur encadrement afin de comprendre les sources des politiques étrangères.

Acknowledgments

My interest in the Balkan region coincides with my undergraduate studies at the Department of Political Science of McGill University. During that time, the results of glasnost initiated by Gorbachev were visible to the outside world. The Soviet Union was changing and with it the whole world.

The continuation of my studies at the Catholic University of Leuven gave me the opportunity to closely examine the consequences of the end of the Cold War, the rising nationalism in Eastern Europe and the changes in the international system. The simultaneous acquisition of knowledge on conflict management, law, minorities and history did not allow for misinterpretation of state behaviour. The comparative study of the nationalist movements in both Western and Eastern Europe unveiled different perspectives regarding the nation, the state and the role of minorities in politics. My Master's theses on "Integration or Self-Determination? Czechoslovakia" and on the "Greek Attitudes Towards Minorities" served as a foundation for my PhD thesis. For this reason, I would like to deeply thank Professors L. Vos and R. Detrez, specialists in the respective fields, for showing me how to read behind the lines and believing in my analytical thinking. The successful completion of my projects under their guidance encouraged me to continue academic research on my interests.

My research work at the Institute of International Relations in Athens, on South-Eastern European states exposed me to the practical considerations of policy-making thus, complementing my theoretical background in foreign policy.

I refer to my former academic and work experience to point out that this dissertation is another component of an ongoing process that aims to bridge different fields of knowledge. From the beginning of this endeavor, Professor Marc R. Brawley tirelessly and patiently supervised this dissertation with constant interest throughout all its stages. Our discussions intrigued my curiosity and his deep knowledge guided me throughout this process. I would like to thank him for allowing me to develop my ideas without disorienting me.

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Chapter 1

STATE IDENTITY AND THE POLICY OF RECOGNITION

When Yugoslavia began to break-up, European states struggled over whether to recognize the republics seeking independence. Why did some countries urge rapid recognition for Slovenia, Croatia and Macedonia, but hesitate over recognition of Bosnia? Why did other European countries resist recognition of Slovenia and Croatia, but urge recognition of Bosnia? How could the existing states in Europe disagree over something as seemingly straightforward as judging whether a political entity qualified as a sovereign state?

The answer lies partly in the social construction of identity, but also partly in the desire all states have to maintain their own security. Recognition of new sovereign actors, more than any other policy decision, involves consideration of the appropriate characteristics constituent to being a state. The decision would be easy and uncontroversial if all states held similar beliefs about what the proper basis for a state entails. All states do not share the same concept here, however, because they are founded on different principles. In particular, European democracies have different notions of the relationships between nationality, citizenship and ethnicity. These differences reflect the historical experiences and political developments unique to each country.

When Yugoslavia's integrity was called into question by republics seeking independence, European states considered whether these entities deserved recognition as sovereign states. In their decisions, they reflected on their own identity. For European states that are themselves founded on a strong link between ethnicity and nationality, claims of national self-determination were received as proper and principled. For European states built on a different notion of nationality, such claims appeared much less appropriate, much more open to question. Such differences over the proper basis for creation of new sovereign states were just as sharp when Bosnia, the sole republic seeking independence on the basis of a civic notion of national identity, appealed for recognition. Only this time, the reactions were the reverse – states founded on the tie between nationality and ethnic identity were reluctant to recognize Bosnia, perhaps not so much because they did not accept the appropriateness of this state, but rather because they saw it as artificial, and therefore likely to fail.

These initial reactions of the European states on the question of recognition were tempered by these states' concerns for their own security. States bordering Yugoslavia had legitimate fears that any conflicts might directly spill over into their own territories, or that violence would create massive flows of refugees affecting their own political and economic stability. States therefore refused to recognize entities as sovereign, even when they considered the claims "proper" or "appropriate," if they believed that recognition would trigger events that would threaten their own security.

Consequently, states with similar identity behave differently as a result of different strategic considerations due to their geopolitical or socioeconomic position. Security concerns may dramatically alter state behaviour to the degree that the initial state preferences are not apparent. Furthermore, a combination of state preferences and state bargaining determines policy outcomes such as the timing of recognition. As the break-up of Yugoslavia and its anticipated consequences become the central political issue, bilateral negotiations and deliberations within the framework of European and international organizations, revealed the concerns of each party involved in the Yugoslav conflict and allowed the European states to express their fears on developments regarding the conflict and the recognition of the former republics. Throughout this political interaction, key concerns are the conflict resolution, the stability of the region that would further enhance the security of the rest of Europe, the unity of Europe embodied in a common foreign policy and the respect of the fundamental human rights upon which democratic states are founded. The policy outcomes reflect the results of this political bargaining.

To demonstrate that these two factors – consideration of identity and concern over security – interacted to shape policies on recognition, the policies of four European states are examined in detail. These four, Germany, France, Italy and Greece, are at the center of diplomatic disputes over recognition. The innovative aspect of this argument is the claim that their state identity, this being ethnic or civic, determined their foreign policy behaviour. More specifically, the German, Greek and Italian state identity is found upon the notion of the nation. On the other

hand the French state identity is found upon civic values that do not appreciate the significance of ethnicity.

To be precise, the focus is on the state as a unity and on its individual identity as this is consolidated in its laws at the time of the Yugoslav dissolution. Consequently, the claim is that the national identity of nation-states is similar to state identity as the first has been institutionalized throughout time in the constitution and the legal documents defining nationality and citizenship. The timing of the actual decisions on recognition for each republic reflects the bargaining amongst these and other European states, as detailed in the body of the dissertation. To understand why the bargaining unfolded as it did, we first have to understand what each of these four countries' preferred. This then is the aim of the theoretical argument: to explain why each of these four European countries had the preferences they did on the issue of recognition.

1) A Historical Narrative of Yugoslavia's Dissolution and the Debate on Recognition

As Europe was concentrating its attention on the Soviet Union in 1990, another front was created in Yugoslavia. The unity of Yugoslavia was initially shaken by Slovenia's unwillingness to cooperate with the federal government. It aimed at altering the power dynamic between the federal government and the republics favoring a confederal political system. Slovenia took several measures to achieve this. It suspended all financial cooperation with Belgrade, undermined the power of the federal laws through a constitutional amendment in autumn 1989, and held a referendum (23 December 1990) in which 90% of Slovenes favoured

independence if efforts towards a confederation failed to be realized within a six-month period.¹ As a result of this failure, the Slovene parliament proclaimed the independence of the republic.

During the same period, similar political moves were made by Croatia. However, Croat independence from Belgrade was on the agenda from the beginning. The Croatian constitution defines Croatia as “the national state of the Croatian people,” thus excluding the Serbs.² The referendum held in Croatia in May 19, 1991 favoured independence, despite its boycott by the Serbs.³ Since 1990 both Slovenia and Croatia threatened to leave the federal state unless the rest of the republics would agree on power decentralization. The deadline for reaching such an agreement was June 26. On June 25, 1991 both the Slovene and Croatian parliaments declared, once again, their independence from the Socialist Federal Republic of Yugoslavia (SFRY).

Although the Yugoslav Constitution of 1974 establishes “the right of every nation to self-determination including the right to secession,” focusing on the “nations” of Yugoslavia, the federal government did not agree with secession. The constitution was made to protect mostly the federation and not the individual republics. Art. 5 of the Constitution, describes SFRY as “a single unified whole” and establishes that neither the external nor the internal frontiers can be altered

¹ The ethnic composition of Slovenia in 1991 was homogeneous. As Susan Woodward cites, 87.6% of the population was Slovenes and the next biggest ethnic group was Croats accounting only for 2.7% of the population. Susan L. Woodward. *Balkan Tragedy: Chaos and Dissolution After the Cold War* (Washington: Brookings Institution, 1995), 35.

² Stanley Hoffmann, “Yugoslavia: Implications for Europe and for European Institutions,” 7 in Richard H. Ullman, ed. *The World and Yugoslavia's Wars* (February 1998) in Columbia International Affairs Online <http://www.ciaonet.org/book/url01/index.html>

³ The Serbs, the largest minority in Croatia in 1991, accounted for 12.2%. The Croats counting for 78.1% were the majority in Croatia. For more details, see Susan L. Woodward. *Balkan Tragedy: Chaos and Dissolution After the Cold War*, 33.

without the consent of all the republics and autonomous provinces. Based on this, the federal government pronounced the secessionist movements illegal and sent the Yugoslav Federal Army (JNA) to the region on June 26, 1991 a day after the official declarations of independence by Slovenia and Croatia. This was the beginning of the war.

The war in Slovenia was the shortest in length (it lasted 10 days) and the least bloody of the wars that followed. The EC took some measures to stop the war by suspending economic aid⁴ to all the republics and enforcing an embargo on all military materials. This led to a short-lived truce that allowed the negotiation of the Brioni Agreement on July 7, 1991.⁵ The Agreement was eventually adopted by the federal state and the JNA withdrew from Slovenia on July 18, 1991. The end of the military conflict facilitated Slovenia's recognition as a new state. On the other hand, the war in Croatia was a lengthy one and resulted in many more casualties. Croatia had a more heterogeneous population than Slovenia. The Croat-Serbs did not favour independence. This is the reason the Croat-Serbs of Krajina declared their independence in February 1991. They were worried about their status once they were cut off from Serbia. Hence, in March they seceded from Croatia and joined Serbia. Croatia was not only interested in the establishment of a Croat nation-state but also became involved in the political game regarding Bosnia-Herzegovina. Croatia helped in the disintegration of Bosnia by supporting the

⁴ This was the mission of the EC Troika (Italy, Luxemburg, Belgium) that supported the Austrian initiative for mediation in the conflict.

⁵ As a result of the Brioni Agreement Slovenia and Croatia agreed to suspend their declarations of independence for three months.

Bosnian-Croats both militarily and politically.⁶ Slovenia, on the other hand, distanced itself from any affairs related to the federal Yugoslavia.

The republic of Macedonia supported the unity of Yugoslavia. To avoid the dissolution of Yugoslavia it proposed a plan to compromise the Serb, Slovene and Croat aspirations on June 6, 1991 that was never accepted by the parties. The republic of Macedonia, following the lead of the other two republics, held a referendum on the 8th of September 1991 on independence and sovereignty. The political parties representing Albanian and Serb minorities boycotted this referendum.⁷ Unlike the previous cases, there was no conflict in the republic of Macedonia. The republic had already followed the suggestions of the European Community to guarantee the inclusion of minorities, especially the Albanian who accounted for 21% of the population.⁸ Constitutional amendments were made to guarantee the participation of Albanians in the government. As a result, Albanian candidates filled 5 cabinet posts.⁹

Bosnia-Herzegovina, the most ethnically heterogeneous republic, declared its will for independence after Macedonia, on October 15, 1991. In December 1991, Bosnia decided to seek the European recognition of its independence.¹⁰ Bosnian Muslims and Croats, representing the majority of the population, supported this decision. However, the Bosnian Serbs did not want to separate from the Federal Socialist Yugoslavia. Hence, they challenged all referendum outcomes voted for by

⁶ Bosnia-Herzegovina and Croatia announced a military alliance in June 1992.

⁷ Susan L. Woodward. *Balkan Tragedy: Chaos and Dissolution After the Cold War*, 179.

⁸ Anita Inder Singh, *Democracy, Ethnic Diversity, and Security in Post-Communist Europe*, 53 and Susan L. Woodward. *Balkan Tragedy: Chaos and Dissolution After the Cold War*, 33.

⁹ Anita Inder Singh, *Democracy, Ethnic Diversity, and Security in Post-Communist Europe*, 53.

¹⁰ The EC Foreign Ministers had decided to recognize the Yugoslav republics only when they satisfied certain criteria. They also invited all the republics desiring independence to apply for eligibility by 23 December 1991.

the majority of the 1.4 million Serbs.¹¹ In addition, the Bosnian Serbs carried a referendum to create the “Republika Sprska,” a Serb-led republic within the state of Bosnia-Herzegovina. The Bosnian case involved a lot of negotiations, European Community (EC) mediation, the involvement of the US and various failed plans for the acceptable allocation of the three different ethnic groups within the Bosnian territorial borders.¹²

The case of Bosnia was more difficult due to the war that was taking place at the time. Its recognition was not the most appropriate tool to end the war. Claims from Croats and Serbs over the territory and population of Bosnia increased the determination of all parties to use any means to meet their ends leading to conflict escalation. Belgrade and the Yugoslav Army supported the Serbs while Croatia supported the Bosnian Muslims and Croats of the former republic. This led to policies of ethnic cleansing and heightened the military conflict between the parties. The situation demanded the quick involvement of the international community, both militarily and diplomatically.

As a result of the above-mentioned demands for independence, SFRY officially dissolved in 1991. President Mesic resigned on November 20, 1991 as his

¹¹ Chuck Sudetic, “Another Republic Seeks Independence from Yugoslavia,” *International Herald Tribune*, 21-22 December, 1991.

¹² The Lisbon agreement of March 1992 laid out the partition of Bosnia along ethnic lines but was not implemented. The Vance-Owen Plan was an attempt to give back Bosnia its sovereignty by dividing the republic into ten provinces according to geographical, ethnic and historical criteria. Its failure followed the Owen-Stoltenberg Plan that divided Bosnia into three ethnic states. The Contact Group also proposed a plan, in 1994, to ease the tension between the Bosnian-Croat Federation and the Bosnian-Serbs. For a very detailed account of the diplomatic efforts aiming to manage the Bosnian civil war see Susan L. Woodward. *Balkan Tragedy: Chaos and Dissolution After the Cold War*, 279-330.

political post ceased to exist along with SFRY.¹³ On December 16, the European Community members held a ministerial meeting in which they decided to recognize both Slovenia and Croatia in January 1992. This same day, the EC issued guidelines setting the preconditions for their recognition. These guidelines were specifically made to avoid future complexities from the break-up of SFRY and the USSR and thus applied to both cases. This decision was neither straightforward nor based on mutual agreement among the member states, but instead it was the outcome of intense bargaining. The need for a long negotiation process and the disagreements that surfaced highlighted the weakness of the EC to act as a unified political entity with respect to its external relations. More specifically, the European states as a whole tried to distance themselves from the disputes in former Yugoslavia. They considered the disagreements regarding the balance of power within the federation internal to the state affairs. Slovenia and Croatia tried to involve the European states by letting them know of their intentions. The first declarations of independence put the breakdown of intra-state relations on the international agenda.

Austria and Germany were the first states to disrupt the European policy of non-interference in the internal affairs of SFRY in 1991.¹⁴ They firmly supported the right of the republics' for self-determination and encouraged the republics' demands. The primary motive for Germany was its firm belief in this right; a right

¹³ Michael Bothe and Christian Schmidt, "Sur Quelques Questions de Succession Posées par la Dissolution de l'URSS et Celle de la Yougoslavie," *Revue Générale de Droit International Public* 96, 4 (1992), 820. Also Stipe Mesic, *The Demise of Yugoslavia: A Political Memoir* (Budapest, New York: Central European University Press, 2004).

¹⁴ In fact, Austria was the first state to act through the CSCE Conflict Prevention Centre that was established in 1990 at the Paris Summit of the CSCE (chapter 17 of the Paris Charter). See Sonia Lucarelli, *Europe and The Break-up of Yugoslavia* (The Hague: Kluwer Law International, 2000), 19.

the Germans themselves had recently exercised to justify German reunification. Other factors could include traditional German anti-Serb policy as well as the strong lobby of the Croat diaspora in both Austria and Germany. The issue was widely covered by the media in both countries. German officials and the public believed that recognition would lead to the resolution of conflict. State and public support for independence was heightened with the initiation of armed conflict in both republics. Thus, Germany initiated the debate in the European Community (Austria was not yet a member), against the wishes of France and Britain, the main supporters of the status quo.

In order to eliminate further disagreement among the member states, in December 1991 an Arbitration Commission,¹⁵ headed by Robert Badinter,¹⁶ was charged to examine the demands for independence of these republics and to set the legal and political requirements for recognition. The task of the Arbitration Commission was to examine questions on recognition through the lens of international public law. Its mandate was to examine the “differences” among the constituent states and the federal government of Yugoslavia and to arbitrate the crisis. Its Opinions could serve as a legal framework applicable to all future demands for recognition by new states. The implementation of common guidelines would end the different policies supported by each international actor and would eliminate the division of Europe during this critical time. However important this

¹⁵ The Arbitration Commission was created during the London Conference on Yugoslavia in 1991 and received the full support of the US and the USSR in October 1991.

¹⁶ Robert Badinter was President of the Constitutional Court of the French Republic since 1986. The European Council of Ministers appointed him to participate in the Commission and was elected President of the Arbitration Commission by a group of four Presidents of their respective national Constitutional Courts also members of the Commission. For more information on his legal expertise and career see his biographical note at <http://www.un.org/News/dh/hlpanel/badinter-bio.htm>

step was for an independent arbitration of the conflict and the regulation of the process for recognition, it was soon undermined by several events.

The first problem appeared with the appointment of the five judges. The Community and its member-states appointed three of the judges. These were the German, French and Italian presidents of their respective constitutional courts. Yugoslavia (SFRY) would unanimously appoint two more judges. As Yugoslavia failed to do so, it was decided that the already appointed three judges would appoint the missing two judges. The Spanish and Belgian presidents of the respective constitutional courts joined the Arbitration Commission. These developments led to the exclusion of the most interested parties, thus threatening the legitimacy of the Commission. As Perrakis explains, Yugoslavia and especially Serbia had already challenged the capacity of the Arbitration Commission to investigate questions that were beyond its scope.¹⁷ Nevertheless, the credibility of this body was enhanced with the election of Robert Badinter to chair the Commission. The results are summarized in ten Opinions issued during the period from November 1991 to July 1992. The Opinions, given by consensus, covered the issues of the succession of states, the principle of self-determination and the respect of borders.¹⁸

The second problem with the Commission was the scope of its mandate. It was created to arbitrate the crisis under the auspices of the International Conference on the Former Yugoslavia that took place in London in August 1992. Its role was to be temporary. Thus, the respective parties were not legally obliged to file their

¹⁷ Στέλιος Ε. Περράκης, “Η Επιτροπή Διαιτησίας (Badinter) της Διάσκεψης Ειρήνης για την Γιουγκοσλαβία,” *Review of the European Communities* (Θεσσαλονίκη, 1993), 9.

¹⁸ Στέλιος Ε. Περράκης, “Η Επιτροπή Διαιτησίας (Badinter) της Διάσκεψης Ειρήνης για την Γιουγκοσλαβία,” 8.

differences with this body nor were the final opinions legally binding. Furthermore, many of the Opinions are not strictly based on public international law. Instead, they address political and legal concerns and suggest the most suitable peaceful solution.¹⁹ The crisis indicated that legally acceptable solutions do not always adequately address the political dilemmas. Political issues challenge the existing legal framework that tries to keep up with developments. Similarly, it is equally problematic when the parties do not abide with either the law or with such quasi-legal opinions.

The Opinions emphasized that new states are eligible for recognition once they fulfill the requirements set by the Guidelines of the EC (16/12/1991). The EC issued a set of guidelines for recognition in order to provide a general framework that would abide to international law and widely accepted principles. These included the respect for the principle of self-determination, the prominence of the rule of law, democracy and human rights, the inviolability of all borders and the intolerance for aggression. This was not an exhaustive list of requirements and as Türk points out, the effectiveness of the new governments was not taken into account.²⁰ Thus, political entities belonging to the former USSR and SFRY had to comply with the guidelines if they aspired to be recognized as new states by the international community. However, not all parties fulfilled all the guidelines. For example Bosnia did not fulfill the requirements by the time it was recognized in April 1992. At the same time, Slovenia and Macedonia had fulfilled them and their

¹⁹ Kamal S. Shehadi, "Ethnic Self-Determination and the Break-Up of States," *Adelphi Paper* 283 (London: IISS, Brassey's), December 1993, 27.

²⁰ Danilo Türk, "Recognition of States: A Comment," *European Journal of International Law*, 4, 1 (1993), 67.

recognition was delayed. The timing of the recognition of certain states indicates that political concerns overshadowed the common framework. Furthermore, the publication of the guidelines came late considering that some former Soviet republics had already been recognized, first of all by Russia.

The Opinions of EC member states varied, with Germany and France being on the opposite ends of the spectrum. Germany pushed the Europeans to follow its lead especially when it unilaterally recognized Slovenia and Croatia on the 23rd of December 1991. Although this recognition came after the EC announcement of the 16th of December, Germany had already made its intentions clear as well as the date that it would proceed with its plan. Germany did not follow the rules and recognized Croatia despite the fact that the Badinter Commission still had reservations about its eligibility. In fact, Croatia “was neither in full control of its territory nor in a position to guarantee civil rights to its ethnic minorities.”²¹ Other EC states that supported Germany were Italy, Denmark and Belgium. France and Britain, as well as other states, still disagreed with this policy. According to the Commission, the republic of Macedonia fulfilled the prerequisites. The Greek objections against the name “Macedonia” led to a diplomatic crisis that affected both the EC and regional politics. Thus Germany chose to delay its promise to President Gligorov until the two parties solved their disagreement through diplomatic means. Nevertheless, the republic of Macedonia was recognized by the EC later that year under the provisionary name of Former Yugoslav Republic of

²¹ Mike Bowker, “The Wars in Yugoslavia: Russia and the International Community,” *Europe-Asia Studies*, 50, 7 (1998), 1245-1261.

Macedonia (FYROM) and the issue is still on the table, despite promises from the FYROM's side and continued efforts at the international level.

The Badinter Commission also commented on the international status of the new states when compared to the status of the former Yugoslav state. It clarified that the new states were successive states. As the SFRY ceased to exist, its international status could not be inherited by the Federal Republic of Yugoslavia (FRY) (consisting of Serbia and Montenegro) being only one among the succeeding states. Consequently, FRY should also be recognized in order to participate in international organizations.²² Kherad clarifies that only recognized states could become members of an international organization of a political character. Thus, a unilateral declaration of independence is not adequate. As already discussed it has to be accompanied by international recognition for its participation in regional or international organizations to be feasible.²³

In the case of Yugoslavia, the old state was abolished and the republics became successor states. The republics of Serbia and Montenegro formed in April 27, 1992 the Federal Republic of Yugoslavia to replace the SFRY after its dissolution. According to Resolution 777, the Security Council did not consider FRY as the successor of SFRY. Thus, it had to apply for admission to the UN as a new state. Furthermore, the General Assembly banned the participation of representatives of Serbia and Montenegro from its sessions.²⁴ Interestingly enough, Russia distanced itself from this statement. The Federal Yugoslav Republic (FRY)

²² See Opinions 8-10 of the Badinter Commission for more details.

²³ Rahim Kherad, "La Reconnaissance Internationale des Etats Baltes," *Revue Generale de Droit International Public*, 96, 4 (1992), 867-8.

²⁴ UN A/RES/47/1 also mentioned in Michael Bothe and Christian Schmidt, "Sur Quelques Questions de Succession Posées par la Dissolution de l'URSS et Celle de la Yougoslavie," 821.

comprised by Serbia and Montenegro was admitted in the UN as a new state only in November 2000.²⁵

2) Established Theories in International Relations

To understand where state preferences come from, and why they vary from one state to another, this dissertation draws from two different traditions within international relations (IR). The first is concerned with mainly material aspects such as economic or military power while the second emphasizes the impact ideas have in international politics.

In systemic theories such as realism all states strive to increase their power vis-à-vis other states in the international system. What distinguishes states is their structural position in the anarchic system and this is linked to their capabilities. The state is a rational, unitary actor aiming at securing its territory while also seeking its power maximization. Hence, state perceptions of threat determine state behaviour. The assumption that all states, especially in Structural realism, are the same leads to the conclusion that variation in foreign policy can only be explained by variation in their capabilities to employ towards their goal.²⁶ Realism is not concerned with the domestic socio-political structure and politics. Hence, historical memories and national identity are not important distinguishing state characteristics. Consequently although realism provides a clear model predicting state behaviour, it ignores other non-systemic factors that may explain variation in state preferences. It

²⁵ Its name changed to Serbia and Montenegro on February 4, 2003.

²⁶ The systemic theory of Structural Realism summarizes these views. See Kenneth N. Waltz, *Theory of International Relations* (Reading, MA: Addison-Wesley, 1979).

overemphasizes the importance of power as the main interest²⁷ and accordingly it ignores domestic sources of state power.

A positive response to demands for independence means that a political entity fulfills the criteria of a state and is admitted as a sovereign member of the international system. Recognition increases the state actors in the international system and may alter the established balance of power. Military power is one way to maintain the balance of power and guarantee security through deterrence.²⁸ Of course the reverse outcome is also possible through an arms race. Consequently, military capability influences the bargaining power of a state to minimize threat.²⁹ Hence, real or perceived threat determines foreign policy. Refusal to recognize a state means that this does not fulfill the set criteria for qualification and hence, it is not sovereign. Issues such as internal instability of the entity seeking recognition, or the likely impact recognition might have on the internal stability of the existing state, are difficult to incorporate into this framework.

If we are to turn to national level IR theories as explanations, the focus is on political, cultural or economic characteristics (i.e. ideology, regimes) and domestic preferences. Domestic theories search for the sources of what appears in the international level inside the state. They go deeper into the structure of the state to determine its individual characteristics. Hence, the unit of analysis is not the state but the central government, individuals and groups thus looks at domestic relations.

²⁷ Power is clearly defined by realists as military and by neo-realists as also economic. The definitions do not include however, soft definitions of power such as the ones used by Human Security scholars. For a brief definition of the term see, Lloyd Axworthy, "Human Security: Safety for People in a Changing World," Ottawa: DFAIT, 29 April 1999.

²⁸ Jervis also discusses the role of geographical proximity as a determinant of the degree of threat. Robert Jervis, "Cooperation under the Security Dilemma," *World Politics*, 30:2 (January 1978), 186-214.

²⁹ Thomas Schelling, *Arms and Influence* (Yale University Press, 1966).

Hence, they focus on state-society relations. The distinct characteristics of the state and the role of society determine state behaviour. Despite the insightful analysis they provide, they can not offer a grand theory applicable to all states as the systemic theories do because they take into account specific cultural, political, economic, state and non-state characteristics that make theorizing very specific to the cases.³⁰

In addition, bureaucratic and individual level theories can also be used to explain state behaviour and foreign policy. These pay attention to the goals of bureaucratic organizations³¹ and individual leaders³² respectively, as the main determinants of foreign policy. Their explanations are even more specific and narrower compared to the domestic level theories hence, lacking significant predictive and prescriptive power to create a model that can be applied in various countries at the same time. The support for recognition or objection to it as a result of specific decision-makers' personalities and agenda³³ does not facilitate the

³⁰ Relevant to this level of analysis are the works by Andrew Moravcsik, "Taking Preferences Seriously: a Liberal Theory of International Relations," *International Organization* 51, 4 (Autumn 1997), 513-554; and Bruce Russett, *Grasping the Democratic Peace: Principles for a Post-Cold War World* (Princeton, NJ: Princeton University Press, 1993).

³¹ The most comprehensive implementation of this level of analysis is found in Graham T. Allison, *Essence of Decision: Explaining the Cuban Missile Crisis* (Boston: Little, Brown, 1971); also in Graham T. Allison, "Conceptual models and the Cuban Missile Crisis," *American Political Science Review* 63 (September 1969), 689-718.

³² These theories allow for the analysis of the belief systems and leaders' personalities as determinants of foreign policy. An application of this model, and thus the examination of the beliefs held by the US and USSR decision-makers during the Cold War, can be found in Deborah W. Larson, *The Origins of Containment: A Psychological Explanation* (Princeton, NJ: Princeton University Press, 1985).

³³ The role of Genscher in the recognition of Slovenia and Croatia as well as of Fr. Mitterand and the leaders of the former Yugoslav republics has been well documented. Their will would not have been implemented if they were not in accordance with habitual state policy or there were no valid reasons to support these policies. See Misha Glenny, *The Fall of Yugoslavia: The Third Balkan War* (London: Penguin Books, 1992), 179; Michael Libal, *Limits of Persuasion: Germany and the Yugoslav Crisis, 1991-1992* (Westport: Praeger, 1997); Hanns Maull, "Germany in the Yugoslav Crisis," *Survival* 36:4 (Winter 1995-1996), 99-130; Beverly Crawford, "Explaining Defection from International Cooperation: Germany's Unilateral Recognition of Croatia."

creation of a model that explains state behaviour of many different countries. Also the specialization of these theories does not take into account the larger framework within which the state is situated hence, often disregarding other factors influencing foreign policy.

In general, despite the insightful information presented by each level of analysis, the theories lack explanatory value because, in most cases, they provide at best a partial view of the world. They refer to interests (defined in very different ways) that exclude security concerns. Moreover, these interests rarely seem to matter in decisions concerning the recognition of new states. Hence, for the purposes of this thesis, the above-mentioned theories are not helpful, as they do not give insight into the variation in state preferences regarding recognition. Determining whether a political entity deserves recognition as a sovereign actor depends on notions of state identity. State identity, in the very narrow sense of the state as representative of ethnicity and nationality, is at the center of this work. This dissertation combines systemic level thinking about the importance of security, with variation across states in terms of their own identity, to explain why they had different preferences regarding recognition of the successor states to Yugoslavia. By doing so, it offers insight into how other states are likely to deal with other opportunities to recognize states.

The other tradition the dissertation therefore draws on is constructivism.³⁴

Constructivism has successfully turned attention to the importance of identity in IR. Its value lies in its insistence on a reflectivist approach, and on the importance of identity shaping preferences. It does not accept a linear causality between the domestic and the international level; rather it explains foreign policy variation through the establishment and modification of an actor's identity, as that actor interacts with other actors. Identity carries with it a sense of which behaviour or attributes are appropriate and proper, through its support of certain norms that may be mediating and even reproducing this identity. Consequently, to understand and predict state behaviour one should look into the state and its evolution as a result of its participation in the system because this is socially constructed. Hence, political change may be influenced either by internationally floating norms or by domestic principles that are diffused into the international system.³⁵ This explains why identity should be thought of as fluid or flexible. As a result theories of this sort can also explain unexpected state behaviour and predict future variations. Of course these may also point to a weakness in these theories. If constructivism cannot

³⁴ Alexander Wendt opposes the realist view of the exogenous source of state preferences. Instead he examines preferences as endogenous in order to account for change in foreign policy. He is considered the founder of the theory of Constructivism. Alexander Wendt, "Anarchy is What States Make of It," *International Organization* 46, 2 (Spring 1992), 391-425 and his *Social Theory of International Politics* (Cambridge: Cambridge University Press, 1999). Also see John G. Ruggie, "What Makes the World Hang Together? Neo Utilitarianism and the Social Constructivist Challenge," *International Organization* 54, 4 (Autumn 1998), 855-885; Jeffrey Checkel, "The Constructivist Turn in International Relations Theory," *World Politics* 50, 2 (January 1998), 324-348; Paul Kowert, "Toward a Constructivist Theory of Foreign Policy" in Vendulka Kubalkova, ed. *Foreign Policy in a Constructed World*. Armonk and London: Sharpe, 2001, 266-283.

³⁵ See Thomas Risse, K. Sikkink, St. Ropp, eds., *The Power of Human Rights: International Norms and Domestic Change* (New York: Cambridge University Press, 1999); Martha Finnemore, *National Interests in International Society* (Ithaca: Cornell University Press, 1996); Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization*, 52, 4 (Autumn 1998), 887-917.

clearly and comprehensively describe the process of social construction of identity, it cannot anticipate specific outcomes.

Constructivist literature has addressed the role of ethnicity but not as a principle in the definition of state identity. Rawi Abdelal examines the economic consequences of nationalism in foreign policy. He argues that national identity, defined as society's collective identity, shapes the preferences of a government and its economic behaviour. Nevertheless, nationalism is closely linked to economic policies such as protectionism. He also separates statism, as a realist concept, from nationalism, assuming that society and state have the same interests.³⁶ Hence, he looks at how identity influences foreign policy. Badredine Arfi on the other hand examines how multi-communal states transform themselves as a result of international changes. Nevertheless, this transformation depends on the intercommunal vulnerability and trust on the distribution of institutional power among the communal groups of that state. Hence, this work looks at state identity change as a result of changing international norms and domestic intercommunal relations.³⁷

The literature examining issues of ethnicity explore the importance of ethnic ties across borders as a factor in recognition. The ethnic character of a nation-state is essential in justifying support for similar ethnic groups in another country. States tend to support groups that share identity constituent (mainly language, religion, and ethnicity) with them. This is a common phenomenon in the Balkans and South-

³⁶ Rawi Abdelal, *National Purpose in the World Economy* (Ithaca, London: Cornell University Press, 2001), 19-20.

³⁷ Badredine Arfi, *International Change and the Stability of Multiethnic States: Yugoslavia, Lebanon, and Crises of Governance* (Bloomington and Indianapolis: Indiana University Press, 2005)

eastern Europe. Although it builds of the sharing of ethnicity, this reasoning indirectly strengthens the argument of this thesis. The argument here emphasizes agreement on the principle on which states are established, however. To underscore this contribution, we must first discuss the relationship between ethnicity and the state, its importance for states' sense of identity, and the ways in which this definition of what it means to be a state gets translated into international norms or principles. This establishes why states built on different notions of the relationship between the state and ethnicity might have conflicting evaluations of political entities aspiring to be recognized as sovereign states themselves.

3) Identity and Ethnicity

This dissertation explores how different state's identities vary, due to their views on the relevance of ethnicity to the state. As a result, I will discuss the national identity of the state. This distinction is important to make because national identity of the people may or may not coincide with the self-professed identity of the state. This relationship is defined and developed during the nation-state's formation. The result varies, depending on the principles around which they have been built. Their difference lies on the importance of ethnicity in state identity. In the case of Germany, Greece and Italy national identity coincides with their state identity. Their state formation guaranteed that the nation's ethnic identity became synonymous with the boundaries of the state. These states regarded ethnicity of the highest importance and built their statehood around it. In contrast, the civic identity of France and Britain excludes ethnicity as a central principle of state identity.

Emphasis is given on republican principles embedded in the state, which are blind to ethnic characteristics of their domestic population.³⁸ These principles aim at unifying the population living within the state boundaries and thus, to create a nation that is not ethnically defined. It is accurate to mention that these categories, ethnic and civic, represent ideal-types. In the cases' chapters, considerable evidence is brought to bear to determine the proper classification of each state.

In the body of the dissertation, the identity of the entities seeking recognition from the international community must also be discussed. This indicates that disagreement over the appropriateness of recognition is mainly the result of the different principles defining the European states' and the seceding republics' identities.

The entities seeking recognition of interest here are the former Yugoslav republics of Slovenia, Croatia, Macedonia and Bosnia.³⁹ In the declarations of independence as well as in the constitutions of Slovenia, Croatia and the republic of Macedonia there is reference to the right of their people's self-determination, therefore, they define themselves as ethnic states. Article 3 of the Slovene constitution declares "Slovenia is a state of all its citizens and is founded on the permanent and inalienable right of the Slovene nation to self-determination." Article 5 emphasizes the importance of ethnicity by declaring that Slovenia "shall

³⁸ This is to ensure the equal treatment of all citizens and avoid discrimination. Of course the lack of consideration of certain traits such as ethnicity may also lead to discrimination translated as non-recognition of difference. France has actually been accused for discriminating against immigrants on issues of housing and education. "Ρατσιστές οι Γάλλοι Λέει το Συμβούλιο της Ευρώπης," *Μεσόγειος*, 29 June 2000.

³⁹ Kosovo is not examined in this work as the time frame of the study is between 1991 and 1995. Furthermore, the aim is to uncover the initial European reactions to recognition. Kosovo has not been recognized yet as a state but after the NATO military intervention in 1999 the province was put under the protection of international power.

maintain concern for autochthonous Slovene national minorities in neighbouring countries and for Slovene emigrants and workers abroad and shall foster their contacts with the homeland.”⁴⁰ The Macedonian (FYROM) constitution establishes “a national state of the Macedonian people” although it recognizes the co-existence of other nationalities. The preamble of the Croat constitution claims the “historical right of the Croatian nation to full sovereignty” and declares that “the Republic of Croatia is established as the national state of the Croatian nation and the state of the members of autochthonous national minorities...”⁴¹

For Bosnia, the initial aim was the creation of a multiethnic state that would ensure the peaceful cohabitation of the existing ethnic groups, thus it intended to create a civic identity. Hence there is no reference to ethnicity in its constitution and its citizenship is not tied to an ethnic group. Consequently, “No person shall be deprived of Bosnia and Herzegovina or Entity citizenship on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”⁴² Hence, the republics differ as to the basis for their claim for recognition, and more specifically in terms of the principle for the state’s relationship to the ethnicity of its constituents.

The relationship between ethnicity and the state’s identity is critical, for central to the argument is the expectation that states will prefer to recognize other

⁴⁰ The Slovene constitution was adopted on 23 December 1991 (Official Gazette of the Republic of Slovenia, No. 33/91-I),

⁴¹ The Constitution of the Republic of Croatia was adopted on 22 December 1990 (Official Gazette No. 56/90).

⁴² According to the 1994 Constitution, “Bosnia and Herzegovina shall consist of the two Entities, the Federation of Bosnia and Herzegovina and the Republika Srpska (hereinafter “the Entities”).”

states that share a similar basis of identity as theirs. This factor has been overlooked, yet it directly relates to recognition of new states, and should be a critical aspect of a reflectivist-style understanding of recognition policies. Consequently, this is the original contribution of the dissertation. Hence, it is expected that each of the four European states will have a clear preference for or against recognition of each of the seceding Yugoslav republics, as determined by the principle underlying the identity of each aspiring state. Identity is not the sole factor determining recognition. It is not meant to diminish the importance of other elements required for the recognition of a new state. It merely establishes a starting point concerning preferences. Other issues that might affect recognition include: the security of state borders so that they do not pose a threat to neighbouring states, the nature of political systems, the social identity of its citizens and the protection of their rights, as well as the legitimacy of the founding process of the state. These are some of the concerns addressed by the foreign states before recognizing new states, all of which came up at one time or another in the break-up of Yugoslavia.

The aspiring state is also expected to fulfill the core functions and obligations of a sovereign state. In W. Wallace's words these include,

“the preservation of internal order, the maintenance of national boundaries...the defence of national territory against foreign attack; the provision of ‘legitimate’ government,...equipped with the symbols and institutions needed to ‘represent’ the nation and to give its citizens a sense of participation in the national community; the provision of services and of welfare, to reinforce this sense of national community; and the promotion of national prosperity...”⁴³

⁴³ William Wallace, “The Nation-State – Rescue or Retreat?,” in P. Gowan and P. Anderson, eds., *The Question of Europe* (London: Verso, 1997), 33.

These functions imply the sovereign capacity of the state. In addition to these factors, the claim is that the principle regarding ethnicity to the state also matters in the policy for recognition. Furthermore, there is a correlation between identity and norms.

Identity is defined as “the quality or condition of being the same in substance, composition, nature, properties, or in particular qualities under consideration.” Hence, the term refers to “absolute or essential sameness; oneness.”⁴⁴ This applies to the state, as broadly defined, states are similar in structure, have the same goals and power over their citizens and territory. Hence recognition implies the recognition of this similarity and shared qualities. Manzini in 1851 determined ethnicity as the basis of international law.⁴⁵ He considered the main characteristics of ethnicity to include territory, race, language, customs, history, religion and ethnic consciousness. In his belief, international law considers ethnic identity to be primary. By extension, as the dissertation shows, this applies to state identity.

Norms are widely accepted standards that provide prescriptive patterns of behaviour. In a way, a norm is a code of conduct. Norms are central to the theory of Constructivism. They are ideas originating either at the domestic or the international level and prescribe state behaviour.

Certain principles regarding the relationship between ethnicity and the state coincide with certain norms embedded in international law and established practices. Hence, a state with a civic identity reinforces, and draws support from,

⁴⁴ Definition from the Oxford English Dictionary, accessed online.

⁴⁵ *Εγκυκλοπαιδικό Λεξικό Ελευθερουδάκη*, 5 (Αθήνα Ελευθερουδάκης, 1930), 76.

the principle of sovereignty or territorial self-determination. On the other hand, a state with an ethnic identity would support, and draw legitimacy from, the norm of ethnic self-determination. A brief discussion of these international principles will reveal their relation to identity.

It is often assumed that foreign policy is just the outcome of bargaining among governmental and even non-governmental institutions, or that it is just the expression of the interests of the state.⁴⁶ The sources of foreign policy will differ depending on the theoretical tools used by scholars for its analysis for example Realism and Constructivism. The discussion of these norms is important because one or more of these principles can be identified in the foreign policy of many states. The foreign policy of states is designed to represent and externalize, to some degree, the principles upon which they are found. As these are integral to foreign policy it should be noted that support for certain norms is facilitated by the characteristics of state identity. Hence, norms are important as well as identity in influencing state recognition.

4) Sovereignty, Self-Determination and Identity

What is the relationship between norms and state identity? The argument is that certain norms agree with specific state identities, and they represent them at the international level. A brief discussion of the norms of ethnic self-determination and sovereignty will show this correlation. The diffusion of norms at the international level has been well examined in the existing literature, and is not in the scope of this

⁴⁶ The Systemic theories would best explain how some state interests are so clear as a result of the state's position in the international system.

work. International principles are indicators of state identity at the international level in relation to the policy of recognition.

What does state sovereignty pertain to and what is its relation to state recognition? The Peace of Westphalia of 1648 established the sovereignty and thus, equality of states in the international system.⁴⁷ The right to sovereignty grants the state ultimate authority over its internal affairs and borders. The Peace Treaty also established the primacy of states in the international system. States were considered rational and unitary actors and no state was permitted to interfere in the domestic affairs of another state. This is a fundamental principle in international relations, strongly reflected in realist thinking.⁴⁸ Nevertheless, the authority that comes with sovereignty is only internationally valid when recognized by other states.

Recognition is mainly declaratory. It is not a prerequisite for state formation. Nevertheless, it can be considered the final step to statehood. It is not only legally important but also of political significance. It establishes the legal and political status of the state internationally. Other advantages include the right to participate in international organizations and receive financial aid if needed, to conclude treaties and other agreements, to object to external intervention and above

⁴⁷ According to St. Krasner, there are four types of sovereignty. International legal sovereignty refers to “the practices associated with mutual recognition” between territorial entities of independent juridical status. Westphalian sovereignty describes the power of a state to exclude external actors from authority structures within its territory. This refers to the exclusive power of the nation-state to rule its internal affairs without outside intervention. Domestic sovereignty adds to the power of the political authority, the control of a state’s citizens within its borders. According to interdependence sovereignty, public authorities are expected to regulate cross-border flow of information, capital, people, goods,..., Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (New Jersey: Princeton University Press, 1999), ch. 1.

⁴⁸ This refers to the theoretical field of Realism. Its simple and clear assumptions made it the dominant paradigm explaining state behaviour in International Relations. Kenneth Waltz’s *Theory of International Relations* discussed the position of states in the international system and identified them as similar units with different capabilities in the system struggling for power. Other scholars refined his theory or rejected it and provided alternative explanations to the function of the international system.

all to influence decisions made in the international sphere. Hence, it is an act that establishes the international face of a state and enhances its domestic legitimacy.

As opposed to state sovereignty, the norm of self-determination is understood in international law to apply to “people, as located within the boundaries of the existing states”.⁴⁹ This clause does not contradict the principle of sovereignty. Nevertheless, the principle of self-determination mostly means both ethnic and national or state self-determination. The distinction is not important where the state boundaries include only one nation as ethnic self-determination expresses, by definition, national or state self-determination. Ethnic self-determination assumes the existence of a nation or ethnic group. Shehadi explains that self-determination has become more influential with its relation to civic or ethnic nationalism.⁵⁰ Self-determination of nations or ethnic groups may then come into direct opposition to the primacy of the state as laid out by the principle of sovereignty. Ethnic self-determination can threaten the viability of any state that is not completely homogeneous. In the case of multiethnic states, ethnic self-determination can imply an ethnic group’s desire for a distinct homeland and thus, its will to establish its own state. Ethnic self-determination, therefore, can conflict with the sovereign authority of a state.

Consequently, self-determination has been used to mean various things such as the right of people to choose their own government, the right for ethnic groups to change a country’s borders to create sovereign states, to demand for autonomy

⁴⁹ Richard A. Falk. *Human Rights Horizons* (New York and London: Routledge, 2000), 99.

⁵⁰ Kamal S. Shehadi, “Ethnic Self-Determination and the Break-Up of States,” *ADELPHI*, 283 (December 1993), 4-6.

without call for secession, or to seek union with other states.⁵¹ Self-determination has become a national ideology, elevated to a group right and imposed on people while violating their individual human rights. Hence, the principle of self-determination becomes the foundation of sovereignty of the people, which is loosely translated into their right to control their borders. This coincides with Shehadi's definition of territorial self-determination where a defined territory and its people achieve a political status.

Self-determination has been a serious driving force leading to the break-up of the former Soviet Union and Yugoslavia.⁵² The disintegration of modern federal states into new, smaller unitary states, in the name of ethnic self-determination, is a recent phenomenon. The dissolution of Yugoslavia began in the name of self-determination. Nevertheless, self-determination should not only be associated with the negative effects of revolutions and the change of the status quo. Self-determination was the reason behind the fall of the Berlin Wall and justified the reunification of Germany.

The discussion of the above-mentioned norms indicates their connection to the state and the nation. Nation-states support their sovereignty or territorial self-determination. Ethnic groups, incorporated in ethnically heterogeneous states, may declare their ethnic self-determination seeking a homeland. The principles of sovereignty and self-determination have also a close relationship to civic and ethnic identity, as mentioned above. A civic state would favour the strengthening of the

⁵¹ Anita Inder Singh, *Democracy, Ethnic Diversity, and Security in Post-Communist Europe* (Westport: Praeger, 2001), xxi.

⁵² In the case of Yugoslavia, the constitutions of the republics, as mentioned earlier, prove it. In the case of USSR the Baltic republics demanded the recognition of their ethnic and territorial self-determination by claiming back their statehood from Russia.

principle of sovereignty but not of ethnic self-determination, as ethnicity is not a characteristic of its identity. An ethnic state, on the other hand, would support the will for ethnic self-determination, as it too is founded on ethnicity and has given priority to the nation's identity. Such was the driving force behind German reunification.

As already discussed, in certain theories of International Relations some norms have been given priority over others. Realism for example, gives priority to sovereignty and does not give importance to ethnic self-determination. The realist perspective focuses on the state and its interests but does not focus on identity. Furthermore, it favours the role of threat in shaping state behaviour. Constructivism on the other hand, believes in the strength of identity and its influence in foreign policy. These two theories present two opposite views in understanding state behaviour. By themselves each has its limitations in explaining state behaviour. However, by drawing elements from both theories we can get a more nuanced and more accurate explanation for state identity and state recognition. Having laid out how identity matters in a state's preferences on recognition of other entities, it is important to recognize that these preferences may be tempered by concerns over security. It is necessary, then, to look at how these concerns might be related to recognition.

5) Recognition and Geopolitical concerns

The dissolution of states is usually the outcome of a violent domestic process. An exception has been the break-up of Czechoslovakia on January 1, 1993.

Although overall the dissolution of the Soviet Union was peaceful, the secession of the first republics, the Baltic states, initiated a civil conflict that became a war that ended before it reached the catastrophic effects of the wars in former Yugoslavia. The break-up of a state leads to the change of borders and thus a complete change of its territorial map. This does not only affect a region but the international map of states. Internationally speaking, this state ceases to exist and new territorial and political entities claim a position in the international sphere. The international community is then faced with political concerns coupled with security concerns related to the possibility of the spread of violence across borders, or of other consequences that can threaten a state's interests. Actual or perceived threat can thus be a factor when states decide whether or not to recognize new political entities.

Given that state dissolution can call borders into question, equally significant in determining whether a state recognizes a new entity as sovereign is geopolitics. Proximity to the dissolution implies a higher risk that unrest will spill over into one's own territory.⁵³ The geographical location of Yugoslavia is important because it links Western Europe to Eastern and Southern Europe as well as Asia and the Middle East. This regional proximity influences the stability of the European Community (EC) as a whole.⁵⁴ The fact that many of the most important European wars have originated in the Balkans explains why Europe might perceive trouble here as a threat to Europe itself.

⁵³ Jervis discusses the role of geographical proximity as a determinant of the degree of threat. Robert Jervis, "Cooperation under the Security Dilemma," *World Politics*, 30,2 (January 1978), 186-214.

⁵⁴ For the period before 1992, reference is to the European Community (EC) because the European Union (EU) was only created with the Treaty of Maastricht (1992).

In this dissertation, proximity is used as a rough indicator of the degree of threat dissolution of Yugoslavia posed. The assumption is that states neighbouring the conflict feel greater threat than those states further away. Since the clearest threats included the risk that conflict would spill over, or that wars would cause the massive displacement of people, forcing refugees and asylum seekers into the neighbouring states, those countries bordering the former Yugoslavia faced higher threat. In essence, the boundaries and resources of the states could be challenged. Domestically, massive inflows of refugees would stretch these states economically and potentially disrupt their social cohesion.⁵⁵ As recognition assumes the satisfaction of will to attain statehood it further assumes the end of internal conflict and the return to stability and peace that would deter people from fleeing their new country. Therefore, states directly bordering Yugoslavia may prefer to recognize republics that share with them the same principles of state identity (e.g. a civic identity), but may not act on this preference if they fear recognition could trigger events that threaten their interests. States distant from the conflict are freer to pursue preferences set by their identity.

6) Existing Works on Recognition in the Dissolution of Yugoslavia

This section does not discuss nor includes all significant works on the Yugoslav dissolution and the European policy on recognition. It briefly refers to the

⁵⁵ Saadia Touval explains the reasons encouraging mediation in former Yugoslavia to end the wars. The most pressing reasons were fears for conflict spill over into the neighbouring countries and the large number of refugees that would burden the host country and create possible unrest. Other considerations were the dissolution of the Soviet Union concerns and the peaceful transformation of European order after the Cold War as well as the construction of a common foreign and security policy of the European Union. Saadia Touval, *Mediation in the Yugoslav Wars: The Critical Years, 1990-95* (New York: Palgrave, 2002), 178-9.

main issues already researched to indicate the areas of scholar interest regarding the recognition of the former Yugoslav republics.

A large amount of the literature regarding the break-up of federal states comes from the field of international law. International law analyzes the logic of recognition and its concurrence with already existing international legal practices. As its interest lies in the legal explanations regarding the recognition of the seceding states and their adherence to the existing international law, there is often comparison of different cases. Especially interesting to our case, is the parallel comparison of the dissolution of the federal Yugoslav and Soviet states.⁵⁶ The absence of a legal document clearly defining every stage of the process of recognition makes such comparisons interesting. In some cases, political concerns closely related to recognition seem to mitigate and even outweigh the legal basis for granting sovereignty to political entities. Hence, the European states were very careful in dealing with Russia during the dissolution of the Soviet Union fearing the reactions of the superpower and the military, political and economic consequences of those.

The legal perspective provides a good analysis on the role of international norms, such as self-determination and human rights in both policy- and law-making. In other words, the focus is on the development of international law and the role of international treaties in international politics. Naturally, there is no reference to other factors that would incorporate state identity into the analysis unless these are legally codified.

⁵⁶ An interesting analysis of both cases is provided by Michael Bothe and Christian Schmidt, "Sur Quelques Questions de Succession Posées par la Dissolution de l'URSS et Celle de la Yougoslavie," *Revue Générale de Droit International Public*, 96, 4 (1992), 811-842. Also from the non-legal point of view see Valerie Bunce, "Peaceful Versus Violent State Dismemberment: A Comparison of the Soviet Union and Yugoslavia," *Politics and Society*, 27, 2 (1999), 217-237.

Political philosophy and the Human Rights literature also focus on the meaning of principles relevant to this work. The international norms of sovereignty, self-determination, minority rights, and the political goals of nationalism linked with the purpose of nation-states are relevant to the policy of recognition.⁵⁷ However, although they greatly inform the broader field, they do not extend their analysis to ethnic conflict management.

Susan Woodward in her book *The Balkan Tragedy*⁵⁸ thoroughly examines the events leading to the inter-Yugoslav disputes and to the dissolution of Yugoslavia. The historical examination of the inter-Yugoslav disputes reveals problems rooted into the structure of the Federal Yugoslav state as well as in the intra-republic relations. Woodward emphasizes the importance of definitions of national and minority rights and their relationship to state and ethnic identity within Yugoslavia in understanding the domestic political choices leading to its break-up. The author further looks at the political and military management of the disputes by the former Yugoslavia, its seceding republics and the international community.

An interesting tool for conflict management has been the European policy of “preventive recognition”⁵⁹ of Slovenia and Croatia that led to the dissolution of Yugoslavia. Richard Caplan also examines the EC policy of “conditional

⁵⁷ There is a vast literature on nationalism and nation-state creation in the Balkans. Some of them are Hugh Poulton, *The Balkans: Minorities and States in Conflict* (London: Minority Rights Publications, 1991). James Gow, “Nations, States, and Sovereignty: Meanings and Challenges in Post-Cold War International Security” in Christopher Dandeker, ed., *Nationalism and Violence* (New Brunswick, London: Transaction Publishers, 1998) 171-210. John Lampe and Mark Mazower, eds., *Ideologies and National Identities: The Case of Twentieth-Century Southeastern Europe* (Budapest: CEU Press, 2004). Mikulas Teich and Roy Porter, eds., *The National Question in Europe in Historical Context* (Cambridge: Cambridge University Press, 1993).

⁵⁸ Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution After the Cold War* (Washington: Brookings Institution, 1995).

⁵⁹ Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution After the Cold War*, 183-189

recognition” as a tool for conflict management and its consequences. He shows the importance of conditionality and seeks “to recover the strategic thinking behind EC’s recognition policy” as well its consequences and its eventual contribution to peace and stability in the region.⁶⁰ The attachment of conditions to recognition is a good example of the carrot and the stick as used by the European states to guarantee the protection of minorities or to reach a cease-fire. Conditional recognition however, is not in accordance with international law because it is an “exercise of discretion, not deference to requirement of law.”⁶¹

Many scholars refute the suitability of the policy of recognition as a tool to regulate ethnic disputes. Others believe that recognition gave the green light for more aggressions while others claim that recognition successfully satisfied its objective to end the hostilities in Croatia.⁶² Libal argues that “recognition may in fact have come too late” since it could have deterred Milosevic’s policies earlier.⁶³

Belief in certain international norms is closely related to recognition. Shehadi historically traces the changing definitions of self-determination and discusses the implementation of both civic and ethnic self-determination over time.⁶⁴ Demands for recognition by the Yugoslav republics revoked their right to ethnic self-determination. Crawford believes that domestic pressures by German

⁶⁰ Richard Caplan, *Europe and the Recognition of New States in Yugoslavia* (Cambridge: Cambridge University Press, 2005), 3.

⁶¹ D. P. O. Connell in Richard Caplan, *Europe and the Recognition of New States in Yugoslavia*, 61.

⁶² Recognition of Croatia was not only about the attainment of statehood. Its consequence, is Croatia’s right to buy weapons and receive military aid from other states. Stephen Kinzer, “Bonn recognizes Croatia and Slovenia,” *International Herald Tribune*, 24-25 December 1991; Stephen Engelberg, “The Yugoslav Diagnosis is Clear: It’s a Chronic Case of War,” *International Herald Tribune*, 24-25 December 1991.

⁶³ Michael Libal, *Limits of Persuasion: Germany and the Yugoslav Crisis, 1991-1991* (Westport: Praeger, 1997), 144, 142.

⁶⁴ Kamal S. Shehadi, “Ethnic Self-Determination and the Break-Up of States.”

elites outweighed the German traditional support for this norm, instead multilateralism had to be supported.⁶⁵ In Woodward's view, the individual role of European states exposes the prejudices of the West towards the East and establishes the fluidity of certain concepts such as international norms.

Stephen Saideman's book on the role of ethnic politics in foreign policy and international conflict establishes the significance of ethnic ties between states, states and groups, or groups belonging to other states, and demonstrates how these ties influence foreign policy decisions, such as the recognition of states. Moreover Saideman's work shows the link between ethnicity and recognition in relation to conflict management.

This thesis touches upon most of the above-mentioned issues without studying them all. The aim is to link the policy of recognition to the identity of the states that grant it. Consequently, it fills the existing gap that is the lack of adequate research on the role of identity, defined in ethnic and civic terms, on the policy of recognition. By contrasting civic and ethnic state identity, it offers new insights into particular states' preferences vis-à-vis the recognition of new states. Hence, recognition is not a mere diplomatic tool although at times it may seem to be. Support for specific international norms enforces different notions embedded in state identity. These also shape state preferences around recognition.

Relevant to this project is the scholarly literature on the recent Balkan wars, nationalism in Europe and the Balkans, on the formation of national and state identity, on international law and international norms, on the foreign policy of states

⁶⁵ Beverly Crawford, "Explaining Defection from International Cooperation: Germany's Unilateral Recognition of Croatia," *World Politics* 48,4 (July 1996), 482-521.

and the European Union as well as on policies of recognition and immigration. Consequently, the constitutions and the laws on nationality and immigration of the four European states were analyzed and compared to the ones of the emerging states in Yugoslavia. Official EU and UN documents clarified the official conditions for recognition of the new Yugoslav states. National and international news coverage in their languages of origin, reveal the national debates, the international issues and provide information on the official position of states on recognition. They also present a broader picture of the ideological conflicts within the EU and its allies as well as with Serbia and the aspiring states. This approach facilitated the examination of this dissertation's hypothesis at the international and the national level.

7) Hypothesis and Methodology

The hypothesis of this thesis is that state identity determines preferences concerning the official recognition of other states, tempered by concerns over security. Actual policy decisions reflect international bargaining, but that bargaining can only be understood if we understand what the states disagreed over. Preferences are essential to the story. The hypothesis is tested through an examination of four different states' policies regarding the recognition of the four seceding Yugoslav republics. Although, identity is the first determinant for deciding whether to recognize another state, threat may diminish its influence due to the greater priority given to security. For the sake of clarification, definitions of identity and threat are briefly discussed.

a) State Identity

The nature of state identity, located among its founding principles, can be identified either as “civic” or “ethnic.”⁶⁶ Emphasis is given to the legal framework built around these principles. Civic values and identity emphasize the role of the state as a unifying force pulling together a diverse population. The prominence of civic values in a nation-state implies a strong centralized state that does not recognize the particularities of its citizens. The state creates strong civic social and political institutions to homogenize a culturally diverse population. In these cases, the nation-state building is the project of the state due to the lack of a preexisting nation. A good example is the French “staatsnation”, at least until 1993.⁶⁷

On the other hand, ethnic identity places higher importance in the ethnic background or descent and the culture of the population. This implies that the state is either not capable or not willing to homogenize the population residing within its territory. The German “kulturnation” follows in this category, although like France it has been adapting to socio-political pressures.⁶⁸ Ethnic principles can be either inclusive or exclusive. Hence, if a nation-state has been organized around ethnic

⁶⁶ There is an extensive literature on the identity formation and its relation to nationalism. Hence, see Anthony D. Smith, *National Identity*, London: Penguin Books, 1991; Mikulas Teich and Roy Porter, eds., *The National Question in Europe in Historical Context* (Cambridge: Cambridge University Press, 1993); Anthony D. Smith, *National Identity* (London: Penguin, 1991), 14-18; John Hutchinson and Anthony D. Smith, eds., *Nationalism* (Oxford: Oxford University Press, 1994); John Breuilly, *Nationalism and the State* (Chicago: The University of Chicago Press, 1994). However, the interest of this work lies in the relationship of national identity and nationality to foreign policy.

⁶⁷ The Law of July 22nd, 1993 restricts the acquisition of French nationality to people born in France. For more details, see Catherine Wihtol de Wenden, “Nationality Status and Foreign Minorities in France” in Siofra O’Leary and Teija Tiilikainen, eds., *Citizenship and Nationality Status in the New Europe* (London: Sweet and Maxwell, 1998), 149-156.

⁶⁸ This refers to Germany’s attempt in 1999 to revise its nationality laws with respect to acquisition of citizenship. It aimed at naturalizing a large population of former “guestworkers” who although they reside for generations in Germany they are not German citizens. Nevertheless, dual nationality is still not accepted, indicating the importance of ethnic identity.

values (ethnic identity has been institutionalized as the legal national identity) it will include the people of the same ethnicity but it may exclude residents of a different ethnic identity. Germany, Greece and Italy define national identity in common descent. National identity in these states has an ethnic character. In France and Britain, national identity is of a civic nature. Principles defining a nation-state vary among states as a result of their nation-building process.

The inclusive and exclusive character of national identity may be better understood through the nationality or citizenship laws of each nation-state. In principle, nationality refers to the relation of the peoples with each other. It indicates that the population is sharing an ethnic identity. Some of its components may be a common language, religion, history or traditions. The notion of citizenship is a construct of the state to unite its diverse population consequently it is a guardian of sovereignty.⁶⁹ It indicates the relation of the citizen with the state. States giving priority to ethnic identity tend to differentiate between these concepts. Hence, nationality laws codify or legally express different definitions of national identity. They may or may not indicate the ethnic origin of the individuals, depending on the ideology of the state. In the United Kingdom, for example, citizenship is not tied to ethnicity while in Germany it is.

As discussed earlier, these definitions lead to different societal models governing participation in a society. Hence, state identity (either civic or ethnic) codified by nationality laws, can explain a spectrum of social models that vary from assimilationist to pluralist. Nationality and citizenship is used interchangeably in

⁶⁹ For a thorough discussion of the relation of citizenship and the nation-state see, Rogers Brubaker, *Citizenship and Nationhood in France and Germany*, Cambridge, MA: Harvard University Press, 1992.

countries such as Britain,⁷⁰ Greece, Italy and France. Similarly, the legal systems of immigrant countries such as the US, Australia and Canada do not refer to this differentiation. The underlying idea is that these states exist due to their ability to incorporate very diverse individuals. Nevertheless, the German and Austrian legal systems make a distinction between nationality and citizenship. Greece cultivates the importance of ethnic identity as well as the distinction between the notions of nationality and citizenship in politics. However, its legal system treats nationality and citizenship equally,⁷¹ which explains the non-recognition of ethnic minorities. This may be due to the fact that its population has been homogeneous, as a result of wars and the exchange of populations with Turkey in the early 20th century. The correlation between the differentiation of nationality and citizenship and recognition will also be discussed throughout the case studies.

Immigration policy and models of immigrant incorporation provide, complementary to identity and conceptions of nationality, information that is not evident through the analysis of legal citizenship. This work focuses on legal citizenship, as this defines the conditions and constraints of the acquisition and maintenance of the right to be a citizen. It does not include social citizenship, which refers to the economic and social rights of the citizens. The concept of social citizenship has been expanding to include different peoples residing in a state. The greater mobility of the populations and the inflow of refugees and asylum seekers

⁷⁰ Although British citizenship is civic, the law clearly defines who is entitled to be a British citizen. The distinction between nationality and citizenship in Britain is discussed by David McCrone and Richard Kiely, "Nationalism and Citizenship," *Sociology*, 34, 1 (2000), 19-34. They claim that British identity and citizenship are not fully compatible with the multiethnic nature of Britain where various nationalities such as English, Welsh and Scots co-exist.

⁷¹ Ζωή Παπασιώπη-Πασια, *Δίκαιο Ιθαγένειας* (Αθήνα, Θεσσαλονίκη: Εκδόσεις Σακκούλα, 2000). Until recently, due to a highly homogeneous population, the Greek state assumed that its citizens are of Hellenic descent.

lead to an increased need to include them in the host country.⁷² One form of migrant incorporation is through the naturalization process. The legal incorporation of immigrants through the acquisition of citizenship is accompanied by social incorporation. Immigrant incorporation policy can vary from assimilation to multiculturalism.⁷³ Emphasis on ethnicity encourages assimilationist policies while emphasis on civic values encourages the coexistence of different cultures. Immigration policy, another indicator of the independent variables, refers to government efforts to control the flow of immigrants in the country. Immigration can be viewed as a threat if its impact is not thoroughly examined with respect to the needs of each receiving country. It can become a problem in cases where “by increasing cultural differences within society, it threatens the very exercise of ‘belonging’ that lies in the core of national identity, which in turn generates problems of security and societal order.”⁷⁴ An “open” immigration policy is more flexible and less restrictive to newcomers. The opposite means that the state implements strict immigration controls that restrict the entrance of people seeking employment or refugees.⁷⁵ Hence, the constitution, the citizenship laws, the

⁷² Globalization and increased migration challenge traditional definitions of citizenship. These challenges take citizenship beyond national borders thus, emphasizing the significance of a post-national membership and multiculturalism. Various scholars examine these challenges and the potential expansion of the concept without reaching the limits of citizenship. Stephen Castles and Alastair Davidson, *Citizenship and Migration: Globalization and the Politics of Belonging* (London: Macmillan Press, 2000); David Cezarani and Mary Fulbrook, eds., *Citizenship, Nationality and Migration in Europe* (London: Routledge, 1996); Yasemin N. Soysal, *Limits of Citizenship: Migrants and Postnational Membership in Europe* (Chicago, London: The University of Chicago Press, 1994).

⁷³ Sigurdson supports multiculturalism as the best policy for a multinational state. See Richard Sigurdson, “Crossing Borders: Immigration, Citizenship and the Challenge to Nationality”, in M. Pratt and J. A. Brown, eds., *Borderlands Under Stress* (London: Kluwer Law International, 2000).

⁷⁴ Fergus Carr, ed., *Europe: the Cold Divide* (London: Macmillan Press, 1998), 77.

⁷⁵ For a detailed analysis of the immigration policy of various states see Wayne A. Cornelius, et al., *Controlling Immigration* (Stanford: Stanford University Press, 1994). Also, Saskia Sassen, *Guests and Aliens* (New York: The New Press, 1996).

national immigration and incorporation policy will guide this analysis. These three areas have been chosen because they relate to categories of inclusion and exclusion in forming state identity.

b) Security Concerns

The geographical distance between the EC and Yugoslavia affected the debate on recognition of the seceding states. Proximity refers to the physical and geopolitical proximity of the states to the area of conflict. The states sharing borders with any of the former republics are treated as “close,” while the states that do not share any borders with the seceding republics are treated as “far.” This distinction is relative, and thus some states that did not share a border with the Yugoslav republics, but were still directly influenced from the conflict could just as easily be treated as “close.” Proximity is merely a proxy used to measure the threat of spill over, such as a possible magnification of the violence or the outflow of refugees.

An examination of European states along the lines of both identity and security concerns reveals that states built upon a notion of ethnic identity share certain characteristics, which in turn led them to share preferences on recognition. Geopolitical factors were critical in determining which cases to include in this dissertation. The three examined here are Germany, Greece and Italy. Two of these states, geographically neighboring the conflict stricken region, were more sensitive to possible spill overs of the conflict’s violence, but all three were threatened by the possibility of a large wave of refugees. Furthermore, having an ethnic identity also

meant these states perceived threat in a particular way. As a result of their strong ethnic identity, they tend to implement restrictive immigration policies and encourage cultural assimilation. They would therefore be quite sensitive to the possibility of refugee inflows.

France, on the other hand, is built upon a civic identity. Moreover, as a country not sharing borders with regions stricken by conflict, it did not feel as threatened by a possible spread of the war, or of other potential consequences to increased violence. Its civic identity meant it does not differentiate between conceptions of nationality and citizenship. States with civic identity generally tolerate different cultures, as can be seen in their relatively open immigration policy. More open immigration contributes to the creation of a multicultural society. The following table shows how these countries are grouped according to the interaction of their identity and their geographical position:

	Principles		
		ETHNIC	CIVIC
	CLOSE	Greece (GR) Italy (IT)	<i>None</i>
Geopolitics	FAR	Germany (GER)	France (FR)

These four European states were mainly chosen because they are members of the European Community, today's European Union. Their membership in the EC/EU assumes common interests running parallel to their national interest. This also applies to their supranational identity co-existing with their national identity.

Furthermore, they are members in other international and regional organizations such as: the Conference on Security and Cooperation in Europe (CSCE), the North Atlantic Treaty Organization (NATO), the Partnership for Peace (PfP), the Western European Union (WEU), the United Nations (UN). These organizations, among others, were involved at different stages in the conflict management in the former Yugoslavia. Hence, the political decisions of these states could be supported and implemented within different institutional frameworks. On the other hand, these four states had difficulty reaching an agreement upon policy concerning recognition.

The four opportunities for recognizing new states arose from the break-up of Yugoslavia. More specifically, this work looks at the debate over recognition of Slovenia, Croatia, Bosnia, and the republic of Macedonia. The time frame of this thesis is from 1990 to 1995. Although the recognition of the first two states (Slovenia and Croatia) took place in January of 1992, the argument here is meant to explain the preferences of states regarding recognition. It thus provides insights into the content of the disputes among European states over whether to recognize these republics. This requires examining events that preceded this declaration, along with evidence of the perceptions of the situation in Yugoslavia, to make sense of the debate within the European Community. In 1990, the first signs pointing to the dissolution of Yugoslavia were evident. The issue of recognition did not end with Slovenia and Croatia, so the discussion continues into the following years. Despite the recognition of Bosnia in 1992,⁷⁶ the Bosnian war raised questions on the final form of this state, since it would need to be accepted by all conflicting sides. The

⁷⁶ The war in Bosnia-Herzegovina officially started after its recognition on 7 April 1992.

Dayton Accords of 1995 put an end to this war to allow time and peaceful co-existence to help the parties decide on the best political system for this country.

To test the hypothesis mentioned above, the foreign policies of France, Germany, Greece, and Italy are examined in light of their individual reactions to the break-up of the Yugoslav state, to determine if their own national identity shaped their recognition of the successor states. Britain would also be interesting to examine but as its identity and foreign policy are similar to France's, it will not provide additional relevant information.

8) Thesis Organization

Chapter Two discusses the German policy of recognition towards the former Yugoslav republics. Its foreign policy had the most significant effect on both Europe and the seceding republics, both because it moved quickly and because its decisions carried weight. Its leadership in European and international politics as well as the fact that it is the largest state in territory and population in the European Union underline the significance of its foreign policy towards Yugoslavia. The historical examination of the German nation-state formation unveils the sources of the German ethnic identity. As a state based on ethnicity, Germany is expected to accept calls by ethnic polities for recognition. Its relative distance from the conflict allowed it to pursue this preference with only some fear of the consequences that might occur. The examination of Germany's decisions regarding recognition of the Yugoslav republics shows the correlation of expected and observed outcomes.

Chapter Three focuses on the role of France in the debates involving recognition. The strong French opposition to the German policy highlights France as a leader in the fight against the recognition of the seceding republics. This disagreement was marked as a serious intra-EC crisis. An analysis of the origins of France's civic identity points to why France would have different preferences on recognition, and its relative distance from the conflict area allowed it too to pursue its preference relatively free from consequences. The chapter then looks into the fit between expected and observed foreign policy decisions of France.

Chapter Four discusses the smaller state of Greece and its reaction to the dissolution of Yugoslavia. The importance of this state lies in its views on regional security as well as on its leading role in Southeastern Europe. Its proximity to the dissolving state made it an important actor in the negotiations for recognition. Its ethnic identity, in conjunction with its geographical location vis-à-vis one of the seceding republics make the analysis of its foreign policy important for a better understanding of the policy of recognition, for it demonstrates how the desire to reduce threats to its security tempered its pursuit of its preferences. Moreover, to ensure its security, it also had to engage in bargaining with other European states, eventually conceding (that is, giving up on its most preferred outcomes).

Chapter Five looks at the medium power Italy. Not a leading voice in the debate, it was another state, which would be directly influenced by the consequences of the Yugoslav dissolution. Its geographical proximity to Slovenia assumed its involvement since the initial stages of Slovenia's declaration of independence. Its expected behaviour is also analyzed in view of its identity hence

it follows the structure of the previous chapters. Italy too had to balance its preferences (based on identity) with broader concerns about security.

Chapter Six provides a summary of the dissertation's theoretical findings. It connects the theory to policy-making that could be useful in the future. Other cases of recognition and other policy issues are briefly presented to draw out the findings on the Yugoslav case, and to demonstrate the utility of this approach to state identity as a factor in other cases of recognition. Finally, suggestions are made for further research.

Conclusion

This chapter began with questions concerning the variation in European states' responses to the opportunities to recognize the republics seceding from Yugoslavia. The argument laid out throughout this chapter is that state identity (in terms of the relationship between ethnicity and the state) matters for forming preferences on recognition, though the pursuit of these preferences also depends on other concerns such as geopolitics and security. For the sake of clarity, there is a discussion of the definition and indicators employed, and the selection of the cases themselves. The theoretical value of this thesis is further shown by briefly discussing the contribution and limitations of already existing theories in International Relations (IR). The chronological narration of Yugoslavia's dissolution process and the European reactions towards the republics' declarations for secession, provided a brief introduction to the main dilemmas faced by the

international community and set the foundation for the analysis of the individual case studies, which are given in the next four chapters.

Chapter 2

THE GERMAN POLITICS ON RECOGNITION

Germany is one of the most important states in the story of the end of the Federal Yugoslav state. It is a leader in European affairs along with France, but often with different views on the future of Europe and European integration. Germany had the largest population among EC members as a result of the unification of the two German states in 1989. This long-awaited political event influenced and strengthened German perceptions and policies with respect to the emergence of new states. The Yugoslav crisis sheds light on certain German beliefs and characteristics of its foreign policy. More specifically, evidence suggests that German perceptions on the nature of a nation-state are linked to German foreign policy on recognition. This chapter is divided into four sections. The first one looks at the construction of German identity as ethnically based. It delves into historical construction of nationality laws, immigration, and policies of immigrant incorporation. The second part links state identity to Germany's perception of threat in the Yugoslav conflict and its expected behaviour. Then the last two sections outline German policy towards recognition and analyze why Macedonia is an exception. A discussion of German identity and its legal expression as well as German policy on recognition of the former Yugoslav republics follows. It

demonstrates the link between the nature of the ethnic-state ties in Germany and Germany's preferences regarding recognition of the Yugoslav successor states.

1) German Identity, Nationality and Citizenship

This section provides a brief historical account of the sources of German beliefs concerning the ethnicity and the state. The relation nationality and citizenship is further examined in order to explain the sources of the German immigration policy. This policy along with the immigrant incorporation policy speaks to the inclusive or exclusive nature of German identity.

Modern German national identity is based on ethnicity. It is the outcome of the unification of various states with different systems and regional identities. Germany has achieved political unification twice in its history. Otto von Bismarck led the first unification in 1871. Different German principalities were pulled together under the leadership of Prussia to form the first German nation-state, namely the Second Reich. The First Reich was an empire lacking a collective German identity. The formation of a collective uniform identity was hindered by the religious wars during the Protestant Reformation. Since neither Catholics nor Protestants dominated, both religious communities grew in Germany, but neither of these religious identities solely defines the resulting national identity. Despite the linguistic differences within the feudal state, which further delayed the creation of a nation-state, identity formation was founded in common cultural traits and tradition. The militarism of the Second Reich facilitated the consolidation of a common identity. A strong German state could only be achieved by industrialization,

economic growth and nationalism. Bismarck's wars against Denmark, Austria-Hungary and France resulted in the establishment of the German nation-state. Hence, German unification was not the outcome of a democratic process but rather of a strong military rule that kept the state highly centralized.

As a result of its defeat in World War II, Germany lost its sovereignty to the Allied powers and ceased to be a nation-state. The creation of the two German states in 1949 did not grant them full sovereignty, as they depended on other political powers.¹ Despite the political division of Germany, cultural unity prevailed and shared ethnic background connected the people of the two states. Hence, this proves that identity can be inclusive and connect different peoples, but it can also divide populations due to its exclusive character.

As not all elements of identity are equally important, we will look at the ones that are central in the definition of the German nation-state. German citizenship expresses, in a political and legal manner, the national identity of the population and defines the prerequisites for membership in the German nation-state.

Hailbrönnner identifies German nationhood as:

“not a political one but a cultural, linguistic, and ethnic one. For most of its history, it has been politically fragmented...Citizenship law and naturalization policy reflect in part this romantic understanding of nationhood as ethnic and cultural community - an understanding enshrined in certain provisions of the Basic Law”.²

¹ Military restrictions on the FRG applied even after its membership in the EEC since the WEU Treaty secured that FRG did not own ABC weapons. Furthermore, the German military was placed under the NATO supreme command. United Germany faced military restrictions with respect to its participation in international military operations in the Former Yugoslavia. Gerd Knischewski, “Post-War National Identity in Germany” in B. Jenkins and S. Sofos, eds., *Nation and Identity in Contemporary Europe* (London, New York: Routledge, 1996), 135.

² Hailbrönnner, “Citizenship and Nationhood in Germany” in R. Brubaker, ed., *Immigration and the Politics of Citizenship in Europe and North America* (Latham: University Press of America, 1989), 74.

Nevertheless it was not the Basic Law of 1949 that introduced this cultural and ethnic understanding of nationhood. The pre-1871 states had different laws for the acquisition of citizenship, but nationality was linked to their territorial boundaries. Their autonomous economic and political systems were tightly linked to and defined by their territory and citizenship guaranteed the identification of each state's citizens. McCrone and Kiely claim that Germans existed in ethnic terms before 1871. They shared common nationality but they were governed by different states e.g. Austria, Prussia, etc.³

The 1913 Law of Imperial and State Citizenship, upon which the Basic Law was based, established a national framework for the acquisition of German citizenship across the nation-state, thus overriding the states' autonomous systems. It did not only unify the different systems of the pre-1871 states, but also changed their founding principles of membership. The 1913 law values blood line more than birth within the territory. Thus, it places ethnicity and descent at the center of a definition of German nationhood.

The Basic Law consolidated the power of descent the 1913 law had introduced, by protecting the Germans from losing their citizenship after emigration.⁴ Art. 116 of the Basic Law granted automatic citizenship to ethnic Germans, the majority of who lived in Eastern Europe and the former Soviet Union. This meant that even descendants of these German emigrants could automatically

³ David McCrone and Richard Kiely, "Nationalism and Citizenship," *Sociology* 34, 1 (2000), 27.

⁴ John Breuilly, "Sovereignty, Citizenship and Nationality: Reflections on the Case of Germany" in Malcom Anderson and Eberhart Bort, eds., *The Frontiers of Europe* (London: Pinter, 1998), 48-51.

receive German citizenship as long as they could prove their ethnic lineage. The aim was the inclusion in the German nation of all Germans by blood.

Ethnicity is very much tied to self-determination in German history. Germans believed that they had the right to ethnic self-determination that would lead to reunification. Winkler states that loyalty to the state after 1945 was not founded on ethnicity, but rather on “universal values of liberal democracy”.⁵ The emphasis on civic values, intrinsic to liberal democracy, was a natural outcome of the political situation in the post-war period. West Germany tried to disassociate itself from Nazi nationalism and past non-democratic actions. Nevertheless, this does not diminish the importance of ethnicity in German identity. It does, however, point to other principles that have been incorporated into German identity over time, hence making ethnicity only one of its components, but still the most important. As a matter of fact, ethnicity linked the East to the West Germans. Common ethnicity propagated the need for the reestablishment of a united Germany. Reunification was interpreted as the unification of a divided nation, separated from the motherland. Hence, ethnicity became the basis for the realization of German ethnic self-determination. In practice, it meant that the East Germans were welcomed as brothers and equal members in the unified Germany. This transformation was facilitated by the West German definition of citizenship vis-à-vis the East Germans.

The unification of the German state would alter the status of the citizens of the German Democratic Republic (GDR) and leave them stateless after the

⁵ Heinrich August Winkler, “Nationalism and Nation-State in Germany” in Mikulas Teich and Roy Porter, eds., *The National Question in Europe in Historical Context* (Cambridge: Cambridge University Press, 1993), 192.

disappearance of their state. The socialist background of the GDR rendered difficult the incorporation of the East Germans into a Western capitalist state. Hence, they could have been treated as second-class citizens in the unified Germany. Despite the difficult transition, even though the GDR ceased to exist as a subject of public international law in 1989-90, its citizens did not lose their citizenship and nationality status. The lawmakers of the Federal Republic of Germany (FRG) predicted the smooth transition from two separate states to a united Germany. The nationality status of the East Germans was also guaranteed in the new state. The law of the Federal Republic of Germany (FRG) always considered GDR nationals as holders of a

“special dual nationality, namely that of the GDR and that of the FRG. The later was construed as a ‘sleeping nationality’ (Ruhende Staatsangehörigkeit) which had and could be ‘activated’ by the persons concerned when and wherever they wished to do so”.⁶

The re-unification of Germany proved once again the strength of descent and thus, of German nationality.

The principle of *jus sanguinis* can further be seen in the status of minorities in Germany. Descent is also a prerequisite for members of minorities to be recognized by the state. They have to be German citizens and to have long lasting ties with Germany. This explains the fact that there are only four national minorities (Sorbs, Danes, Frisians, Sinti and Roma) and no other groups have been given minority status although they are residing in Germany. The large Turkish population in Germany is a good example of a group that does not have the

⁶ Rainer Hofmann, “Nationality Status and Minorities in Germany” in Siofra O’ Leary and Teija Tiilikainen, eds., *Citizenship and Nationality Status in the New Europe* (London: Routledge, 1998), 159-160.

advantage of German lineage.⁷ This is the largest immigrant ethnic community living in Germany.

The above-mentioned cases demonstrate that ethnicity is the backbone of German nationality. Germany differentiates between nationality and citizenship. Only individuals born into the German nation can carry the German nationality. Hence, people who do not share this ethnic identity are excluded from the German nation. Citizenship on the other hand, can be acquired legally and implies the relation of the citizens to the German state but not of the nation. Citizenship integrates individuals of different ethnic background into the German society once they fulfill certain legal prerequisites and prove their adherence to the German “kulturation.” The difficulty, despite the reforms, to acquire German citizenship indicates that Germany’s priority was the acceptance of people with German nationality (eg. ethnic Germans) instead of the acceptance of non-German residents through naturalization (eg. economic immigrants or refugees). This view is strengthened by the fact that dual nationality is not permitted in Germany. Hence, if one decides to participate in the German nation-state, one has to forgo the nationality of the state of origin.⁸ This indicates how strongly the state is identified with the nation.

The importance of German ethnic identity further influences the everyday lives of the foreign residents in Germany. Long-term foreign residents have become a sensitive political issue. The emphasis on German nationality inhibits the

⁷ Rainer Hofmann, “Nationality Status and Minorities in Germany,” 161-162.

⁸ Rainer Hofmann, “Nationality Status and Minorities in Germany,” 164. This is the general rule. However, depending on the country of origin this may not be that easy. The only case where dual nationality is officially accepted is for children of bi-national marriages.

integration of the large number of foreigners permanently living in Germany. This political problem is the outcome of different immigration policies overtime as well as changing objectives of these policies.

Immigration Policy and Social Identity

The German migration policy is characterized by stages of higher accessibility alternating with more restrictive rules that did not necessarily produce the desired results. As a matter of fact, policies aiming at the reduction of newcomers into the German society led to their increase. Despite these policies, the importance of German descent was never compromised; thus leading to difficulties in accepting and eventually integrating foreigners into German society. In the years immediately following re-unification, the foreigners in Germany had reached 8% of the total population and 5% of its workforce.⁹

There are four characteristics of the German immigration system. These are the strict regulation and limitation of the number of immigrants allowed to enter the country each year, the limited time of residence allowed, the inability of the system to enforce their return to the country of origin and the difficulty to deal with the non-German long-term residents settled in Germany.

These long-term residents are the result of extensive recruitment policies of workers since the early 1960s. The post-World War reconstruction of Germany demanded the import of labour force from the South and Eastern Europe. These countries were mainly agricultural and therefore poor. The German invitation

⁹ Philip L. Martin, "Germany: Reluctant Land of Immigration" in W. A. Cornelius et al., *Controlling Immigration* (Stanford: Stanford University Press, 1994), 190.

policies encouraged Southern and Eastern Europeans to immigrate to Germany where they were offered jobs in the sectors of mining, manufacturing and construction. In the meantime, Germany had concluded a labour recruitment agreement with Italy in 1955. Italians were recruited to work in both the agricultural and industrial sector and by 1960 and accounted for 44% of the guestworkers. The Berlin Wall closed the entrance of East Germans to West Germany in 1961 and pushed Germany to sign labour recruitment agreements with Spain (1960), Greece (1960), Turkey (1961) and Portugal (1964). An agreement with Yugoslavia was signed in 1968.¹⁰ Foreign workers were only admitted for seasonal jobs or as temporary residents; hence the name “guestworkers” (Gastarbeiter). The temporary nature of the contracts indicates that there was no intention to absorb them and eventually include them into the German society.

Despite the temporary nature of the contracts, large numbers of guestworkers decided to stay in Germany and their children were educated in German schools. The German society began to react to this influx. In 1973, Germany officially halted the acceptance of guestworkers by imposing higher recruitment fees to the employers and by tightening the migration policies. Strict immigration laws kept non-ethnic Germans out of the country. The restrictive policies were effective to a certain extent against the newcomers but they could not send away the ones who had already been established there. German policy-makers did not want to entertain the thought that they would become permanent residents.

¹⁰ Philip L. Martin, “Germany: Reluctant Land of Immigration,” 198-9.

Germany became a victim of its respect for human rights and liberal democracy.¹¹

These policies could not stop newcomers whose admission was based on their right to family reunification. Germany continued to attract more immigrants due to the already established cultural communities and to its generous social system.

The emphasis on *jus sanguinis* in the legal system and the prohibition of dual nationality automatically rejects the naturalization of large numbers of guestworkers residing in Germany. Consequently, the German-born descendants of non-citizens are denied citizenship rights. This attitude supports the “closed” immigration system of Germany. The source of the problem lies in the assumption that Germany is not an immigration country. Despite the large immigrant population originating in former Yugoslavia and Eastern and Southern Europe, Germany still refuses the title “immigration country.” These official perceptions and policies stirred a crucial domestic debate on the appropriate measures needed for the legal and social integration of the non-German residents into the German society. Similarly, there were policies that encouraged the return of non-Germans. The domestic debate on citizenship laws intensified with the increase of violence targeting guestworkers by xenophobic extreme-right groups. The state had to react in order to deal with the increasing numbers of ethnic Germans claiming automatic citizenship as a result of the end of the Cold War, as well as with the increased numbers of refugees and asylum seekers arriving from the conflict-stricken territory of former Yugoslavia. These events put pressure on the German social and

¹¹ Family reunification is considered a basic human right therefore, Germany could not restrict new immigrants entering the country under the reunification principle.

economic system, especially during a period of adjustment, a consequence of the high cost of reunification.

In its attempt to deal with political, economic, and mainly social pressure, the Red-Green coalition government of 1998 introduced a series of legal changes that would facilitate the normalization of the unsettled status of the foreigners. Changes led to more flexibility in the citizenship laws which allowed the naturalization of guestworkers, the restriction of the automatic admission of ethnic Germans and the restriction of the asylum rights. Civic values were introduced to balance the emphasis on descent. The principle of *jus soli* was more widely introduced to incorporate long-term residents who do not share the same ethnic background. The required number of years of residence in Germany towards naturalization was decreased substantially to facilitate the naturalization of long-term non-German residents. Thus, 46,300 Turks, out of the 2 million residing in the country, became German citizens in 1996 compared to only 2,000 in 1990.¹² This was meant to reduce anti-immigrant violence, which led to 2,500 racially motivated criminal acts in 1996 alone in comparison to previous years. The introduction of the principle of *jus soli* would also naturalize the descendants of the guestworkers. The condition to children's naturalization is contingent upon the acquisition of citizenship by their parents. The 1999 changes in the law allow for children born

¹² "Who should Be German, Then?" *The Economist*, 4 July 1998, 45. The article also identifies the political dynamics of the debate concerning naturalization rights in Germany.

within Germany of foreign parents to acquire the German citizenship when their parents have been German residents for eight years.¹³

Dual nationality¹⁴ is still not permitted by law. Thus, a lot of foreigners choose not to apply for German citizenship, as they are not willing to cut ties with their motherland by relinquishing their birth nationality. Recent changes to the German Citizenship law (1992) allowed for certain persons to obtain German citizenship without giving up their own nationality. These are rare cases, where the country of origin does not allow its citizens to abandon their nationality.

In contrast to earlier time period, the citizenship rights of the ethnic Germans ceased to be given automatically. As was explained earlier, the 1913 law granted automatic citizenship rights to the ethnic Germans residing mainly in the former Soviet Union (hence the name "Russlanddeutschen"). During the '90s, around 200,000 ethnic Germans from the former USSR, Romania and Poland settled in Germany every year.¹⁵ Overall, from 1989-1997, 2.4 million ethnic Germans arrived in Germany, out of which 1.5 million were Russlanddeutschen.¹⁶ The 1913 law defined Germany as an ethnic community with common descent (volksnation), national spirit (volksgeist), common language and culture (kulturnation) within a

¹³ T. A. Aleinikoff and C. Klusmeyer, *Citizenship Policies for an Age of Migration* (Washington: Carnegie Endowment for International Peace, 2002), 25.

¹⁴ In order for an individual to become a naturalized German she or he has to renounce their original nationality. In the case however where a German is naturalized in another country, she or he cannot lose the German nationality. More on dual nationality see T. A. Aleinikoff and C. Klusmeyer, *Citizenship Policies for an Age of Migration* (Washington: Carnegie Endowment for International Peace, 2002), ch. 22.

¹⁵ "Who should Be German, Then?" *The Economist*, 4 July 1998, 45.

¹⁶ Anthony Richter, "Blood and Soil: What It Means to Be German," *World Policy Journal* XV, 4 (Winter 1998/99), 93.

defined territory.¹⁷ In the case of ethnic Germans, emphasis was given on the German descent, culture and language. As generations of Germans lived in the Soviet Union, they lost their connection to German culture and language. They had become more Russian than German, often not even speaking German.¹⁸ The law was so strong as to allow for young generations with no knowledge of the German language or culture to be included in the German nation.

There were social and economic consequences to this incorporation of large numbers of ethnic Germans into the country. Language classes, social support, and integration programs were employed to help them adapt to German values and lifestyle. These programs for the adjustment and assimilation of ethnic Germans were very costly, at a time when reunification already burdened the German economy.¹⁹ Furthermore, the universality of these programs provided to all ethnic Germans led to the abuse of the system by non-qualified applicants. At the same time, the admission of people whose identity was documented but not obvious, led to social unrest as a result of increased criminal acts and the reaction of the local population against them, which treated them as foreigners. The problems surrounding this ethnic policy led the German state to restrict the universality of this policy by not granting citizenship rights automatically. The law passed in 1993 and ended the power of ethnic identity and therefore, limited the acceptance of ethnic Germans. This is another case where the introduction of civic values weakens the

¹⁷ Gerd Knischewski, "Post-War National Identity in Germany" in B. Jenkins and S. Sofos, eds., *Nation and Identity in Contemporary Europe* (London, New York: Routledge, 1996), 126.

¹⁸ Anthony Richter, "Blood and Soil: What It Means to Be German."

¹⁹ Anthony Richter, "Blood and Soil: What It Means to Be German," 97.

power of ethnicity, only to prohibit the inflow of people. For the same goal, the asylum policy has also been tightened.

Germany had the most liberal asylum policy in Europe, but this is not the case anymore. The provision of asylum suffered as a result of policies restricting the entrance of foreigners as well as due to the abuse of the system by the claimants. Germans who had problems finding refuge abroad during the Nazi era (1933-1945) were among the authors who drafted the liberal asylum policy.²⁰ Asylum became a constitutional right in Germany. Article 16 of the Basic Law guaranteed the unconditional protection of individuals facing political persecution. Furthermore, the state was committed to financially supporting claimants until the court decided on their case. This commitment became a financial but also social burden on the local governments.²¹ The problem was that the courts were too slow to process the increased numbers of these claims. Hence, in many cases, the claimant remained in Germany up to ten years. During this process, the German state provided housing, health care and financial aid to the persecuted individuals. Deportation was almost impossible.

The numbers of asylum seekers increased overtime and by the late 1970s, Germany attracted more than half of all individuals seeking asylum in the European Community.²² Political and economic changes in other countries (e.g. Turkey, end

²⁰ Philip L. Martin, "Germany: Reluctant Land of Immigration," 210.

²¹ Social unrest due to xenophobia in the different regions became as important as economic considerations. Racism became prevalent and when coupled with perceptions of the economic burden the asylum seekers have on the system led to the escalation of anti-immigrant violence. Roger Karapin, "The Politics of Immigration Control in Britain and Germany: Subnational Politicians and Social Movements," *Comparative Politics* 31, 4 (July 1999), 434.

²² Roger Karapin, "The Politics of Immigration Control in Britain and Germany: Subnational Politicians and Social Movements," 433.

of the Cold War, Yugoslav crisis) close to Germany encouraged their citizens to immigrate to Germany. The liberal reputation of the German asylum laws encouraged economic refugees to apply for asylum. In order to deal with the abuse of the system, there was an attempt to exclude the right to asylum from the Basic Law.

Restrictions had been imposed in 1980, but the strongest reform took place only in 1993, mainly as a result of strong SPD commitment to asylum rights. Article 16a was drafted to balance the openness of Art. 16. The new article demanded that refugees crossing through another state before their arrival to Germany would be obliged to return to that state and claim asylum there. This was helpful in the reduction of refugees considering that the countries of origin of these people were mainly non-neighbouring states such as, Turkey, the former Yugoslavia, the former Soviet Union and Poland.²³

In conclusion, despite all these changes and the inclusion of civic characteristics in the German laws, the heart of Germany remains ethnic as defined by blood. Considering the German resistance to diluting the ethnic character of its population, it is expected that Germany would support the formation of ethnically homogeneous states. This should not be interpreted as support to undemocratic values. The goal is to keep as many foreigners out of its territory so that they do not impose a burden on its socio-economic system as well as to safeguard the homogeneity of the population. This discussion proves that German state and

²³ Philip L. Martin, "Germany: Reluctant Land of Immigration," 211.

national identity are strongly ethnic. This is the first part of my argument for this case.

Germany's experience would make it more inclined to support any homogeneous state that may include small minorities who would not be oppressed. Germany always supported the respect of liberal democratic principles and human rights. Given this identity, one would expect Germany's experience would make it more inclined to recognize ethnic states.

2) Expected German Policy on Recognition

The issue of recognition of the former Yugoslav republics is tightly connected to the proximity of the foreign states and their perception of threat. Recognition is granted to political entities that fulfill all the criteria viable to a state as well as when this new state will not pose a regional or international threat to other states. The involvement of Germany would depend on the assessment of its interests and the degree of threat the Yugoslav crisis posed, as well as its perspective concerning the emerging states.

Germany had many interests at stake related to the Yugoslav crisis. It aimed at ending the armed conflict and reestablishing security in the region through multilateralism. This would guarantee the application of international norms, such as self-determination. These interests are very much linked to the geographical position of Germany and therefore, its perception of threat. Two states are geographically close to each other when they are objectively close by sharing borders. States may also feel close when the policies of one affect, directly or

indirectly, the affairs or interests of the other. Central and Eastern Europe are of geopolitical importance to Western Europe and especially to Germany.

For the purpose of the argument here, close proximity is an indicator of the danger that the conflict will generate spill overs affecting the state. Although Germany did not share a border with Federal Yugoslavia, and did not fear violence directly threatening Germany's security, one could object to classifying Germany as far from the situation. Germany felt close to the conflict for other reasons. A German official identified the threat resulting from the Yugoslav conflict as the "overall security and stability of Central and Eastern Europe, both of which, given the position of Germany in the heart of Europe, are the major concern of Germany."²⁴ Instability in the region and, more specifically within Slovenia and Croatia, was significant for the determination of German foreign policy on Yugoslavia. Stability and security in the region affected German security too. The conflict was taking place within the territory of the former Yugoslavia between Serbia and the rest of the republics, and initially there were fears of conflict spill over across the borders to Western and Southern Europe. These fears were not realized, however. The fear came from the fact that, in a civil war, the political and military chain of command is broken. As events showed in Croatia and Bosnia, there were various groups fighting with different objectives. They were not responsible to an overarching authority. Given the extent of domestic conflict, there was little chance of these republics attacking their neighboring states. They looked for allies across the federal borders, not enemies. This shaped German perceptions

²⁴ Michael Libal, *Limits of Persuasion: Germany and the Yugoslav Crisis, 1991-1992* (Westport: Praeger, 1997), 104.

with regard to how recognition would affect stability. It was thought recognition offered greater likelihood for centralizing authority, hereby enhancing stability and reducing threat.

The spill over of violence was not a realistic threat to Germany, due to Germany's geographic position. However, its interest in the stability of Europe could be threatened by a possible conflict spill over from the republic of Macedonia to Greece, an EC member state. Recurring conflicts throughout Yugoslavia indicated the possibility of such a scenario, but the international community's support for the government of the republic of Macedonia²⁵ deterred the spread of conflict. From the Greek point of view, this scenario, coupled with a name dispute,²⁶ was considered a threat. This would be linked to German decisions during the international bargaining that proceeded.

The most important threat for Germany (and for the neighbouring European countries) was the possible mass outflow of refugees and asylum seekers from the former Yugoslavia. The spread of armed conflict throughout the whole territory of former Yugoslavia could lead to the displacement of large numbers of civilians to safer countries. This concern was more acute for the neighbouring countries with a more developed welfare system and easier access across their borders, such as Austria, Italy and Greece. Germany's geographical position, its advanced social

²⁵ The republic of Macedonia followed European directions with regards to the protection of minority rights. The European states were, in general, satisfied with the republic's effort to avoid an internal conflict.

²⁶ The name dispute refers to Greece's refusal to accept the recognition of the republic of Macedonia under the name of "Macedonia". According to Greece, this name would encourage territorial disputes with the new state. The disagreement on the name lasts until today, despite the fact that the republic has been recognized under the provisional name of Former Yugoslav Republic of Macedonia (FYROM). For more detail see "Macedonia's Name: Why the Dispute Matters and How to Resolve It," *ICG Balkans Report*, 122 (10 December 2001).

system and the financial burden of reunification, rendered it also vulnerable to large numbers of refugees. Germany was the closest member of the European Community, after Italy, to Slovenia and it had been a known destination for Yugoslavs since the '60s. Hence, there was already an established immigrant community in Germany that could support newcomers of the same ethnic background. Considering the already stretched welfare systems in Western European states, the influx of large numbers of refugees would create an extra burden on the already stretched welfare systems of Western Europe, including Germany.²⁷

Despite a strict immigration policy, Germany had very liberal laws on asylum. In the eyes of refugees, asylum seekers and illegal immigrants, Germany was a democratic, economically advanced state and a member of the Economic Community with a large foreign community. As a result of the Yugoslav crisis, the numbers of asylum seekers to Germany skyrocketed to almost double between 1991 (256,112) and 1992 (438,191).²⁸ Since the asylum law changed in July 1, 1993, the rejection rate increased while the applications decreased.

According to its interests, how would Germany be expected to react to the demands for independence of the Yugoslav republics? Based on the previous discussion, Germany would be expected to prefer recognition of ethnic states, but especially those ethnic states whose recognition was unlikely to pose a threat to its

²⁷ According to the German Ministry of Interior, immigrants from the former Yugoslavia are the second largest, after the Turkish, foreign community in Germany. In 1998, 1,176,70 Yugoslavs were still considered foreigners in Germany despite the previous naturalization waves implemented until 1996. "Who should Be German, Then?" *The Economist*, 45.

²⁸ Philip L. Martin, "Germany: Reluctant Land of Immigration," 192.

interests. Its first preference would be the creation of ethnically homogeneous states, a quality it officially supports despite recent policy changes. The fact that it refuses to officially accept any label that would identify it as a multiethnic state illustrates its preference for homogeneous nation-states. Consequently, we would expect Germany to eagerly recognize Slovenia, Croatia, and Macedonia but not Bosnia, even though recognition of Bosnia posed little of consequence to threaten Germany.²⁹ Although the three first republics aimed at becoming ethnic nation-states, Bosnia asked the international community to be recognized as a multiethnic state where power would be shared among different ethnic groups. This socio-political model would not be immediately favoured by Germany due to the principles underlying its own state identity.

The following table shows Germany's expected behaviour towards the seceding republics. In other words, it shows the expected degree of German willingness to recognize the first four seceding republics. The expectations relate to German support for ethnic, homogeneous states and the fact that the aspiring republics are of low threat due to distance. Hence, the republics are classified according to their identity and level of threat to Germany.

	High threat	Low threat
Ethnic identity	Reluctant/Averse to recognition	Eager for recognition SLOV, CROAT, MACED
Civic identity	Oppose recognition	Follower/Supporter of recognition BOSNIA

²⁹ This is relative to the north republics. As they were closer to Germany than Bosnia was, a long civil war in Slovenia and Croatia would result in higher numbers of refugees due to proximity.

In the end, Germany recognized both ethnic and civic states, but all these decisions involved little direct risk to its interests. As was discussed earlier, the threat of violent conflict spilling over to Germany was ruled out early into the crisis. The threat of great numbers of refugees that could arrive in Germany was real, however. Nevertheless, recognition was presented as a policy that would reduce this threat (particularly for states claiming the right of self-determination) and therefore lead to the stabilization of the region.

3) Observing Actual German Policy on Recognition

Germany played the most important role out of all European states in the dissolution of Yugoslavia. It played out its leading role in favour of the recognition of the political entities born out of the former Yugoslavia. The main characteristics of German policy were the leading role it assumed (since June 1991) in the negotiations between the seceding republics with the rest of Europe as well as the speed of its unilateral recognition, which preceded the EC recognition of Slovenia and Croatia. The leading role of German policy is examined in comparison to the policies of other large states in the European Community, at a time when Europe was defining its foreign policy objectives.

The German objectives can be understood through an analysis of its policy justifications compared to the outcome of these policies in light of threat and identity as variables. Germany and Austria were the first European states to support the Slovene, Croatian and Macedonian demands for independence since June 1991.

Nevertheless, at the beginning of the Yugoslav crisis Germany did not advocate the break-up of Yugoslavia. When violence broke out in Slovenia in June 1991, Germany changed policy and advocated the recognition of these republics. Once Slovenia and Croatia voiced their demands for independence, most European Community states and the United States did not believe that secession would solve the crisis. It was further believed that non-interference by the international community would not influence the domestic balance of power and would force all involved parties to solve their political differences through legal and constitutional changes. This conviction was strengthened by the will to maintain the status quo in the region. History has proven that the collapse of the status quo leads to conflict, border changes and a new balance of power in the region. Hence, the foreign states respected the principles of sovereignty and non-intervention at the beginning of the crisis to prevent the disruption of the international system.

In an attempt to avoid the dissolution of Yugoslavia, Bosnia-Herzegovina and the republic of Macedonia presented a “platform” for the future of Yugoslavia on June 6, 1991. They proposed the renegotiation of the constitution of Federal Yugoslavia to form a loose confederation where only the nations residing within the borders of a republic would have the right to seek self-determination.³⁰ They emphasized the right to self-determination of a nation already within republican borders. This would facilitate the creation of nation-sub-states within Yugoslavia. The republican borders were to define the borders of the nations. Parts of a nation dispersed throughout various republics had no right to self-determination. This plan

³⁰ Τάσος Τέλλογλου, *Η Γερμανική Πολιτική στον Γιουγκοσλαβικό Χώρο (1991-1995): Χρόνια Καλών Προθέσεων* (Αθήνα: Πόλις, 1996), 18.

coincided with the German conviction that a change in the federal constitutional arrangement would redefine the rights and obligations of the constituent republics by addressing and responding to the seceding republics' concerns while maintaining the unity of Federal Yugoslavia. Nevertheless, these plans did not serve the goals of certain parties in Yugoslavia, such as Croatia and Serbia. As Libal explains, Germany did not believe that Slovenia and Croatia would break free from Yugoslavia and interpreted their position as a game to strengthen their position in the constitutional negotiations. Hence, this was a domestic dispute and Germany was not willing to challenge the status quo. He adds that Germany had other priorities in 1991: unification, the German relations with and future of the USSR, strengthening the OSCE and the Gulf War.³¹ Increased communication with the leaders of the republics clarified and encouraged their determination to proceed to a more radical solution, and the aggressive response of the Serb leader Slobodan Milosevic persuaded Germany to reconsider its convictions despite the historically good relationship with Belgrade. The Slovene and Croat declarations of independence in June 25, 1991 marked the beginning of the end for the Yugoslav federal state. Slovenia had been pressing for the dissolution of the existing Yugoslavia since February 1991.

Germany changed its policy as early as June 19, 1991 to support the independence of Slovenia, Croatia and later of Macedonia. As violence replaced all diplomatic efforts and it became evident that the Serb nationalists possessed all the military power, it also became obvious that there was no balance of power to sustain

³¹ Michael Libal, *Limits of Persuasion: Germany and the Yugoslav Crisis, 1991-1992*, 4-5.

any diplomatic efforts. Germany chose to focus on and defend the interests of the republics as well as their populations that sought its support. The will of these peoples became the driving force behind German foreign policy. Increased domestic pressure in June-July 1991 due to the media coverage of the civil war, contributed to the change of German foreign policy.³²

Political pressures from the main political parties favoring international recognition of the right to self-determination for these republics as well as Genscher's visit to Yugoslavia in July 1991, prepared the ground for recognition. The resolution passed in the German Bundestag, supported by all four major parties (CDU, SPD, FD, Greens) emphasized the right to self-determination and right to secession of the Yugoslav republics. This was not yet a promise to recognition. It was a prelude, but also an indication of the urgency of the issue. The expectation was that the right to self-determination would allow the republics to choose unity within a new political framework with the help of CSCE (now OSCE) and the EC. Letters and messages sent by Chancellor Helmut Kohl and Francois Mitterand to the Yugoslav president emphasize this view.³³ Violence in Croatia, blamed on Serbia, strengthened the view that only the internationalization of the conflict would stop the fighting in Yugoslavia.

Michael Libal claims that recognition successfully satisfied its objective to end the hostilities in Croatia. He further argues that "recognition may in fact have

³² The mass media influenced the German public who became emotional against any violence in former Yugoslavia. The German people supported their government's reaction to the conflicts in Slovenia and Croatia because they blamed the Serb military actions for the suffering of the Slovenes and Croats.

³³ Michael Libal, *Limits of Persuasion: Germany and the Yugoslav Crisis, 1991-1992*, 8.

come too late” since it could have deterred Milosevic’s policies earlier.³⁴ Thus, recognition was thought to be the best option to stop the violence after failed attempts to achieve a cease-fire and the rejection of a proposed confederation. The European Community (EC) and the United Nations did not share this view. Both Bosnia-Herzegovina and the republic of Macedonia warned Germany and Austria against recognizing Slovenia and Croatia. They were concerned that recognition would trigger the spill over of the conflict in their territory.

Germany suggested that Slovenia and Croatia should be recognized by December 1991. Although Belgium, Austria and Denmark supported this proposal, a large group of other states disagreed with this proposal. France, Britain, Spain, Ireland, Greece and Luxemburg dismissed this plan. They objected to Germany’s insistence to proceed before the Badinter Commission delivered its decision on the eligibility of these republics for international recognition. Although Slovenia and Macedonia fulfilled the prerequisites for recognition, Croatia had not advanced enough to guarantee them. The Commission found Slovenia and Croatia eligible for independence in January 11, 1992.

The case of Macedonia was an interesting case for Germany because it did not follow the same policy as with Slovenia and Croatia. Germany had promised the Macedonian republic recognition if it fulfilled the EC guidelines. The Badinter Commission decided that the republic could be recognized with Slovenia. The republic of Macedonia was making constitutional changes to accommodate the rights of the large Albanian minority (almost 20% of the population). The Greek

³⁴ Michael Libal, *Limits of Persuasion: Germany and the Yugoslav Crisis, 1991-1992*, 144, 142.

veto challenged the German priorities. Germany had to choose between its active involvement and recognition of the republic and support for Greece as an equal EC member. Germany reassessed its priorities and decided to delay the recognition of Macedonia. At the same time, it attempted to ease the Greek concerns on the stability of its borders with the republic. Germany pressured Macedonia to make constitutional amendments that would preclude any worries about territorial annexation. Nevertheless, after a lot of failed German mediation attempts, Macedonia's independence ceased to be as much of a priority. Germany hesitated to proceed without the agreement of Greece but during the mediation process, the relations between the two countries ranged from amicable and respectful to resentment.

The recognition of Bosnia came as an outcome of the EC guidelines and the Opinions of the Badinter Commission. Germany did not push for recognition. Bosnia-Herzegovina declared independence on the 29th of February 1992 and was recognized in April. The main reason was that Bosnia did not fall in its foreign policy priorities. Its geographical distance did not pose such a threat for Germany. Its priority was to maintain good relations with other major European powers such as France as well as the US. After conflict broke out, Germany, as well as many other states became more involved with Bosnia.

Germany's European Concerns

The reference to the German position over time proves that Germany led the debate on recognition, but not recognition for all the republics because it was

concerned with the implications of its policy in the EC. It was a leader for the recognition of Slovenia, Croatia and Macedonia.³⁵ But in the case of Bosnia, Germany was a follower within the EC and also of the United States. The official justifications of its policy refer to the right to self-determination, conflict resolution, and the importance of multilateralism within the EC. Germany insisted that the only way to stop the wars in Slovenia and Croatia was the internationalization of the conflict through the recognition of the northern republics. Recognition was further justified as a response to the popular demand of federal citizens oppressed by Serb nationalism and a natural right of each nation. The referendums voiced this demand.

At first, Germany was convinced that any action towards Yugoslavia should be a common European position. Germany stressed that multilateral action was the key for a peaceful dissolution of Yugoslavia. This would benefit both Yugoslavia and Europe. The policy would be more effective if it was strongly supported by the twelve member-states and it would become the foundation upon which the European foreign policy would be built. Stability and cooperation could be successfully enforced by strong European institutions (EU, WEU), the OSCE and NATO and not unilaterally. Stability was viewed as the solution to failed European action with respect to the Gulf War, the fear for Soviet disintegration, the upcoming negotiations for further European integration as well as the possibility of a war in

³⁵ As already seen Germany had to soften its position on the republic of Macedonia as it was not willing to start another inter-EC dispute about unilateralism.

Yugoslavia.³⁶ The participation of other international organizations would add to the success. Nevertheless, there are contradictions in these policies.

As we saw in the observations, Germany attempted to persuade the diplomatic community that there were advantages to recognition that should be explored. Germany led the debate, even to the point of coercion within the European Community. It exploited its leading role in Europe and its connection with Eastern Europe and the Balkans to pressure the EC member states to recognize Slovenia and Croatia. It strongly believed in the importance of European active mediation to solve the disputes. Hence, these two republics came under German “protection.” For the Europeans, the German unilateral recognition of December 23, 1991 flagged the German foreign policy as coercive. In their eyes, German policy was not built on persuasion anymore. Libal, in his official capacity, claims that German recognition came after the EC’s decision of December 16, 1991 to recognize the two republics in January 1992.³⁷ This delay could indicate the success of Germany to persuade the rest of Europe. This view is not very persuasive because Germany had made its intentions known to its European partners since the spring of 1991 and went on without Europe’s support. After the recognition of the two republics, in an effort to appease the EC member-states, Germany did not establish diplomatic relations with the new states until their official recognition by

³⁶ Marie-Janine Calic, “German Perspectives” in A. Danchev and Th. Halverson, *International Perspectives on the Yugoslav Conflict* (London: Macmillan Press, 1996).

³⁷ Michael Libal, *Limits of Persuasion: Germany and the Yugoslav Crisis, 1991-1992*, 141.

the EC in January 15, 1992.³⁸ This is the only case, where the German and European policy coincided since the spring 1991.

Germany was working with France towards the improvement of their relations as these were badly compromised during and after Germany's unilateral recognition of Slovenia and Croatia. To ameliorate their relationship, the two countries cooperated on the creation of the EC guidelines for the recognition of new states in Eastern Europe and the Soviet Union that took place at the same time. The German participation aimed also at appeasing its European partners.

Multilateral action under the auspices of the EC was sacrificed for the sake of ending the war and in favour of the principle of self-determination. Therefore, German support for state identity based on ethnic self-determination became a key factor in shaping German actions despite its initial support for common European position.

The recognition of Bosnia was not a priority for Germany so it was not willing to assume a leading role on the issue. Instead, it acted within the multilateral framework of the European Communities and recognized Bosnia on April 7, 1992. There are various explanations for the lack of German interest to the recognition of Bosnia. The most obvious was the German assumption that the Guidelines and Opinions were the outcome of multilateral work and therefore, they had to be respected. Nevertheless, by this time, the United States has been actively involved. According to Genscher, the recognition of Bosnia was imposed by the

³⁸ Rahim Kherad, "La Reconnaissance des Etats Issus de la Dissolution de la Republique Socialiste Fédérative de Yougoslavie par les Membres de L'Union Européenne," *Revue Générale de Droit International Public*, 101, 3 (1997), 670-673.

Americans.³⁹ Germany did not react, as it was not willing to challenge again its European partners who were still suspicious of its incentives due to its unilateral action that almost cost the unity of Europe. Another reason was the realization that the Croats had abused its credibility.⁴⁰

In addition to these reasons, Germany realized that it was impossible for Bosnia to become an ethnic state. It was also difficult to be a stable multiethnic state since there were no democratic institutions to guarantee the rights of its ethnic constituencies. Bosnia was a republic with three different ethnic groups that could not agree on the territorial and political distribution of power within its borders (44% Muslim, 31% Serb and 17% Croat). The German nation-state model supports a nation's need for its homeland and in this case, each nation should belong to its own territory. As a compromise, Germany favoured the implementation of a Swiss model of ethnic accommodation in Bosnia. There was a need for a multilateral approach that would guarantee the interests of all ethnic groups that had divided allegiances. Libal, emphasizing the German belief on ethnic self-determination, disagreed with the partition of Bosnia based on artificial ethnic lines. He favoured the non-territorial autonomy of ethnic communities and thus, supported ethnic self-determination and not territorial self-determination.⁴¹ This plan would satisfy the demands of the Muslims, Croats and Serbs of Bosnia and would guarantee the existence of Bosnia's Muslim nation. His conviction was that the protection of

³⁹ Τάσος Τέλλογλου, *Η Γερμανική Πολιτική στον Γιουγκοσλαβικό Χώρο (1991-1995): Χρόνια Καλών Προθέσεων* (Αθήνα: Πόλις, 1996), 43.

⁴⁰ Michael Libal, *Limits of Persuasion: Germany and the Yugoslav Crisis, 1991-1992*, 89.

⁴¹ Michael Libal, *Limits of Persuasion: Germany and the Yugoslav Crisis, 1991-1992*, 92-93.

Bosniaks would avoid the resurgence of Islamic fundamentalism in Europe.⁴² Hence, he also tried to eliminate a possible new source of instability.

4) Evaluating the Reasons Macedonia does not Fit the Expectations

As we see, different policies were considered for each country, despite the fact that they addressed the same issue of recognition. Germany first recognized Slovenia and Croatia but not the republic of Macedonia despite the fact that they were all ethnic states and of low threat. As a reminder, the Macedonian case presents a delay in recognition and does not mean that Germany did not recognize it. The case of Macedonia indicates a prioritization of relations with an EC fellow member state (Greece) over Germany's own willingness to recognize the republic. Hence, its strong support for issues that relate to its ethnic identity was mitigated by diplomatic negotiations.

As we already discussed in the end of the previous section Germany negotiated with Greece the delay of the recognition of Macedonia in order to appease Greek concerns. The late recognition of Macedonia shows that Germany could relate to Greek worries on the recognition of a new ethnic state. Greece's concerns regarding the stability of the Greek-Macedonian border involved possible territorial claims by the new state. The republic's strong Slavic identity defined the threat in both ethnic and territorial terms. Greek fears of the neighbour's strong ethnic identity surfaced with its refusal to accept the inclusion of the name "Macedonia" in the official name of the new state. This issue was closely tied to

⁴² Michael Libal, *Limits of Persuasion: Germany and the Yugoslav Crisis, 1991-1992*, 91. This is also discussed by David Owen, *Balkan Odyssey* (London, 1995), 188

concerns about increased refugee flows into Greece. Germany supported the recognition of a Macedonian ethnic state because it was far from German borders and was not struck by conflict yet. Germany however, supported Greece's concerns due to both states' ethnic identity and membership in the EC and other international organizations.⁴³

Conclusion

Germany's policy on recognition largely fits with our expectations based on its preferences regarding ethnic states, and its contemplation of threat in the region. Evidence shows that Germany is an ethnic state that supports the creation of new states of ethnic character as long as they pose low threat. The main perceived threat for Germany was the massive inflow of refugees and asylum seekers. The one exception in this analysis was the case of Macedonia, because Germany should have recognized it along with the other emerging states due to its ethnic-based identity. Germany did not recognize Macedonia as quickly as expected, not because it had different initial preferences, but because it favoured negotiations with Greece. These inter-state deals caused it to delay its recognition.

The strength of German support for the principle connecting ethnicity to the state is evident through its constitution and the relevant nationality laws. The German struggle, despite recent legal amendments, to admit immigration is a problem, as is the integration of individuals of non-German descent. This supports the assumption that it would favour the creation of homogeneous ethnic states.

⁴³ Germany sympathized with Greece's concerns and was not willing to open a new diplomatic front with the EC.

Uneasiness with large populations of distinct non-German ethnic background, as well as the existing xenophobia in German society, leads to the expectation that Germany would be inclined to favour other ethnic states, and see homogeneity as a source of future stability for those states.

Proximity was used as an indicator to capture the degree of perceived or real threat facing Germany. The lower the threat the new state poses, the more likely that Germany would recognize those states based on the same principles as it; in other words, the low risks attached to its decisions allowed it to readily recognize ethnic states. This applies to Slovenia and Croatia, and would have also applied to recognition for the republic of Macedonia if Greek diplomacy had not intervened. The aggressive German policy regarding Slovenia and especially Croatia is in contrast to the compromising attitude regarding FYROM. It is also in contrast to the German belief in national self-determination. The fact is that Macedonian recognition was delayed in return for Greek support for the Slovene and Croat recognition. The normalization of intra-EC relations was more important to Germany.

The following chapter discusses the French policy on recognition. The different principle regarding the relationship between ethnic identity and the state makes French diplomacy in this era an interesting case to contrast with German diplomacy. Like Germany, the geographical position of France allowed it to pursue its preferences. The fact that its preferences differed from Germany's fueled the diplomatic disagreements concerning recognition of the successor states to Yugoslavia.

Chapter 3

THE FRENCH POLICY ON RECOGNITION

The French case is interesting to study due to the country's unwillingness to participate in the dissolution of Yugoslavia, and its opposition to German decisions. Like Germany, France is a leading European state, influential both within and outside Europe. As a leader in European affairs, France is expected to be an important actor in shaping European foreign policy, especially in view of the Treaty of Maastricht in 1991. Why did France respond to the issue of recognition of the Yugoslav successor states so differently from Germany?

The hypothesis laid forth in Chapter One claims that differences in the principle guiding the relationship between ethnicity and the state shaped the different responses. Whereas Germany is based on a notion of the ethnic basis for the state, France is based on a civic identity. French civic identity was consolidated during the historical creation of the French state. A brief description of the formation of the French nation-state will identify and explain the main elements of this identity. Its codification into nationality and citizenship laws explains the relatively open immigration system and the state's refusal to take into account the role of ethnicity in its society. French conceptualization of identity defines its attitudes towards other nations and states. It should be reluctant to recognize ethnic

states, but much more willing to accept those that would be based on the basis of a civic identity. The expected French preference towards the dissolution of Yugoslavia will be juxtaposed to the observed position France held towards the first republics seeking secession from the federal state, again taking into account the likelihood of any threat to France, and the need to engage in international bargaining.

1) French Identity, Nationality and Citizenship

The creation of the French nation-state was very different to the German process. The French nation came into being only after the establishment of the French state. In other words, the driving force behind the creation of the French state was the transition from a feudal to a national state. Divided loyalties, the lack of uniform rules throughout the territory, the political and economic power of nobility responsible for wars during the feudal system divided the French society and did not allow for a distinct French ethnic identity to flourish.

The creation of a strong central state aimed at eliminating these dividing factors under the monarchy of Louis XIV (1643-1715). The unified tax system reduced the power of the nobility but deepened the class conflict between peasants and the nobility leading to the French Revolution. Resentment against the monarchy was amplified with the increase of taxes to cover the debts occurred due to costly wars taking place during the seventeenth and eighteenth centuries. The French Revolution of 1789 rendered illegitimate the absolute authority of the king and the power of aristocracy and the Church over the diverse population. Although

the Revolution ended the power of the ancien régime, the centralization process of the French state continued to take place despite the regimes governing France.¹

The French Revolution emphasized the power of the people and proclaimed the importance of liberal political values to the rest of Europe. Republican ideas emphasized civil equality, individual liberty and the political nature of the nation-state. The Declaration of the Rights of Man in 1789 established that French sovereignty lies with the nation.² Nevertheless, the nation was not understood in ethnic terms, but rather through residency within the French territory. The lack of a consolidated distinct identity along with the emphasis on these values meant the inclusion of all residents of France who subscribed to liberal values.³ As a result, all individuals willing to identify with the state were accepted. As descent was not critical for belonging into the French nation, foreigners became part of the French nation-state. Consequently the French socio-political model is inclusive, as membership is not defined by ethnic origin. The state only recognizes individuals and not groups, while it respects but does not encourage, particular identities. This is a clear case of the “state-to-nation” process, as adequately described by Anthony D. Smith.⁴ As the state predates the French nation, it consolidated its legitimacy

¹ After the short-lived First Republic, Napoleon Bonaparte (1804-1815) ensured his top-down authority with the establishment of new administrative institutions (Conseil D’Etat, Ecole Polytechnique). The strengthening of the French executive and the bureaucracy continued during the Republics to follow.

² These rights were restricted by criteria regarding race, gender or social class. Hence, women, Jewish and coloured people as well as serfs were excluded from the universal rights.

³ William Safran, “Citizenship and Nationality in Democratic Systems: Approaches to Defining and Acquiring Membership in the Political Community,” *International Political Science Review*, 18, 3 (1997), 315.

⁴ In his study of national identity, Anthony Smith has identified two main processes that define the identity of modern European nation-states. The “nation-to-state” model indicates the existence of an ethnic community before the formation of the state thus, placing ethnicity in the center of this state. The “state-to-nation” model indicates that a state structure contributes in the formation of a dominant

through the creation of a unified nation that was intensified since the French Revolution.

The period of 1789-1870 was crucial for the organization of the French nation-state. Despite the promotion of common religion, culture and social rights by the state during the ancien régime, a strong national feeling was created only during the Third Republic (1870-1940). To consolidate the civic identity of its population, the French state created strong civic, social and political institutions for the homogenization of its population's cultural diversity. The administration was centralized, the three-coloured national flag was introduced and patriotism ran through all social classes.⁵ Although the Revolution referred to the French nation as citizens who are equal abiding to universal principles, in the 1790s, more emphasis was given to the development of the cultural traits of this nation. Attention was given to education, the homogenization of French language and the arts. A common French language ceased to exist until the enforcement of the 1880s laws regarding primary education.⁶ The French state went further to establish a civic identity by discouraging practices that did not strengthen the idea of a unified French nation.

A characteristic of the French republican identity is the secularization of the state. The separation of Church and state confines religious practices into the private sphere. Consequently, the state does not endorse any religious organizations and does not have an official religion. In recent years, religion has become a

national community and not a distinct ethnicity. The type and strength of nationalist ideology depend on these processes. Anthony D. Smith, *National Identity* (London: Penguin Books, 1991).

⁵ Douglas Johnson, "The Making of the French Nation," in M. Teich and R. Porter, eds., *The National Question in Europe In Historical Context* (Cambridge: Cambridge University Press, 1993), 47-52.

⁶ Douglas Johnson, "The Making of the French Nation," 52.

distinguishing attribute among immigrants, naturalized individuals and North-African French. Despite the state's refusal to recognize and include religious practices into the public sphere, religion has often divided the French society.⁷ A good example is the recent "headscarf" issue that threatened to polarize the French along religious lines, between Muslims and Christians (2003).

The French state believes that there are no cultural and religious differences among French citizens. This ideology has a significant impact on the large Muslim immigrant community residing in France. This community is tightly linked to French history and its colonial past. Decolonization increased the French population as the citizens of Mahreb had to be incorporated into French society. In its attempt to further incorporate its Muslim-French citizens into the society, France turned against any practices that could lead to discrimination.⁸ As a result, a 2003 law banned all French students from wearing any religious symbols, such as the Islamic headscarf in public schools. This applied to all religious denominations, but was mainly resisted by the French Muslims as a threat to their cultural and religious heritage.⁹ Hence, they demanded the state's recognition of the right to publicly wear religious symbols such as the headscarf for girls in public schools based on

⁷ Karim Bourtel discusses the turn of the Franco-Arabs towards the Right-wing Union for the Presidential Majority and their will for equal opportunities rather than cultural integration. Karim Bourtel, "Franco-Arabs turn to the Right," *Le Monde Diplomatique*, November 2003. http://mondediplo.com/2003/11/11leftright?var_recherche=Karim+Bourtel

⁸ French law is blind to ethnicity or religion as it prohibits any reference to these attributes even in official statistics. Unofficial sources suggest that there are currently three million French Muslims. In Karim Bourtel, "Franco-Arabs turn to the Right."

⁹ Marina da Silva, "France: Outsider Women," *Le Monde Diplomatique*, October 2004. http://mondediplo.com/2004/10/12women?var_recherche=Marina+Da+Silva. Da Silva also addresses the fact that Muslim women agree that the Left has supported their cultural identity rather than fight for Muslim equal rights in France.

individual freedom. This became a serious issue of contention between a considerable number of Muslim French citizens and the state.

French civic identity is expected to be more accommodating of diverse ethnic backgrounds, because it does not dwell on ethnicity but rather on socialization around liberal principles upon which the French nation-state is founded. French immigration policy and foreigner incorporation has been affected by this ideology and focuses on strengthening the French identity of the newcomers as this is defined by the civic values of France.

French Immigration Policy

France has been an immigration country since the mid-19th century. Following the First and Second World Wars, the need for industrialization and reconstruction led to the recruitment of labor from southern European and North African countries. After the First World War, labour was selected according to ethnic and religious criteria, but General De Gaulle abandoned this policy during the Fourth Republic (1946-1958). Post-World War II, France became highly urbanized with an emphasis on a service-based economy and state bureaucracy. This economic miracle was also achieved with the recruitment of labour from abroad. This policy of attracting labour was implemented in parallel with increased urbanization. France was a desirable destination for immigrants of southern European origin. However, with the introduction of the austerity measures during the early 1960s, the system began to collapse, leading to the economic crisis of the 1970s, despite state efforts to support the economy. At the same time, the

composition of foreign population changed to include more North Africans. This was the result of decolonization. As a result, the Maghreb and Muslim communities in France became sufficiently numerous, making Islam the second most common religion after Catholicism.¹⁰

The French immigration system was liberal until 1973, when it officially closed as a result of the oil crisis and the recession. This was not a distinct French policy, but a Europe-wide reaction to the international economic recession. Today, migration is only encouraged for the purposes of family reunification. Nevertheless, refugees and asylum seekers are also admitted despite the fact that the criteria for acceptance have become harsher over time.¹¹ Both family reunification and refugee claims fall under the respect for human rights, which every state is obliged to protect. Migrant incorporation in France is a centrally structured operation with no role for intermediary organizations on behalf of the migrants.¹² This falls in line with the French “statist” system where all matters are centrally regulated and administered. Hence, this policy represents ideals embedded in the French nation-state.

The incorporation of individuals with a different cultural background can be achieved by a policy of assimilation. Assimilation policy aimed to incorporate immigrants by transforming them into French citizens who adhere to French civic ideals. Jeremy Jennings prefers to call this a policy of integration as it aims to treat

¹⁰ Douglas Johnson, “The Making of the French Nation,” 59.

¹¹ All states tighten admission rules to minimize the amount of individuals who take advantage of the system by claiming refugee status under the Geneva Conventions. Hence, there are other conditions to be satisfied in addition to proving that they fear persecution in their country. The majority of applicants are usually economic refugees or migrants.

¹² Yasemin Soysal, *Limits of Citizenship: Migrants and Postnational Membership in Europe* (Chicago, London: The University of Chicago Press, 1994), 58-61.

all citizens equally.¹³ The French Republican model successfully integrated immigrants as well as their children into the French society, but it was not very successful in eliminating xenophobia.¹⁴ The country's refugee and asylum policies were supported by the establishment of a welfare state system.¹⁵

Although France is one of the largest and most developed states in the EC, it has also been reluctant to receive asylum seekers, refugees and immigrants, due to its stretched welfare system. In 1991, political asylum was granted to 7,000 people, while 13,500 claims were denied. The claimants were to be expelled within a month.¹⁶ As the process of admission and incorporation of the refugees is lengthy, state provision for the newcomers becomes very costly. During the review of the claims, the state is obliged to provide for health care, housing and social support and not send away the claimants.¹⁷ In addition to state support, the existing ethnic associations and local communities in France provide further assistance to the newcomers.

France faced an increase of immigrants in the 1980s and early 1990s, similar to Germany, and although the public did not object to the inflow of immigrants from the French colonies, racism is still part of the social environment. The extreme right party has fueled this anti-immigrant sentiment since the 1980s by claiming that the

¹³ Jeremy Jennings, "Citizenship, Republicanism and Multiculturalism in Contemporary France," *British Journal of Political Studies*, 30 (2000), 582.

¹⁴ Dominique Schnapper, "The Debate on Immigration and the Crisis of National Identity," *West European Politics*, 17, 2 (April 1994), 127-139.

¹⁵ For more specific information on the French migrant incorporation see Yasemin Soysal, *Limits of Citizenship: Migrants and Postnational Membership in Europe*, 58-61.

¹⁶ Craig R. Whitney, "Europe's Fortress: Immigrants Beware," *International Herald Tribune*, 30 December 1991, 4.

¹⁷ These rights do not apply to asylum seekers and labour migrants because they are presumed to be temporary residents. For more information see T. Alexander Aleinikoff and Douglas Klusmeyer, *Citizenship Policies for an Age of Migration* (Washington, DC: Carnegie Endowment for International Peace, 2002), 65, 92.

multicultural immigrant population endangers French identity and culture.¹⁸ In recent years, the Front National party of Jean-Marie Le Pen has been receiving increased support and has gained access to the French Parliament. This influences the position of foreigners in French society. Although immigration policy is tightly connected to the economic needs of the state, policy still emphasizes consolidation of French identity and thus, ties nationality and citizenship laws.

Nationality and Citizenship

The importance of territory in France is linked to the establishment of a strong French state and the lack of a distinct nation prior to it. The process through which the French nation-state was established indicates the strength of Republican ideology. The lack of any use of ascriptive criteria such as ethnicity or religion allows for a de facto state and nation congruence. The identification of the citizens with the political values of equality and liberty explains why nationality and citizenship both describe the same thing; the individual's relation to the French nation and state. In civic states, ethnicity is not the backbone of nationality. As seen earlier, ethnic states by nature tend to legally differentiate nationality from citizenship.

During the ancien regime in France, the nation was defined by shared religion, culture and civic rights. Since these were promoted and protected by the

¹⁸ Weil, Patrick and J. Crowley, "Integration in Theory and Practice: A Comparison of France and Britain," *West European Politics*, 17, 2 (April 1994), 110-126.

state, the fusion of citizenship and nationality was natural.¹⁹ This was a feudal tradition where individuals were linked to the lord who held the land where they were born. The French Revolution (1789) broke away from this feudal tradition and created a universal state that included even foreigners subscribing to its republican values.

The Constitution of 1793 introduced universal suffrage thus extending the citizenship mentioned in the 1791 Constitution. As *jus soli* connoted feudal allegiance, it was decided, against Bonaparte's wish, that the Civil Code of 1804 would grant French nationality at birth only to a child born to a French father, either in France or abroad. It was not ethnically motivated; it only meant that family links transmitted by the head of the household had become more important than subjecthood. Furthermore, the Civil Code of 1804 assumed full participation of the citizens in the political and public life thus, making dual nationality unacceptable in principle. Hence, there is coexistence of both principles, *jus soli* and *jus sanguinis*, in the law since early on in the formation of the French state. The constitution of the Fifth Republic links the importance of national sovereignty with the respect for human rights. It states that "the French people solemnly proclaim their attachment to Human Rights and to the principles of national sovereignty, such as they are defined by the Declaration of 1789, confirmed and completed by the preamble of

¹⁹ William Safran, "Citizenship and Nationality in Democratic Systems: Approaches to Defining and Acquiring Membership in the Political Community," *International Political Science Review*, 18, 3 (1997), 315.

the Constitution of 1946.”²⁰ Hence, it consolidates the equality of the citizens and creates a stronger link between the citizens and the state.

Dual nationality was not allowed until the present day in France, due to the demand for allegiance to the French nation-state and its values. Nevertheless, it neither accounted for the automatic loss of French citizenship, nor the need for the renunciation of another citizenship. Despite the Code’s emphasis on *jus sanguinis*, France believed in the “national cohesion” of the nation.²¹ French assimilation policies never ceased to create French nationals.

Birth within the French territory is a sufficient condition for citizenship. This liberal citizenship law was modified in July 1993 to restrict the acquisition of citizenship due to increased immigration. This was part of the second “Pasqua laws” aimed at protecting French identity. Before, a child born in France from a parent born in a former French colony or overseas territory was automatically considered French at the age of eighteen. This ceased to be automatic, unless the parent has lived in France for minimum five years and was born before 1962.²² In many cases now, the children of immigrants have to go through a naturalization process between the ages of 16 and 21.²³ They can apply for citizenship upon their attainment of the requisite age and after a minimum of five years residence in France. It is assumed that they speak the language well, know the culture and that

²⁰ Diarmuid R. Phelan, *Revolt or Revolution: The Constitutional Boundaries of the European Community* (Dublin: Round Hall Sweet and Maxwell, 1997), 193.

²¹ T. Alexander Aleinikoff and Douglas Klusmeyer, *Citizenship Policies for an Age of Migration*, 197-9.

²² William Safran, “Citizenship and Nationality in Democratic Systems: Approaches to Defining and Acquiring Membership in the Political Community,” 317.

²³ Yasemin Soysal, *Limits of Citizenship: Migrants and Postnational Membership in Europe*, 26.

they have adapted to the French society.²⁴ This proves that the French civic identity has become more exclusive by limiting the creation of new citizens.

2) Expected French Policy on Recognition

The argument here would be that France's civic identity coupled with low vulnerability to threats emanating from the Balkans due to its geographical distance from the conflict determined its response to the opportunities to recognize new entities. France has supported the principles of sovereignty and non-intervention. Accordingly it would support the continuation of a federal, united Yugoslavia. Hence, its expected reaction to the Yugoslav disputes would be initially to refuse any involvement in the conflict. This was also the position other states took, but France referred to these principles and held to them longer. This chapter attempts to predict French policy from the moment that involvement seemed necessary to satisfy other French interests. Our purpose is to uncover links between its preferences for new states to adhere to the principle of civic identity, unless this led to higher threats to French interests, and demonstrate how this affected French bargaining and decisions regarding recognition.

As geopolitical threat relates to distance, the closer a state is to a conflict, the bigger the threat is likely to be to its security. If threats are great, the state will seek policies to reduce that threat, which may override other policy preferences. In the case of Yugoslavia, the fear of conflict spill over was a real threat for some European states. In the methodology, introduced in the introductory chapter, France

²⁴ William Safran, "Citizenship and Nationality in Democratic Systems: Approaches to Defining and Acquiring Membership in the Political Community," 316.

is classified as being “far” from the conflict since it does not share borders with the conflict area. The physical distance of France from the conflict area should reduce both its interest in the region, as well as the possibility of direct threat of violence spilling over into its territory. Nevertheless, France was also entertaining the idea of such possibilities, but not as a direct threat to French territory but to the European Community as a whole. Like the rest of Europe, France was interested in the stability of the Balkan region that would guarantee the security of its neighbours and Europe as a whole. Therefore, France insisted that Europe should refrain from taking sides in the conflict and should discourage the various nationalist movements. This also reflects the thinking that national self-determination was a source of problems rather than a solution to them.

The escalation of the disputes into a civil war would lead to another unwanted outcome; the increased numbers of war victims and therefore of people seeking asylum in safer neighbouring countries. Although this possibility was more threatening to neighbouring countries, it alarmed all of the economically advanced European states. The well-developed social and welfare systems of the industrialized Western European states would be seriously burdened from this increased demand, especially with the states’ already decreased financial ability to sustain them. These nervous countries were also members of the European Community. All European states²⁵ already considered the regulation of the outflow of refugees and victims of war crucial in a more organized Community-wide manner.

²⁵ Europe was not the only one interested in refugee regulation. The USA and Canada were equally concerned but as a human rights practice not as a result of direct threat due to proximity.

Although this was a concern, the physical distance of France from the conflict area significantly reduced the threat posed by unregulated newcomers. Due to the geographical distance from Yugoslavia, it was more likely that only small numbers of asylum seekers would reach France. The majority of them would most likely take refuge in neighbouring countries, such as Greece and Italy.

Further change in the composition of the French society would be another concern for the state as a result of an influx of asylum seekers and refugees. Due to decolonization and past immigration policies, France had already tried to incorporate individuals of different cultural and religious backgrounds into society. According to the French policy of equality and indifference to ethnic ties, the cohabitation of different ethnic groups in society should not be problematic. The state guarantees equal treatment to all individuals despite their ethnicity. Nevertheless, existing social groups like the North African community have challenged the state policy of indifference to cultural and religious traits. They claimed the right to freely demonstrate their religion in public space thus, declaring an ethnic and cultural identity that is against the French civic identity. The already strained state-society relations could be exacerbated with the arrival of more foreigners. Furthermore, their mere existence would fail to appease the already existing xenophobia in France, especially if they were not only from a different ethnic background but also of different religion.

The combination of these perceived threats in conjunction with French preferences regarding identity influenced French foreign policy towards Yugoslavia and the seceding republics. More specifically, the predicted French policy towards

the dissolution of Yugoslavia, with respect to the recognition of new, former-Yugoslav, states is schematically shown in the following table:

	High threat	Low threat
Ethnic identity	Reluctant/Averse to recognition	Oppose Recognition SLOV, CROAT, MACED
Civic identity	Reluctant to recognize	Eager to recognize BOSNIA

As noted earlier France supported the principles of state sovereignty and non-intervention in federal Yugoslavia. However, once the Yugoslav conflict erupted and the disintegration of the Yugoslav state became apparent, France would be likely to support a new civic state given the low threat involved in this decision. Considering French civic national identity, we would expect France to prefer to recognize civic states that ensure the equality of their citizens through democratic practices. Hence, France should be eager to recognize a Bosnian civic state. Again due to its civic identity, France would not be likely to support the creation of ethnic exclusionary nation-states. Because of the low threat to France, it could afford to pursue policies that reflected its preferences.

3) Observing Actual French Policy on Recognition

France initially refrained from any involvement in the crisis. This was also the initial reaction of Europe as a whole. What distinguishes France from the rest of Europe is that France insisted on this position until the European-wide recognition

of the former-Yugoslav republics as states in January 1992. Although France was the last state to agree to such an indirect involvement into the Yugoslav crisis, it was also the leading voice objecting to German pressures in favour of recognition, underlining how strongly these two countries disagreed over these first decisions. The outcome was the division of Europe over its common foreign policy.

Despite the breakdown of intra-Yugoslav relations in the mid-1990s, the international community refrained from any direct involvement. This informal European agreement of non-interference was strongly supported until June 1991. Until then, the European Community as a whole had not acted in favour or against any parties. Croatia adopted a new constitution in December 23, 1990 and held a referendum in May 19, 1991 supporting its independence. Slovenia also held a referendum six months later in June 25, 1991. Even after the declarations of independence, the European Community as a whole continued to support the unity of Yugoslavia mainly for security reasons. The dissolution of Yugoslavia was officially put on the agenda after the eruption of the brief war in Slovenia. Despite the brief conflict in Slovenia, Croatia's independence was more problematic, not only because of the heterogeneity of its population,²⁶ but mainly due to the actions of the Serb-Croats. Once the Serb-Croats realized that their national status in the potentially new state of Croatia would be reduced to minority status, they created a

²⁶ Slovenia was very homogeneous at the time, with more than 90% ethnic Slovene citizens. Croatia was not more heterogeneous than already established states but it had a significant Serb minority, which did not see itself as a minority but as one of the "peoples" of Yugoslavia. The Serb-Croats accounted for almost 12% of the Croat population. Thierry Tardy, *La France et la Gestion des Conflits Yugoslaves (1991-1995): Enjeux et Leçons d'une Opération de Maintien de la Paix de l'ONU* (Brussels : Etablissements Emile Bruylant, 1999), 108. Today, Serb-Croats account for 4.8% of the population, CIA World Factbook <http://www.cia.gov/cia/publications/factbook/geos/hr.html> People

new Serb Autonomous Republic of Krajina in September 1990 and gained its independence in March 1991.²⁷

Francois Mitterrand often defended the rights of the Serbs in Croatia. His view was that recognition should be conditioned on minorities receiving specific rights.²⁸ M. Roland Dumas emphasized this statement by asking the fulfillment of Croatia's responsibility towards minorities before the establishment of any diplomatic relations.²⁹ France was more vocal than other countries with respect to the minority rights of the Serbs. This also showed its initial support leaned towards Serbia.³⁰ The rest of the Western states held Serbia responsible for the conflict and were more concerned with the protection of the other ethnic and religious groups. France also played a critical role in establishing the Badinter Commission to ensure that all the republics seeking independence met the same conditions and criteria. The Commission's mandate was to investigate the viability of these new states with respect to issues such as minority rights, again reflecting French preferences.

The common European front began to break down in June 1991 as a result of a division in the domestic political arena mainly of Germany. The different political parties began to disagree on the course of German foreign policy regarding Yugoslavia. German public opinion became quite vocal too in favour of the

²⁷ Thierry Tardy, *La France et la Gestion des Conflits Yugoslaves (1991-1995): Enjeux et Leçons d'une Opération de Maintien de la Paix de l'ONU*, 108.

²⁸ Thierry Tardy, *La France et la Gestion des Conflits Yugoslaves (1991-1995): Enjeux et Leçons d'une Opération de Maintien de la Paix de l'ONU*, 118.

²⁹ Claire Tréan, "La France Est Prête A Reconnaître la Slovenie et la Croatie," *Le Monde*, 16 January 1992.

³⁰ James Gow and Pia Christina Wood claim that France's good relations with Serbia were not sincere. France tried to gain time to diplomatically influence Serbia. If France succeeded, its international status as a diplomatic power would be reasserted and proved to the international community. See James Gow, *Triumph of the Lack of Will: International Diplomacy and the Yugoslav War* (New York: Columbia University Press, 1997), 159.

Catholic Croats seeking self-determination. The outcome of the German division was a greater division of the EC into two main camps; the one led by France supporting non-intervention and the other led by Germany supporting mediation and favouring self-determination. Different perceptions regarding the most proper response to the Yugoslav conflict triggered a wider disagreement within the European community. All French policies were considered with European integration in mind. As a matter of fact, French strategic interests were very much tied to the European Community interests.

Nonetheless, the initial French reaction followed a state-centric approach – French preferences reflected French identity. It was against the dissolution of the Yugoslav state and favoured its unity at any cost. Once it was evident that the Yugoslav state was on the verge of dissolution, France proposed multilateral action through international organizations such as the UN and in the case of military action through the WEU.³¹

In France's view, multilateral action should restore stability and the unity within the Yugoslav state. Germany also proposed a multilateral response to the seceding republics but the two countries disagreed as to the preferred policy. They also disagreed over whether recognition would resolve the conflict. Germany believed that the recognition of the seceding republics would end all conflict while France insisted that this would have the opposite effect, as it would empower the parties involved and thus exacerbate the conflict. Although Germany may have

³¹ France, more than other members of the EU, believed in a European presence without US aid. Hence, it focused its efforts in European organizations to reduce the influence of the US. An example of the French effort to put to the test the EC's foreign and security policy in a region of great interest to Europe was its insistence on the primary role of the WEU (the European security organization) instead of NATO, in the event of an armed intervention.

been correct about recognition of Slovenia, the French scenario proved to be valid as fighting in Croatia did not stop with Croatia's recognition. Fighting subsided with the ceasefire agreement brokered by Cyrus Vance that allowed the introduction of UN peacekeepers in the area. Both states however, agreed on the need for Europe to take a leading role in the region. For this reason, France was soon compelled to give up its position of non-intervention, as it was turning against its interests regarding the international position of the EU as a political entity.

The day before the 15th of January 1992, both France and Britain continued to resist the idea of recognition. The Badinter Commission concluded against the recognition of Croatia due to insufficient protection of minorities. Italy facilitated their consent by demanding sufficient guarantees for minorities in Croatia's constitutional law.³² At the same time, France had to return the favour to Germany for its support of certain French positions regarding the Treaty of Maastricht. Hence, the 15th of January, France went along with the EC's decision to recognize the two republics. The European community as a whole recognized Bosnia-Herzegovina on April 6, 1992.

4) Analyzing the French Preferences and Policy Outcomes

According to the model, French civic identity would favour the recognition of a civic state if there is low threat. France did not share borders with any seceding republics therefore there was low threat of conflict spill over. On the other hand, France may have felt threatened by a possible mass inflow of refugees from the affected region. As a result of this perception it was inclined to work with the EC to

³² C. T., "Les Douze ont Refait Leur Unité « in extremis »,» *Le Monde*, 17 January 1992.

stabilize the region. The observed events show that France did not pursue its preferences perfectly hence it was not a leader in the recognition of Bosnia nor did it reject the recognition of the ethnic states in the end. Eventually France recognized all four states in conjunction with the EC policies.

The following discussion outlines French behaviour in the recognition debate and the reasons it did so within the EC framework for a secure and stable region. French civic identity led it to favour the unity of the state. First this applied to the federal Yugoslavia. Later when it became apparent that dissolution was a reality it favoured the recognition of states that would be more politically stable than others because they posed a low threat.³³ French state identity is important because it is in contrast to the German ethnic state identity. Within the recognition debate this led to each country favouring different principles. For France this meant favouring of the principles of territorial integrity and non-intervention. This was in contrast to the German preference for the norm of ethnic self-determination. At the end the homogeneity of ethnic states and overall European stability led the way for French recognition of the former Yugoslav republics.

France did first act according to its preferences; the fact that it would not favour the recognition of any new state as this would finalize the dissolution of another state. According to this, France chose to act as an observant to the breakdown of the relations between the republics and the central government of federal Yugoslavia. This decision expressed the French support of two principles in international relations. The maintenance of the territorial integrity of a state was of

³³ Stability in this case would prevent the mass outflow of refugees and asylum seekers from these republics.

outmost interest. France favours the maintenance of state borders along with the absolute authority of the state over its territory and population. It also did not find ethnic-based states appealing. Consequently, it did not approve the encouragement of any nationalist movements demanding the end of Yugoslavia. Consenting to the exit of the republics from the Yugoslav Federation would possibly lead to a change in state borders and Yugoslavia would cease to have the absolute power over its territory and its peoples. The French policy empowered the principle of non-intervention in the internal affairs of another state hence, stressing that it preferred to deal with a sovereign Yugoslavia and not the republics.

Why was France so strongly supporting these principles of sovereignty and non-intervention? It has often been said that France abstained from any involvement due to its historical ties with Serbia since World War I.³⁴ Since the nationalist movements aimed at weakening the Serb dominance in the area and by extension the federation, it was expected that France would support Serbia. Although this is a valid argument, this alliance was not very strong as France chose to prioritize its interests. Gow explains that Serbia became the litmus test for France to reassert its role as a diplomatic power.³⁵ Hence, this alliance served to reassert France's international importance. Serbia had become the aggressor in the beginning of the conflict and France chose to withdraw its support in favour of Europe, and Germany was able to tie decisions in this sphere with policies being made elsewhere. Other considerations such as the protection of the French troops deployed in the area influenced French policy. France chose to delay the NATO

³⁴ Stephen M. Saideman, *The Ties that Divide: Ethnic Politics, Foreign Policy and International Conflict* (New York: Columbia University Press, 2001), 118.

³⁵ James Gow, *Triumph of the Lack of Will: International Diplomacy and the Yugoslav War*, 159.

bombing of Serbia for similar reasons.³⁶ These arguments do not adequately explain the French insistence against any involvement in the initial unfolding of the conflict, however.

Domestic politics explain the French support for both principles of sovereignty and non-intervention. France was interested in discouraging all secessionist movements in Yugoslavia as the viability of the French state had been violently challenged in the past by the separatist movement in Corsica. Corsica has been a thorn in French politics. French refusal to grant autonomy to Corsica led to the escalation of the region's disputes with the central government to a civil conflict for many years. Such nationalist claims attacked the absolute authority of the state and therefore, weakened its internal stability and security. Furthermore, French unity had been achieved by a system of administrative centralization that by definition excluded regional autonomy. Corsica's aspiration for independence would also shrink the French territory and thus reduce its international power. As France did not wish any involvement or mediation by any other state over this internal issue, it was unwilling to support any political movements that would change the status quo of Yugoslavia in the Balkan region. In turn, it proposed that the disputing parties should deal with their problems according to the provided procedures by the federal constitution.

French civic identity is also relevant here because the nationalist movements aimed at the creation of new ethnic states. The conflicts were identified along ethnic lines – a basis for conflict France would oppose. The civic character of

³⁶ Stephen M. Saideman, *The Ties that Divide: Ethnic Politics, Foreign Policy and International Conflict*, 119.

France does not favour the recognition of national minorities, as this would threaten the unity of the state. The French response to claims from Bretagne and the Basque region support its trust in this belief. The accuracy of this principle was later proved with the dissolution of Yugoslavia. The fact that the conflicting communities (Slovenes, Croats, Muslims) had been recognized as distinct “nations” or “nationalities” in the federal Yugoslav constitution, indicated the ethnic character of their demands and the complexity of the conflict as this was interpreted by power politics. For this reason, France initially supported the principle of non-intervention to strengthen the inviolability of territorial integrity. It promoted the respect of the international norm on territorial integrity by weakening the norm of ethnic self-determination that was strongly supported by Germany and straining the relationship of these two European partners.

Securing a state’s territorial integrity is also connected to the stability of the region and was equally important for the security of the European Community. France as all the European states was interested in the security and stability of the Balkans. Although it was remotely distanced from the geographical borders of the federal Yugoslav state, the European Community was not. As Yugoslavia bordered the European Community, a possible spill over of the civil war would destabilize the neighbouring EC member states hence, the whole of the EC. The security threat of a possible spill over was real in the early stages of the conflict, but the possibility of such outcomes declined over time, and was increasingly dismissed. It was not seriously considered a military threat. Nevertheless, any support for the Slovene, Croatian and Macedonian independence would also encourage the dissolution of the

Soviet Union as its unity was challenged by the Baltic states during the same period.³⁷ France as well as Britain also feared that recognition would fire up extremist ethnic groups in Europe. The fears that separatist groups in Western Europe would claim statehood along the lines of the Baltic states and two Yugoslav republics were not realized. On the other hand, EC officials believed that this fear was not realized, because the toll of the Yugoslav fighting demonstrated how such attempts could bring disaster.³⁸

Despite French interest in stability, the Yugoslav crisis encouraged France to promote its ideas and interests in the international and European community. As a leading state in European integration, it has been interested in the promotion of a strong Europe, both economically and politically. At the time, it was anticipating the voting of the Treaty of Maastricht in 1992. The design of a common foreign and security policy would guarantee the stability of the Community and it would increase its importance as an international actor. The French involvement in the Yugoslav crisis aimed at establishing such a European common foreign policy as well as defense policy. It was in every member's interest to show unanimity in the design and implementation of foreign policy. Hence, once things seemed to worsen in Yugoslavia also as a result of external responses to the internal conflict, France felt that the EC should become the stabilizing force that would support all other international efforts for conflict resolution. Consequently it was in France's interest to change its attitude towards dissolution in favour of conflict resolution through

³⁷ As we saw this fear was realized but the dissolution of the Soviet Union was remotely relevant to the dissolution of Yugoslavia with respect to material and human casualties.

³⁸ Joseph Fitchett, "Bonn Claims Recognition Will Help End the Yugoslav War," *International Herald Tribune*, 16 December 1992.

European mediation. Although France supported multilateral policy making, it saw itself as a leading state in this effort. A strong Europe, for example, would be able to deal at the supranational level with the increase of refugees and immigrants. A strong EC would immediately increase French influence in international affairs considering its leading position. Hence it did not want to follow the lead of another state if the policy was not in its immediate interests. Its relations with Germany at the time indicated such a power struggle within Europe in the Yugoslav crisis.

Once other European states began to pressure for the recognition of the republics, France had to think of its other interests; the unity of Europe and the advancement of a common foreign and security policy. This policy change was against its initial convictions but it can be understood as a natural outcome as its national interests were very much tied to the interests of the European Community. France viewed every policy through the European lens and its potential consequences for European integration. Its national interests of non-intervention, diplomatic and military leadership were intertwined with the Community's interests of stability and European Common Foreign and Security Policy (CFSP). Consequently, it is important to see its actions in light of the French vision of a strong Europe.

The recognition of Slovenia and Croatia was forced upon France for the sake of European unity. Recognition of ethnic states was clearly not in France's original preference. However, Fr. Mitterrand said that the recognition of Slovenia was the only "easy case" as the homogeneity of its population eliminated any problems with

minorities.³⁹ As mentioned earlier, this rationale is in accordance with the French constitution although this statement includes the protection of minorities under the respect for human rights. Considering the geographical distance between France and Yugoslavia, this choice would not be threatening to France. The homogeneity of Slovenia and less of Croatia appeased any worries for ethnic oppression within the new states. Also, ethnic states with very small minority groups would eventually integrate these through relevant policies. This was not the case for the republic of Macedonia where the Albanian minority demanded participation in the government. The eruption of armed conflict in the republic in the late 90s indicated the power struggle and the nationalist commitment of the Albanians.

The case of Bosnia posed the greatest difficulties. France would appreciate the ideal of a Bosnian civic identity but early on it became evident that this was not possible. Europe recognized Bosnia-Herzegovina in April 1992 to avoid conflicts for independence such as the ones in Slovenia and Croatia. The problem with Bosnia was that it was not clear if it genuinely sought to establish a civic state, as opposed to a multiethnic state. Participation in a new state independent of the Serbian rule seemed promising for the peaceful co-existence of the Bosnians. The involvement of Serbia and Croatia in the process indicated that the cohabitation of the three ethnic identities was not the goal. Bosnia could neither become a civic nor a multiethnic state due to disagreements that led to war among the parties. At the end the West became more concerned with accommodating the three ethnic communities, with different identities, interests and alliances into the Bosnian territory. Even in this case, France acted consistently, by pushing for international

³⁹ Claire Tréan, "La France Est Prête A Reconnaître la Slovenie et la Croatie."

responsibility through European and international organizations. The French goals were not solely the minimization of threat but also the sense of duty to guarantee the victims' security and to respect their basic human rights. The problem is that France failed to prove that European organizations were ready to deal with conflict management and resolution.

Conclusion

Contrary to appearances, French foreign policy in Yugoslavia was not the outcome of political confusion. It is a fact however, that it did take time for all the European states to realize the determination of the disputing parties in Yugoslavia. This became evident when faced with the republics' recognitions. The wide spectrum of perspectives held by the European and international actors with respect to the events taking place in former Yugoslavia led to severe difficulties in agreeing on a coordinated European and eventually international action regarding Yugoslavia. This continued throughout the conflict.

France's civic state identity led it to favour certain principles of territorial identity and non-intervention in the recognition debate. Ultimately, it recognized all four states but at different times. With respect to Slovenia, Croatia and Macedonia, which were ethnic states and far from France, French policy was in line with the model proposed in this dissertation. France supported their recognition, though it was not the leader in the matter. The rationale was that the homogeneity of the population in these states would potentially eliminate the possibility of antagonisms among ethnic communities; truer for Slovenia than for the others, though. France

therefore sought to ensure, through diplomacy, that all citizens would be treated equally and no issue of exclusion within the nation-state would arise. Hence, it acted according to its state principles.

In the case of Bosnia, which had a multiethnic population, France would have preferred recognition, but also realized that this might not reduce the hostilities there. Furthermore, France would not support the creation of a state where concentrated ethnic groups could demand and qualify for minority status, as again there is emphasis on ethnic characteristics and not civic ones. Nevertheless, the Bosnian civic identity was not evident as the cohabitation of the three ethnic communities proved to be harder by the day, eventually leading to armed conflict. In this case, there were no opportunities to demand the equality of the people under the new state as they were already divided along ethnic lines.

France has always been perceived as distinguishing itself from the other European states. This policy of “difference”⁴⁰ does represent the character of French state policy to some extent. However, the French role in the recognition of the former Yugoslav republics demonstrates that ultimately it was willing to work within Europe to safeguard its political interests.

⁴⁰ The term is used by Stephen M. Saideman in his book *The Ties that Divide: Ethnic Politics, Foreign Policy and International Conflict*, 118.

Chapter 4

THE GREEK POLICY ON RECOGNITION

The internal conflict in Yugoslavia was expected to have direct external repercussions to its neighbours. Instability in a country situated at the center of the Balkan Peninsula, an area with a long history of armed conflict and border changes, accentuated the worries of neighbouring countries. Naturally, Greece has always been directly interested in the developments taking place on its northern border, and this remained true during the 90s. The close geographical proximity of Greece to the conflict area makes its policy worth analyzing. It is important to look at the Greek policy vis-à-vis the former Yugoslavia, to illustrate new security concerns for the region in the post-Cold War era. This also presents another opportunity to explore the interaction of the character of a state's identity with its relationship to perceptions of threat. The observed Greek policy responses will indicate the importance of identity and its influence on the perception of threat.

1) Greek Identity, Nationality and Citizenship

The modern Greek state was created in 1830, as a result of the liberation and unification of most of its territory from Ottoman rule. Since then, its borders changed drastically due to two Balkan wars and World War I. The different historical experiences of occupation and acquisition of new territories have shaped the national identity of Greece. This work focuses only on two of the many elements constituting the Greek national identity: ethnicity and language. The goal is to classify this state in terms of ethnic versus civic identity, to compare it to the other cases. Orthodoxy is also an integral part of identity, but a discussion of the Church-state relations is not relevant.¹ The role of the Orthodox church is important here only in relation to its role for the survival of the Greek culture, especially during difficult times for the nation.

Greece gained its independence in 1830. It was only one of the newly established states in the Balkans.² The foundation of the new state was the connection of the Hellenic nation to territory including areas that had been previously lost and were newly acquired. Distinction between Greek residents and the Greek diaspora was made early on, historically. This is important because it linked national identity to ethnicity, which became an important factor in defining Greek citizenship. Ethnicity identifies and differentiates the individual and by extension each population from its neighbours.

¹ The shared religious denomination between Yugoslavia and Greece has often been used to explain the Greek support for Serbia and not for Slovenia and Croatia. This variable cannot explain the Greek objections to Macedonian independence. The emphasis of this work lies on the role of civic or ethnic state identity on the policy on recognition.

² During the 19th century, the emancipation of various national movements in the Balkans each struggling to establish independent national states led to the creation of new states. Such examples are Bulgaria, Greece, Serbia, and Montenegro.

As discussed in previous chapters, ethnic states by nature tend to differentiate nationality from citizenship legally.³ Citizenship is granted by a legal process of naturalization. Nationality, on the other hand, is acquired by descent. In the first constitution of modern Greece, there is a differentiation between Greek residents sharing the Greek ethnicity, those having different ethnicity, and the non-resident Greeks of the diaspora. In the Troizina Constitution of 1827 and the nationality law of 1835, it is established that ethnicity or *jus sanguinis* define a Hellene.⁴ The assumption is that all Hellenes share a common national consciousness, which is transmitted through the family. This distinction still applies and different legal rules regulate the rights and obligations of each category. The recognition of descent as a significant tool for the maintenance of a common ethnic background explains the distinction between nationality and citizenship in the Greek law. The first article (paragraph 1) of the Nationality Code of 1955⁵ establishes that Greek nationality is automatically acquired through birth from at least one Greek parent. Hence, Greek nationality adheres to the law of *jus sanguinis* and is designed to guarantee the protection and continuation of Greek ethnicity. As in the German case, the emphasis on descent in Greek law favours ethnic Greeks. Law 2790/2000 gives the right to ethnic Greeks residing (or formerly residing) in the former Soviet

³ In English the term “nationality” is used interchangeably to refer either to the legal bond of an individual with the state (citizenship) or to the ethnic origin of an individual. In the legal documents we see most of the times, the reference to nationality to mean citizenship eg. Code of Nationality. In this work however, we will be using “nationality” to refer to the ethnic background (connected to national identity) of the individuals and “citizenship” to refer to the legal link of state and individual. Hence, we will refer to acquisition of citizenship through naturalization since nationality can only be acquired by birth from Greek nationals.

⁴ See, Ζωή Παπασιώπη-Πασια, *Δίκαιο Ιθαγένειας* (Αθήνα, Θεσσαλονίκη: Εκδόσεις Σακκούλα, 2000), 16.

⁵ The Nationality Code of 3370/1955 has been updated by the laws of 1438/1984, 1832/1989, 2130/1993, 2215/1994, 2307/1995, 2503/1997, 2623/1998 and 2790/2000. These most recent laws refer to specialized cases regarding nationality. The principle of *jus sanguinis* however, remains the main criterion for the acquisition of Greek citizenship.

Union and the Pontus area, to apply for Greek citizenship (“Palinostoundes”). This law was written to apply to individuals whose ethnicity could not be defined by either the Treaty of Ankara or to Lausanne. Hence, citizenship is automatically granted to these Greeks as a consequence of their ethnicity. During the period of 1985-1995, 12,737 of the 16,842 foreigners that were naturalized were ethnic Greeks.⁶

The ethnic background of one’s family determines one’s ethnicity. Therefore, a foreigner who acquires Greek citizenship through the process of naturalization has not obtained the Greek ethnicity. Ethnicity cannot be acquired through legal processes established by the state. Ethnicity is only determined by the individual’s relation to a community of peoples sharing a common heritage, language, tradition and possibly religion.

Although the Greek Nationality Code⁷ has been amended over the years, the principle of *jus sanguinis* still remains at its core. The principle of *jus soli* applies only to the individuals born in Greece and who do not automatically obtain another nationality or have no nationality at all.⁸ Furthermore, a law was proposed in 2004 to expand the principle of *jus soli* in order to include the large community of immigrants and refugees into the Greek society.

Considering the strength of bloodline, dual nationality is only allowed in certain cases. Dual nationality is allowed for the children of binational marriages or in the cases where the children were born in a different country and have thus

⁶ Gabriella Lazaridis and J. Poyago-Theotoky, “Undocumented Migrants in Greece: Issues of Regularization,” *International Migration*, 37, 4 (1999), 731.

⁷ L. 3370/1955 Greek Nationality Code

⁸ Greek Nationality Code Article 1, paragraph 2.

acquired the citizenship of that country due to the application of the principle of *jus soli*. It is not generally allowed in the cases where the individual has voluntarily acquired a foreign citizenship through naturalization.

Language is equally important in defining an individual's Hellenic identity. An ethnic Greek is expected to speak the Greek language. Adequate knowledge of the Greek language is a requirement for the naturalization of foreigners. Article 58 of the 2910/2001 law stipulates that one of the prerequisites for the naturalization of a foreigner is to have adequate knowledge of the Greek language, history and culture.⁹ Nevertheless, Papasiopi-Pasia clarifies that this is not an absolute requirement, but understood as an indication that the individual is willing to adapt to and participate in the Greek way of life.¹⁰

The Greek nation has had a very long history before the establishment of a Hellenic state. Language has been at the center of Greek ethnicity and national identity. Important linguistic debates led to the official adoption of the more popular Greek vernacular– the “dimotiki”. This was not a break in the linguistic culture however. There is a linguistic evolution from ancient Greek to “dimotiki” and this is the outcome of a lengthy process. This process safeguarded the survival and co-existence of cultural, both popular and literary, works from Ancient Greek, Hellenistic, Byzantine and Ottoman times. The role of the Orthodox church in this

⁹ Law 2910 of 2001, Article 58, Paragraph 2b in *Εφημερίδα της Κυβερνήσεως της Ελληνικής Δημοκρατίας*, 1, 91 (2 May 2001).

¹⁰ Ζωή Παπασιώπη-Πασια, *Δίκαιο Ιθαγένειας*, 91.

process – particularly in the preservation of the Greek language during difficult times for the nation – should also be acknowledged.¹¹

The goal of the Greek state to be homogeneous has influenced the laws on nationality. Historical attempts for national unification and homogeneity have also influenced state attitudes towards minority groups. Although the history of the Greek-Turkish relations is not the focus of this work, a brief reference to historical facts will illuminate the Greek position toward religious or national minorities. In 1919, the Greek army occupied Smyrna/Izmir and the surrounding areas of Aydin as a result of the Greek irredentist movement favouring the “Megali Idea” of a greater Greece.

The Treaty of Sevres, an outcome of the First World War, gave Greece administrative control over large areas of the Anatolian coast while at the same time dismantling the Ottoman empire. This Treaty, although signed by the Ottoman delegation, was never recognized by the Kemalist Turkish state that was established in 1923. The forces of this new political movement within Turkey took to the offensive and defeated the Greek army in 1922. The defeat of the Greek army in Asia Minor was accompanied with political instability in Greece itself, after the

¹¹ Tsoukalas explains that following the Byzantine tradition, all the religious rituals were carried in Greek something that allowed “for a ‘pure’ version of written Greek to be reproduced.” With the fall of the Byzantine Empire, the Church was called to continue its work under the Ottoman rule. The Orthodox Church took a more active role and used its institutional position in the administration. During times of forced assimilation (such as under the Ottoman rule) the young generation was not taught in the national language. This policy led to the reduction of certified educators and available teaching material. The clergy could fill this void due to their education and through the use of religious books as teaching materials. This was possible due to the freedom the Church enjoyed under the Islamic rule. More specifically, under the “millet” system of administration, the Greek Patriarch in Istanbul had “both ecclesiastical and temporal authority” over the Christians of the empire, thus not only the Greeks. This way, both the Greek language and the Christian faith could be retained. Constantine Tsoukalas, “European Modernity and Greek National Identity,” *Journal of Southern Europe and the Balkans*, 1, 1 (1999), 9; Eferpe Fokas, “Greek Orthodoxy and European Identity” in Mitsos, Achilleas and Elias Mossialos, eds., *Contemporary Greece and Europe* (Aldershot: Ashgate, 2000), 285.

electoral defeat of the prime minister and main supporter of Megali Idea, E. Venizelos. These events, plus the aim of Mustafa Kemal to consolidate a homogeneous modern Turkish state, led to the signing of the Convention on the Exchange of Populations in January 1923.

The Convention preceded the Treaty of Peace and regulated the agreed forced exchange of populations between the two states as a solution to the conflict between Greece and Turkey. The idea was that the homogenization of the Greek population would strengthen Greek national identity. Article 7 of the Convention requires the “migrants” or refugees as they are often called, to acquire the citizenship of the state of destination and give up the citizenship of the country of origin. This also retroactively applied to people who migrated in October 1912. As Hirschon rightly points out, the population exchange was not “repatriation for either the Muslims of Greece or the Ottoman Christians,” because the Greeks were established in Anatolia and the Black Sea since antiquity and the Muslims of Northern Greece were not involved in the politics between the two states.¹² Article 2 of the Convention exempts the Greeks of Istanbul and the Muslims (Turkish-speakers, Pomaks, Roma) of Western Thrace from this exchange.

The Muslim population of Western Thrace has increased in numbers and since the 1990s has been granted the freedom to form ethnic associations, purchasing land in the region, and expanding minority schools. The Greek state is improving the infrastructure in this region by directing structural funds from the

¹² Renée Hirschon, “‘Unmixing Peoples’ in the Aegean Region,” 8 in Hirschon, Renée, ed. *Crossing The Aegean: An Appraisal of the 1923 Compulsory Population Exchange Between Greece and Turkey* (Oxford: Berghahn Books, 2004), 3-12.

European Union to the area. The Greek state considers the Turkish-speaking minority to consist of Greeks of different religion.¹³

Economic development has positively affected not only the Turkish-speaking Muslims but also the Pomaks and the Roma. The Pomaks are of Slavic origin, but Muslims. The Greek authorities classify them as a distinct ethnic group. Nevertheless, they tend to align with the Turkish-speaking minority so that they can enjoy equal religious rights. The Slavic nation has been territorially divided into three states; Yugoslavia, Bulgaria and Greece. The Slavic community living in Greece enjoyed linguistic rights and the Greek state refers to its members as “Slavophone Greeks”.¹⁴ However, during the Greek Civil War (1943-1949) most of them fled and since then Greece has refused official recognition of this community.

Despite the ethnic minorities of Western Thrace, the Greek population was quite homogeneous (approximately 90%), until the beginning of 1990s. The homogeneous ethnic composition of Greece justified the use of both nationality and citizenship interchangeably, as it strengthened the assumption that the majority of the citizens are ethnically Greek.

2) Greek Immigration Policy

Since the democratization of former Communist states such as Albania and the ex-Soviet Union in the early 1990s and the break-up of Yugoslavia through

¹³ For more information on the rights of this minority since their establishment see Λένα Διβάνη, *Ελλάδα και Μειονότητες: Το Σύστημα Διεθνούς Προστασίας της Κοινωνίας των Εθνών* (Αθήνα: Καστανιώτη, 1999), 167-217 as well as Helene Mandalenakis, *Greece's Attitudes Towards Minorities*, Unpublished MA Thesis, (Leuven: Katholieke Universiteit Leuven, 1994).

¹⁴ Hugh Poulton, *The Balkans: Minorities and States in Conflict* (London: Minority Rights Publications, 1991), 176.

conflict in the northern Greek border altered the ethnic constitution of the Greek society. The large influx of mainly Albanian economic migrants into Greece was the outcome of domestic political and economic instability in this neighbouring country. It is difficult to estimate the exact number of Albanians entering Greece because of the unregulated immigration process.¹⁵ Nevertheless, in 1993 alone, 220,655 Albanians were expelled from Greece as a result of the 1991 law. This figure does not reflect the number of Albanians still living in Greece. According to 1992 data, 280,000 of the 500,000 foreigners in Greece were illegal.¹⁶ Their illegal status in Greece led to their social marginalization because they were perceived as disruptors of the social cohesion of Greek society. Although both legal and illegal labour was largely absorbed by the agricultural and construction sectors, the clandestine status of many individuals encouraged the enlargement of highly specialized black markets. The emergence of black markets spread the web of illegal practices and increased the threat faced by the Greeks. Unfortunately, fear and mistrust governed the relations between foreigners and the host society. This exacerbated Albanian marginalization and fed Greek perceptions regarding their unwillingness for a gradual and peaceful incorporation into Greek society. Only since 1996 has the Greek government established bilateral agreements on seasonal employment and begun enacting laws in an attempt to regulate labour flows.

¹⁵ The Law 2910 of 2001, in the *Εφημερίδα της Κυβερνήσεως της Ελληνικής Δημοκρατίας*, 1, 91 (2 May 2001) created an immigration committee to ensure that the legal precondition regarding the entrance requirements and the residence permits of immigrants. The committee considers issues of state security, and public health and allows for a maximum of three-month stay (Articles 9 and 5).

¹⁶ Gabriella Lazaridis and J. Poyago-Theotoky, "Undocumented Migrants in Greece: Issues of Regularization," 719.

The introduction of more regulations facilitating the legalization and incorporation of immigrants in Greece has made them an integral part of the society. Many have been naturalized and thus hold Greek citizenship but not Greek nationality. As already explained, their different ethnic background prohibits them from attaining Greek nationality. Consequently, current changes in the ethnic composition of Greek society as a result of legal and illegal immigration do not allow for the congruence of nationality and citizenship. As mentioned earlier, the Greek state currently favours the extension of the principle of *jus soli* for the incorporation of large immigrant populations.

3) Expected Greek Policy on Recognition

Due to the ethnic foundation of its state identity Greece is expected to sympathize and support the emerging nationalist movements in the former Yugoslavia in their effort to attain their own state, as long as Greece was not threatened. Greece became a nation-state after countless attempts to guarantee the preservation of its distinct national identity with its own independent state. Considering that Greece has not recognized the existence of any minority, other than the Muslims, it is also expected that it would favour the maximum possible homogeneity of the new nation-states.

Greece would be expected to sympathize with the need for the creation of other ethnic nation-states. It would be expected to be eager to recognize the republics of Slovenia and Croatia because they have an ethnic identity. The referendums Slovenia and Croatia carried out proved the citizens' political

willingness for self-determination as well as the disenchantment with respect to their position in the federal state. The relative homogeneity of Slovenia and of Croatia would facilitate the creation of two nation-states.

Greece was not as acceptant of the republic of Macedonia as it was for the other republics. During the recognition debate, signs of Macedonian irredentism jeopardized Greek-Macedonian relations. It is expected that Greece would not necessarily recognize the republic of Macedonia due to its geographical position to the respective republic, coupled with the name and other disputes. Out of all the cases, only the republic of Macedonia neighbours Northern Greece. This is an important factor considering Greek interests and Greek relations with the other Balkan states. The geographical location of the republic increased the Greek perception that recognition might produce an increased threat.

The threat of conflict spill over was valid only at the beginning of the Yugoslav conflict. Greece was concerned, not because it lacked the military might to defend itself, but because any conflict at the borders would destabilize the northern region. As a result, the borders would become more permeable. A possible conflict could also destabilize the social and political situation within Greece as a whole. Greeks of different religious and ethnic background live in the north of Greece. The small Slavic community as well as the Muslim minority could be encouraged to enter in a dispute with the Greek government, thus destabilizing state relations with these groups. The different ethnic background of residents, as well as the lack of adequate economic development in parts of the north, could interact to make such a scenario more likely. Hence the republic of Macedonia,

despite its ethnic identity,¹⁷ presented Greece with contentious issues that shaped Greece's policies. Greece sensitivities were heightened by geography and by the historical significance of the issues at stake.¹⁸ Consequently, Greece would not favour the recognition of such a state unless recognition minimized threats to Greek interests, thus making recognition conditional on guarantees.

Another issue tightly related to the instability of borders between the two nations was the flow of refugees mainly from the conflict republics, augmented by economic immigrants from former Yugoslavia coming to Greece. The Albanian communist state broke down during the negotiations on recognition. The slow process of democratization in 1990-92 led to a mass outflow of Albanian economic refugees, illegal immigrants¹⁹ searching for a better life in Greece, the only neighbouring European Union state.²⁰ Considering the large numbers of Albanian immigrants working in Greece²¹ (alongside those from the former Soviet Union), Greece would not be willing to receive even more immigrants who might enter due to instability within the republic of Macedonia. This assumption is supported by K. Karamanlis who identifies five factors causing instability in the region 1) creation of new states, 2) border changes, 3) encouragement of secessionist movements, 4)

¹⁷ It could be assumed that competing ethnic identities could lead to conflict. This would apply to Macedonia and Greece but their ethnic identities were closer to each other than the Slovene or Croat ethnic identities were to the Greek one. Nevertheless, in the case where an aspect of ethnicity (eg. language) is emphasized as a dividing characteristic it could instigate conflict.

¹⁸ Such as the fact that both states could claim a historical right to a wide geographical area called "Macedonia," although it is shared by various states.

¹⁹ The breakdown of the Albanian state led to disorder and the release of criminals who also fled to Greece.

²⁰ Italy was just across the Adriatic Sea and also received large numbers of Albanian immigrants. It was more feasible for Italy to refuse their entrance due to the sea border. It was easier and less costly for immigrants and refugees to cross to Greece due to the length of the border and the lack of proper policing.

²¹ There were 20,556 Albanian citizens leaving in Greece in 1991 (12.4%). By 2001, this number rose to 443,550 (55.7%). See Table at Konstantinos Tsitselikis, *Citizenship in Greece: Present Challenges for Future Changes* (KEMO, 6/6/2004), 14 at <http://www.kemo.gr/gr/06a2.asp>

destabilization of the republic of Macedonia and 5) a mass wave of refugees. He further explains that these considerations should be the basis of a comprehensive policy towards the Balkans aiming at maintaining the territorial boundaries.²² As a matter of fact, the fear of refugees is mentioned in a policy paper. This fear, combined with the dispute over the name of the aspiring state, accentuated the importance of issues dividing the two nations. All these concerns became points of conflict, and were perceived as threats by Greece because of the country's physical proximity to violent conflicts within the region.

Internal stability is important but Greece values more the security of its borders. The fact that Greece does not border with Bosnia reduces the threat of Bosnian internal instability with respect to its effects to Greece. Conflict spill over to Greece would not apply here considering the geographical position of the states. Furthermore, mass inflow of refugees would not be very likely, as they would have to go through other conflict areas to reach Greece. Hence, Bosnia presented a low threat for Greece so it would neither reject its recognition nor encourage it as a result of the civic identity of the aspiring state.

Consequently the expected Greek preferences to the demands for recognition by the former Yugoslav republics in conjunction to the threat as defined by geographical proximity is summarized in the following table:

²² *Η Νέα Δημοκρατία και ο Πόλεμος στη Γιουγκοσλαβία* (Αθήνα: Ινστιτούτο Δημοκρατίας Κ. Καραμανλής, May 1999), 3.

	High threat	Low threat
Ethnic identity	Reluctant/Oppose recognition MACEDONIA	Eager for recognition SLOVENIA, CROATIA,
Civic identity	Oppose recognition	Follower of recognition BOSNIA

4) Observing Actual Greek Policy on Recognition

Greek foreign policy regarding the Yugoslav crisis had two phases. During the first phase (mid-summer 1991 - mid-December 1991) Greece was strongly supporting the maintenance of the status quo in the region. Thus, it did not favour any discussion on recognition of the seceding Yugoslav republics, as this would legally dismantle the Federal State of Yugoslavia. The initial Greek position coincided with the position advocated by France and Britain against taking sides in the inter-Yugoslav disputes until all mediation methods were exhausted. Greece feared any change in the status quo, as did France. The outcome of such a possibility would be problematic for Europe, but particularly for Greece, considering the history of the Balkans.

Other reasons for preserving the status quo were the protection of alliances, not just explicable through issues concerning identity. Serbia, the closest culturally to Greece, was a traditional Greek ally and Greece valued this "friendship," which had already been tested in the past. This relationship with Serbia encouraged Greece to play a mediating role in the region and attempt to become a spokesman for the European Community. Greece is the only south Mediterranean member of

the EC that shares a large border with Balkan states. Its economy was the strongest in the region and it is culturally closer to the former Yugoslavia (and especially Serbia and the republic of Macedonia). Consequently, Greece hoped to capitalize on these attributes to solve the conflict and to be internationally recognized as a significant actor in the region. This outcome never materialized, due to the Greek policy towards the republic of Macedonia.

As long as other European states favoured the maintenance of the status quo, Greece was not alone in opposing recognition. Nevertheless, problems arose when Greece continued to support Serbia (although not necessarily its policies) whereas its European partners openly accused Serbia of instigating and escalating the conflict. During this phase, Europe was already divided on the issue of recognition of Slovenia, Croatia and the republic of Macedonia. Greece, preoccupied with the above-mentioned concerns, was not eager to negotiate the specific conditions for recognition as it fundamentally disagreed with the proposed policy, despite the obvious willingness of the Yugoslav republics. As a result, Greece was not one of the major actors in the European debate on the recognition of Slovenia and Croatia.

In the process of international negotiations, the Greek position was partly compromised. Greece wanted to use its bargaining power on the case of Macedonia which was perceived as essential to Greek national interest. This became apparent in mid-December 1991 when Greece took a strong stand against the recognition of Macedonia. The international community became more agitated with the lack of communication among the republics and the federal government. Greece became more actively involved in the recognition debate when Germany made it clear that it

would proceed with the unilateral recognition of Slovenia, Croatia and the republic of Macedonia. After the European meeting in December 15-16, 1991, it became evident that the European Community was proceeding in this direction by laying out the rules for a smooth legal and political recognition. This was the point where Greek foreign policy towards Yugoslavia was entering its second phase – that of “Macedonianization.”²³ Greek foreign policy prioritized the issue of recognition for the republic of Macedonia. Greece would accept recognition only under certain conditions, which Greece would set in its attempt to guard its own national interests. Greece demanded that it should be made clear by the republic that its name “Macedonia” referred to the geographical area and not a distinct ethnic identity. Furthermore, the republic should denounce any potential territorial claims on Greece as well as recognize that there is no “Macedonian minority” within Greece.²⁴ These three issues are all linked to definitions of ethnic identity, coupled with dangers disputes over identity might have given the geographical proximity of this new state to Greece.

Greece did not object to the recognition of the republic per se (as a political entity) but objected to its recognition as a “Macedonian” state because of the threat this might imply. Hence the dispute revolved around the choice of the most appropriate name for the new state. Initially, Greece objected to any inclusion of the word “Macedonia” in the new name of the state. But, by 1992, it was willing to

²³ Χρήστος Ροζάκης, “Η Κρίση στη Γιουγκοσλαβία: Ένας Αποκαλυπτικός Διάλογος Ανάμεσα στην Ελληνική Εξωτερική Πολιτική και στην Πολιτική της Ευρωπαϊκής Κοινότητας,” 48-59 in Θάνος Βερέμης, επιμ. *Βαλκάνια: Από το Διπολισμό στη Νέα Εποχή* (Αθήνα: Γνώση, 1995), 27-71.

²⁴ Χρήστος Ροζάκης, “Η Κρίση στη Γιουγκοσλαβία: Ένας Αποκαλυπτικός Διάλογος Ανάμεσα στην Ελληνική Εξωτερική Πολιτική και στην Πολιτική της Ευρωπαϊκής Κοινότητας,” 48, quoting the announcement of the Representative of the Greek Government in April 1992.

accept a compound name. Different possibilities, such as “Upper Macedonia,” “Vardar Macedonia,” “New Macedonia,” “Slavic Macedonia” and “Northern Macedonia,” were proposed over time, each carrying a different connotation. The republic was not willing to accept any name different from the one it held under the Yugoslav federal state. The name the republic was claiming as its own was considered part of the historical heritage of the northern Greek region, however. The choice of the name had repercussions on questions over identity. Indeed geographically the Macedonian peninsula can be claimed by three states: Greece, Bulgaria and the former Yugoslavia. The use of the name Macedonia was perceived as an appropriation of another nation’s history. Similar objections to the new state were voiced by Bulgaria. Nevertheless, Bulgaria proceeded with its recognition in order to quickly establish good relations with the republic. For Bulgaria, recognition of the state as “Macedonia” did not mean recognition of its distinct identity.²⁵

The perception of threat was amplified when the Macedonian nationalist Vutresna Makedonska Revolutsiona Organizatsia (VMRO), declared its purpose to

²⁵ Bulgaria still referred to the Macedonian language as a dialect of Bulgarian and thus, refused to recognize the existence of a distinct Macedonian nation and identity in the region. In fact, in February 1992 the Bulgarian President Z. M. Zhelev and the Greek Prime Minister K. Mitsotakis agreed in Davos that they would neither recognize the existence of any “Macedonian” minority within Bulgaria and Greece nor the existence of a distinct “Macedonian nation”. Although it is common for states to refuse the existence of minorities inside their borders or even to offer their protection to minorities residing across the border for the attainment of political gains, this political rhetoric created more friction between the Yugoslav republic, Bulgaria and Greece. Historical contention involved the position and identity of the Slav population (residing today in FYROM) with respect to Serbia, Greece and Bulgaria since the 19th century. For more information on this see, “Macedonia’s Name: Why the Dispute Matters and How to Resolve it,” *ICG Balkans Report*, 122 (10 December 2001), 10; Κυριάκος Κεντρώτης, “Βουλγαρία,” 410-12 and Δημήτρης Λυβάνιος, “Πολιτικές Εξελίξεις στην Γουγκοσλαβική Μακεδονία (1941-1948),” 594-5, both in Θάνος Βερέμης, επιμ. *Βαλκάνια: Από το Διπολισμό στη Νέα Εποχή* (Αθήνα: Γνώση, 1995). Also, Hugh Poulton, *The Balkans: Minorities and States in Conflict*, 176.

unite all free Macedonians in a Macedonian state.²⁶ These declarations seemed more credible after the circulation of maps showing the new Macedonian state borders to include the Greek province of Macedonia.²⁷ In addition, the star of Vergina was imprinted on the flag of the new state. This was the symbol of the ancient kingdom of Macedonia during the Hellenistic times, founded within Greek territory. This reinforced fears that the government in Skopje might make territorial claims, thereby raising another point of contention between the two disputing parties.

The inability of Greece to explain the nature of its conflict and concerns in this instance²⁸ undercut Greek interests within the EC. Failing to establish its position clearly, Greece remains in a lengthy negotiation process on policies towards Macedonia that is on going. Germany had already announced its will to proceed with recognition, but Greece objected and tried to persuade Europe to delay until the issue of the name was resolved. As the Greek Minister of Foreign Affairs Samaras presented the Greek stance in the EC meeting of Ministers of Foreign Affairs in Brussels (16 December 1991) the German Foreign Minister Genscher understood that the Greek concerns were more about the borders than the name.²⁹ The Europeans and mainly Germany believed that President Gligorov was doing his

²⁶ "Macedonia's Name: Why the Dispute Matters and How to Resolve it," *ICG Balkans Report*, 122 (10 December 2001), 13.

²⁷ Ευάγγελος Κωφός, "Νέα Πρόκληση με τους Σχολικούς Χάρτες," *Οικονομικός Ταχυδρόμος*, 7 April 1994.

²⁸ The Greek policy was received by Europe as rigid, lacking any intention to reach a compromise. The impression given to Europeans was that Greece had claims on the republic's territory. The dispute was portrayed as an unjust battle between a weak new state trying to establish its legitimacy in order to avoid its involvement in the military conflict and a strong neighbour that tries to take advantage of this weakness in order to destabilize it.

²⁹ Τάσος Τέλλογλου, *Η Γερμανική Πολιτική στον Γιουγκοσλαβικό Χώρο (1991-1995): Χρόνια Καλών Προθέσεων*, 154.

best to satisfy all the conditions set by European and international actors in exchange for the recognition of his government. The Assembly of the republic, in a show of good faith, amended its Constitution in January 6, 1992 to include that it has no territorial claims against any neighbouring states.³⁰ These constitutional changes were accepted by the Badinter Commission, which found that the republic fulfilled all the requirements for recognition since the name “Macedonia” could not imply any territorial claims against another state.³¹ Although the republic satisfied the German and by extension the Greek demands, the dispute was not solved. Greece achieved the non-recognition of the republic in EC meeting on the 15th of January 1992, in exchange for its support for the Slovenian and Croatian recognition. This explains why only Slovenia and Croatia were recognized.

In February 1992, Genscher expressed the dilemmas Germany faced because of the historical border changes in the region.³² Even though the republic of Macedonia guaranteed the stability of its borders, Greece as a member of the EC had priority in German politics. In its attempt to appease the concerns of its European partner while delivering what it promised to the southern Yugoslav republic, Germany became the main mediator. Germany’s purpose was to prove to Europe that it desired multilateral recognition despite its threats for unilateral action earlier. However, it failed to resolve the issue in the ensuing months.³³

³⁰ Ronald Rich, “Recognition of States: The Collapse of Yugoslavia and the Soviet Union,” *European Journal of International Law*, 4, 1 (1993) in <http://www.ejil.org/journal/Vol4/No1/art4.html>. Also see, Alain Debove, “Les Minorités d’Abord,” *Le Monde*, 16 January 1992.

³¹ This decision shocked the Greeks according to Didier Kunz, “Les Grecs Sont Soulagés par la Non-Reconnaissance de la Macédoine,” *Le Monde*, 17 January 1992.

³² Τάσος Τέλλογλου, *Η Γερμανική Πολιτική στον Γιουγκοσλαβικό Χώρο (1991-1995): Χρόνια Καλών Προθέσεων*, 153-4.

³³ Germany thought the issue with the name would be arranged during the first months of 1992.

As a result of the name dispute, Greece had also been blocking the republic's entrance into the CSCE since 1992. In 1993, Britain insisted on the recognition of the republic. According to Germany, the recognition of the republic of Macedonia was a natural consequence following its UN membership.³⁴ By November 1993 it becomes obvious to Greece (as indicated by Italy and Belgium) that Europe would proceed with recognition. Germany could not sustain its support to Greece any longer, in part because of unfavorable relations with the newly elected Greek left-wing government.³⁵ The "name" negotiations involved three³⁶ trade embargos, the use of business deals for political purposes and failed counter-proposals seeking a less contentious name for the new state. All this led to the UN "interim agreement" S/1995/794 signed September 14, 1995. The New York agreement recognized the republic of Macedonia under the provisional name of Former Yugoslav Republic of Macedonia (FYROM). In Th. Couloumbis' opinion, this agreement marked the "De-Skopjeanization" of the Greek policy.³⁷ As a result, diplomatic and trade relations were re-established and investment started to flow into FYROM. The interim agreement continues to apply and the issue of the name has not been resolved.

The Greek position on Bosnia-Herzegovina's recognition is not very clear. It seems that Greece did not have a particular aim other than that further conflict

³⁴ UN Resolution 817 signed in April 7, 1993 stated that the republic of Macedonia fulfilled all the criteria for UN membership.

³⁵ The Greek Foreign Minister Th. Pangalos strongly expressed his disagreement with the German policy. His remark was received as offensive to the German leaders and led to a diplomatic episode between the two countries.

³⁶ The spring 1992 trade embargo failed due to the need for trade with Serbia. The August 1992 fuel embargo was not efficient due to violations. The 1994 total embargo against the republic was politically costly and threatened Greek relations with its EU partners.

³⁷ Theodore Couloumbis, "A Tale with a Name," *Kathimerini* (English Edition), 4 March 2001.

should be avoided and that the will of all ethnic communities should be respected in the process of establishing an independent state. More active actors were the European Community as a whole, and other international organizations, as well as the United States. Greece did not take a different position from the main international actors, especially the EC. It objected however, to the disregard shown for the Bosnian-Serbs' wish to be excluded from the new state. The idea was that in a multiethnic state, all ethnic groups should feel secure from persecution. This was not the case with the Bosnian-Serbs. If Bosnian-Serbs did not feel they would be treated fairly in the new state, they should be allowed to find another solution.

Observing the Greek policy towards the seceding Yugoslav republics, we conclude that Greece was a follower on the issue of recognition of Slovenia and Croatia but a leader against the recognition of the republic of Macedonia. In the case of Bosnia, none of the European states was very keen to recognize it until all ethnic groups agreed on its political framework. The recognition of Bosnia was a plausible solution to the internal conflict, as happened in the case of Slovenia. The heterogeneity of Slovenia made it possible to believe recognition would bring stability. This thinking was less true for Croatia, but there was little hope that recognition would resolve the internal Bosnian conflict.

5) The Macedonian Threat and its Influence on Recognition

Instability spilling over the borders of Slovenia and Croatia (either into neighbouring countries or even into other former Yugoslav republics) was not a concern for Greece. Given the ethnic foundation of the Slovene and Croatian

identities, along with their distance from Greece, meant recognition in these instances posed little threat to Greece. Moreover, Greece should have been eager to recognize them on the basis of identity. Evidence shows that Greece was not quick to recognize these two republics but used them to gain the support of other European states for its opposition of recognition for the republic of Macedonia. Although the threat of refugees moving to Greece was real, it did not determine Greek policy, mainly because there was no conflict in the republic of Macedonia yet.

Taking into account these concerns, did Greece act as it was expected or not? Greece, as predicted, was reluctant and eventually opposed the recognition of the republic of Macedonia, despite its ethnic identity, because such an act created a threat for Greece. As was also predicted, Greece was a follower in the recognition of Bosnia-Herzegovina. The anomaly relates to the cases of Slovenia and Croatia. Although it recognized the two northern republics, Greece was not a leader, as Germany had been, despite its ethnic identity.

Similar to the rest of Europe, Greece was initially concerned with the maintenance of a united Yugoslav state. This explains the Greek delay to declare its position with respect to the recognition of the various republics. Greece made public its official position as late as December 16th, 1991 in Brussels. Other states who also refused the dissolution of the federal state declared their position much earlier. Hence, Greece was not really contemplating the republics' eligibility for recognition, but aimed at avoiding recognition as a whole, since this would dissolve the federal state. Therefore, its initial resistance is not connected to its identity, but

to its support for stability in the region. Greece and France valued stability as this was connected to their perceptions of changing threats posed in this region.

Greece did not want to risk the renegotiation of borders that had already been changed numerous times throughout history through painful processes and with significant consequences. Greek fears focused on scenarios of a larger rearrangement in the region that would affect the borders shared by Greece and its neighbours. The international borders were the outcome of war settlements and were recognized by international Treaties. In the post-World War II era, Yugoslavia had been a stable state at the northern border of Greece, keeping a large geographical area with various ethnic groups under the control of the federal state. Greece was not about to open a new front of conflict especially given that Turkey already disputes the legality of its borders with Greece in the Aegean. Thus, it favoured the maintenance of the status quo up to a certain point.

Greek political priorities changed when Germany presented the European Communities with a de facto recognition of seceding republics. In autumn 1991, it became clear that Germany had aligned enough states to support the recognition of Slovenia, Croatia and the republic of Macedonia.³⁸ Although Germany had already declared its will to unilaterally proceed with the recognitions, the threat became a fact in December 1991. It was obvious that the states resisting the German policy had to reconsider their position for the sake of European unity.

Greece supported Serbia until the end of 1991 in its attempt to keep Yugoslavia intact. It has already been mentioned that Serbia has been a traditional

³⁸ Important German allies were Austria, Italy and Denmark. The main states of the opposing camp were France, Britain, Spain and Greece.

ally of Greece and hence this support was expected. Greece tried to mediate conflicts, as it was the state best positioned to understand Balkan politics. Continuing its support of Serbia, even after other former allies such as France withdrew theirs, proved costly. Some states, like the US and Germany, had expected and welcomed Greece's role in the conflict.³⁹ When Greece could no longer sustain its support for Serbia, it chose to redirect its efforts in favour of Hellenic geopolitical interests. This meant specifically opposing recognition of the republic of Macedonia, driven by disputes over Macedonia's ethnic and territorial character. In this case, the recognition of Slovenia and Croatia became the bargaining tool to gain the support of the rest of Europe to delay the recognition of the republic of Macedonia until these issues could be resolved to Greek satisfaction. Germany was unwilling to fail in the case of Croatia, so it accepted a deal with Greece. Germany was willing to negotiate the Macedonian recognition as an indication of European collegiality, thus getting Greece to concede on recognition for the other republics. As Greece could not stand up to Germany (a powerful EU state) it chose to trade its support on a matter vital for Germany in exchange for Germany's support on an issue of vital importance to Greece.

The eventual recognition of Slovenia and Croatia, but not of Macedonia (FYROM), can be explained by the following arguments. Greek recognition is linked to Greece's understanding of the value and power of ethnic identity in the region. The underlying idea is that the new states were ethnic in nature. Their liberation movements were geared by nationalist ideology that placed their distinct

³⁹ In the long run, Greece did not act in the way these states expected so they became impatient with it.

identity, as opposed to the Yugoslav identity, at the center of their agenda. This is not peculiar considering that the creation of all Balkan nation-states, including Greece itself, resulted from strong nationalist movements. Hence, Greece would support the creation of homogeneous nation-states.

The ethnic character of these new states would guarantee to a certain extent the homogeneity of the population. The cases of Slovenia and, to a lesser extent Croatia, fall into this category. The Slovenian population was very much homogeneous with 92% Slovenes. The Croatian population was not as homogeneous as Slovenia's. Ethnic Croats accounted for 78% of Croatia's population, while the number of ethnic Serbs accounted for 12.2%.⁴⁰ The more homogeneous an ethnic state is the more domestically stable it is likely to be, if one accepts the logic found in Greek experiences. This would appease any concerns surrounding threat. Hence it was believed that recognition would most likely lead to greater stability.

The case of Greek attitudes to Macedonia (FYROM) differs. According to the idea that ethnic identity matters, Greece should also recognize the state of Macedonia considering that at the time, 64.2% of its population was ethnic Macedonian. Contrary to that expectation, Greece refused to recognize Macedonia. This case sheds more light on the power of ethnic identity and its relation to geopolitics, in decisions concerning the recognition of new states.

⁴⁰ Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution After the Cold War*, 33. Today the population distribution is 92% Slovenes in Slovenia, 89.6 % of Croats and 4.5% ethnic Serbs in Croatia, at the CIA World Factbook <http://www.cia.gov/cia/publications/factbook/>

Although less heterogeneous than Croatia,⁴¹ the republic of Macedonia has a large Albanian minority that accounts for 25% of its population. This minority, which was not very visible before the dissolution of Yugoslavia, voiced its own demands with the support of Kosovo and Albania. The political parties representing the Albanian minority and the Serb population residing in the republic boycotted this referendum.

Furthermore, the existence of a large Albanian minority in Macedonia (FYROM) could not but worry Greece as to the minority's role within the new state. The ethnic background of this minority, which distances itself from the Macedonian and Greek ethnicity, but draws itself closer to (and is supported by) Turkey, suggests that it could be the source of internal and eventually regional instability.⁴² The end of communist rule in Albania illustrated the dangers from internal instability. The internal problems of Albania indirectly affected Greece due to the large numbers of (mainly illegal) Albanian immigrants that entered Greece since 1990.

The recognition of the republic of Macedonia is important because of its link to state identity and ethnicity. As accurately described by E. Kofos "the Macedonian issue has evolved from a true 'national security issue' for Greeks to one of identity, and finally – in the wake of Greece's recent emergence as a secure,

⁴¹ Based on data collected in Yugoslavia in 1985 it was 75%. See data in Stephen White at all., *Communist and Postcommunist Political Systems* (Hamshire: Macmillan Education LTD, 1990), 236. By the time of the conflicts data shows that Croatia was homogeneous by 85%.

⁴² The 2002 distribution of the population in FYROM is only 64.2% Macedonians while from the minorities 25.2% are Albanians, 3.8% Turkish and 2.7% Roma. CIA World Factbook <http://www.cia.gov/cia/publications/factbook/geos/mk.html>

prosperous EU and NATO member – to a matter of human rights: the Greeks’ right to their cultural heritage.”⁴³

In the case of Bosnia, the international community persisted in finding a sustainable solution. Greece would not favour the creation of a civic state especially when its ethnic communities disagreed on the division of both power and territory in the new state. The fact that Greece is not a multiethnic state would explain its unwillingness to be actively involved in the recognition of Bosnia. The lack of direct threat from Bosnia due to the lack of proximity would also contribute to non-involvement. Nevertheless, Greece supported the international community, hoping that recognition would force all sides to take responsibility for their coexistence in the new political framework.

Greek policies, then, fit with the expectations given that Greece tried to use its options and policies strategically. Greece emphasized its stance on the republic of Macedonia above other concerns. Greece chose to use recognition of Slovenia and Croatia as bargaining chips serving its objectives with respect to the republic of Macedonia. So Greece chose to follow the rest of Europe for these two republics in order to become a leader against the recognition of the republic of Macedonia. To avoid its marginalization in Europe, Greece satisfied its partners in the first two cases, and even in Bosnia.

Conclusion

Threat played an important role in defining the Greek policy on recognition of Macedonia. This singles it out from Germany and France, countries that did not

⁴³ “Macedonia’s Name: Why the Dispute Matters and How to Resolve it,” 14, and footnote 66.

share a border with any of the seceding republics. In the case of Greece, the threat posed by Macedonian identity was also an issue because of its historical position in the Balkan region.

Based on the model, as an ethnic state Greece would be willing to recognize other ethnic states barring threat as an influencing factor. In the case of Slovenia and Croatia it did recognize them but it waited. This is not inconsistent with the model because they were also ethnically based states. On the other hand, Greece waited before it recognized them, because it was involved in bargaining with other European states, especially Germany. It used its stance on these states to strengthen its position vis-à-vis FYROM. Thus, within the recognition process and debate we see how the same country can choose its actions, while continuing to appreciate the importance of identity and threat as sources of its policy goals.

Chapter 5

THE ITALIAN POLICY ON RECOGNITION

As an ethnic state Italy, like Greece, is very interested in developments related to the Balkan region. Historically, it has been one of the great powers that occupied territory there, and has long had important interests in the region. It naturally took an interest in the dissolution of Yugoslavia, both as a neighbouring country and as a member of the European Community. In order to understand its involvement in the recognition debate, the nature of Italian identity will be briefly discussed in order to connect this to its foreign policy during the break-up of Yugoslavia.

As with the other case studies, an examination of the history of the formation of Italy, and of the evolution of Italian nationality laws and immigration policies, reveals the nature of its identity as an ethnic state. Its proximity to the conflict areas determines how the possibility of a conflict spill over threatened its interests, interacting with its preferences on identity when determining whether or not to recognize each of the four former Yugoslav republics.

1) Italian Identity, Nationality and Citizenship

Italian ethnic national identity became prominent after the unification of the Italian state, just as it had in Germany. The Italian nation-state was the outcome of the unification of various distinct regions or city-states. These were often the descendants of feudal states with distinct administration and even regional languages. The King of Piedmont, Victor Emmanuel II and his Prime Minister Camillo Cavour attempted to unify the Italian states and principalities under the Piedmont monarchy. They gradually acquired the states of Lombardy and Venetia from the Austrians, the Papal States (with the exception of Rome) and the Kingdom of the two Sicilies. For a decade (1859-1870), the Kingdom's political scene was destabilized by domestic wars such as the "Brigands' War", aimed at controlling territory. In 1861, limited suffrage elections declared the establishment of the Kingdom of Italy. Despite Garibaldi's opposition, the monarch drew extensive powers, based on the 1848 Piedmont constitution.

The Piedmont constitution was the least republican¹ compared to other European constitutions drafted after the 1848 revolutions. This constitution extended a British-type parliament to the whole of Italy. On the other hand the administrative system resembled the highly centralized French system.² Consequently, education was one of the policy areas falling under the auspices of the central state, something that the old universities of Bologna, Naples and Ferrara did not appreciate. In Italy, as in most states, national identity integrates a common cultural heritage present since antiquity, promotes a standard language, and in this

¹ This constitution was not as open as other constitutions with respect to civil rights and the equality of the citizens.

² Harry Hearder, "Whose Identity? Italy and the Italians," *History Today*, 44, 11 (1994), 37-43.

case, also strong Catholicism. According to Hearder, by 1915 Italy had already established a strong sense of a nation-state and its identity.³

The Italian language was not standardized throughout the territory of the centralized state. In fact, only a very small part of the population, the literate elite, spoke standard Italian. The majority of the population, the peasantry, spoke the regional vernaculars. The lack of a widely accepted standard language presented a possible barrier to unification of the population. Rather, it reinforced the importance of regional identities within Italy. Despite the unification of some regional identities to form a strong national identity, the national and regional identities continue to co-exist. The existence of regional identity has proven not to be a threat to national identity, though even today some scholars see this as evidence Italy is “backwards.”⁴

The existence of competing regional identities has been recognized by the state, to the extent that it has granted special autonomy statutes to the five regions of Sardinia, Sicily, Trentino-Alto Adige, Valle d'Aosta, and Friuli-Venezia Giulia.⁵ Regionalism has often threatened the unity of the Italian state. As a consequence, asymmetric federalism has been viewed as the framework within which regionalism can develop without threatening to dismember the state. Nevertheless, the power of federalism over secessionist movements has often been questioned in various political contexts and in different countries. A similar question could be posed in view of the recent demands for autonomy by the Lega del Nord (Northern League)

³ Harry Hearder, “Whose Identity? Italy and the Italians”

⁴ Howard Moss, “Language and Italian National Identity,” 108 in Gino Bedani and Bruce Haddock, eds., *The Politics of Italian National Identity* (Cardiff: University of Wales Press, 2000).

⁵ Regional governments were also established in fifteen more regions in 1970. Some of these regions are now seeking additional powers from the government.

in Italy.⁶ In this case, the secessionist party proclaims its resentment against the less industrialized Italian south. According to Giovanna Zincone, this is a good example of the “culturalization (and ethnicization) of territorial economic divisions”⁷ to the point of the creation of a distinct identity. In one of his speeches, the Secretary of the Lega Nord, Umberto Bossi stated, “there are two different cultures and civilizations in Italy, the Northern Padanian and the Southern Mediterranean.”⁸ The application of asymmetric federalism has been helpful in dealing with the various minorities in Italy. The recognition of linguistic minorities and their protection was another way to avoid the development of secessionist desires. The Italian regions with linguistic minorities, mainly next to the borders, enjoy certain fiscal and legislative privileges as a result of their constitutional protection. Article 116 refers to them as “Special Statute Regions.”⁹

Regional political parties, such as the SVP (Sudtiroler Volkspartei) and the UV (Union Valdonnaise), campaigning in favour of groups defined by linguistic cleavages, have gained significant localized voter support and have managed to earn the respect of the central government. They have gained autonomy status for their constituents and as well as increased access to the public sector due to their diverse education that differs from the standard Italian public education.

⁶ This is not the only League demanding autonomy. The Lega Veneta and the Lega Lombarda preceded it. For more information on their party programs see Table 3 in Marga Gomez-Reino, “Territorial Identities in a New Europe: The Rise of Lega Nord in Northern Italy,” *Columbia International Affairs Online* <http://www.ciaonet.org/wps/gom01/#note1>

⁷ Giovanna Zincone, “Multiculturalism from Above: Italian Variations on a European Theme,” 161 in Bauböck, Rainer and John Rundell, eds., *Blurred Boundaries: Migration, Ethnicity, Citizenship* (Aldershot: Ashgate, 1998).

⁸ Giovanna Zincone, “Multiculturalism from Above: Italian Variations on a European Theme,” 164.

⁹ The Italian Constitution was adopted on 22 December 1947 but became effective in 1 January 1948.

Another way Italy favours its linguistic minorities is by establishing their equality. Consequently, Article 6 of the 1948 Italian Constitution protects these minorities and proclaims “linguistic equality.”¹⁰ The law of December 15, 1999 protects twelve different minority languages in the fields of education, administration and broadcasting. Among these are the Slovene, the Serbo-Croat and Albanian languages.¹¹ The constitution only refers to the language of the various ethnic communities in Italy. Thus, the various Italian dialects are not included in this category. These dialects were not considered as threatening the national identity, which has been consolidated since World War II.¹² Although linguistic equality indicates a liberal policy towards linguistic minorities, it is important to mention that the lack of numerically significant linguistic or religious minorities makes it easier to give such rights or privileges.

It would appear from the Italian state formation process that a unified ethnicity is not very strong and that civic policies were required for the creation of a unified Italian state. However, this does not mean that Italy is a civic state. Despite the high degree of regionalism in Italy, Italian identity is still ethnic and revolves around national unity. Italian nationality is ethnically based and values the principle of *jus sanguinis*. The Italian Law on Nationality establishes the power of descent by granting citizenship to all individuals who have at least one Italian parent, regardless

¹⁰ Apparently this was also a way to address the repression of minorities under the Fascist regime. See Howard Moss, “Language and Italian National Identity,” 107-8 in Gino Bedani and Bruce Haddock, eds., *The Politics of Italian National Identity* (Cardiff: University of Wales Press, 2000).

¹¹ This law was rejected by the Upper House of the Italian Parliament in 1991. Other languages that were recognized were Catalan, French, Greek, German, Sardinian, Friulian, Franco-Provençal, Ladin, and Occitan. The Romany language was excluded. Howard Moss, “Language and Italian National Identity,” 98, 117.

¹² Howard Moss, “Language and Italian National Identity,” 108.

of their country of birth.¹³ Citizenship rights are also given to people with family ties in Italy, in which case, the required years of residency are reduced from ten for non-EU citizens or four years for EU citizens, to only three.¹⁴ These issues were regulated by Statute no.91 of 1992. In 2000 the Prodi government (Statute no. 379 of 14 December 2000) reinforced this principle by allowing the acquisition of citizenship by foreigners of Italian descent living in the former Austrian-Hungarian territories and former Yugoslavia.¹⁵ Consequently, birth within the Italian territory does not imply the automatic acquisition of citizenship. The law is more lenient in the cases of stateless individuals.¹⁶ Dual citizenship is recognized in Italy as long as it does not conflict with the laws of the other state.

Italian Immigration Policy

Although historically Italy has been a country of emigration, since the 1970s, it has become a receiving country. Until 1982, immigration was regulated according to the needs of employers and there were no quotas or limits set by immigration laws. Immigration issues fell under the power of the Ministry of Labour. The first Act designed to regulate the flow of immigrants was Statute no.

¹³ The Italian Citizenship Act was amended in February 5, 1992.

¹⁴ Look at info provided by the *International Organization on Migration* at http://www.iom.int/DOCUMENTS/PUBLICATION/EN/5_IT.pdf also at the *Adjudicative Desk Reference (ADR) of the US Government* at <http://www.dss.mil/nf/adr/forpref/country4.htm> (last modified April 2002).

¹⁵ Giovanna Zincone and Tiziana Caponio, "Immigrant and Immigration Policy-Making: The Case of Italy," *IMISCOE Working Paper: Country Report*, 6-7 at http://imiscoe.org/workingpapers/documents.country_report_italy.pdf

¹⁶ Such a case is that of children born in Italy of unknown parents. In this case they have to reside in Italy for at least two years until reaching legal age and then they can request the citizenship. Article 9, paragraph e, of the Citizenship Act states that the child must reside for at least five years in Italy in order to become Italian.

For more details look at http://www.iom.int/DOCUMENTS/PUBLICATION/EN/5_IT.pdf and Article 1 of the Citizenship Law in <http://www.culture.gouv.fr/culture/dap/entreelibre/Laurette/country/italytxt.html>

943 of December 1986. In this Act, immigrants were treated as workers that needed to be given work permits. These workers were given access to the labour market to fill in gaps due to inadequate numbers of Italian workers. The purpose of this Act was to provide civil and social rights to these workers and to further regularize illegal immigrants in Italy.¹⁷ As this Act proved to be inadequate, a second Immigration Act was issued in 1990. The Statute no. 39 of 28 February 1990 or otherwise called the Martelli Law set up more detailed guidelines on the treatment of immigrants and their entry into the country. The Martelli law allowed for further regularization of legal immigration, further restricted illegal immigration and made provisions for asylum seekers from non-EU countries.¹⁸ The Italian Constitution gives the right to asylum to all foreigners who are denied democratic rights in their own country.¹⁹ In Italy the primary immigrant support groups are religious organizations and labour unions. Italy had already been receiving immigrants since the 80s from Morocco, China and the Philippines. As immigrants started to arrive from other destinations too, Italy tried to restrict the entrance of asylum seekers by abolishing a special clause attached to the Geneva Convention that facilitated asylum.²⁰ The collapse of Yugoslavia, and political changes in Albania, Romania, and other Eastern European countries led to *ad hoc* emergency measures to temporarily deal with the influx of immigrants.²¹ These measures led to the Dini

¹⁷ Giovanna Zincone and Tiziana Caponio, "Immigrant and Immigration Policy-Making: The Case of Italy," 2.

¹⁸ Kitty Calavita, "Italy and the New Immigration," 314-320 in Cornelius, Wayne A., et al. eds., *Controlling Immigration* (Stanford: Stanford University Press, 1994).

¹⁹ Article 10, Paragraph 3 of the 1948 Italian Constitution.

²⁰ Giovanna Zincone and Tiziana Caponio, "Immigrant and Immigration Policy-Making: The case of Italy," 3.

²¹ Giovanna Zincone and Tiziana Caponio, "Immigrant and Immigration Policy-Making: The case of Italy," 3. Also, Italy received 7000 Bosniaks (Muslims) from Former Yugoslavia by 1992.

Decree of 1995 (Legislative Decree no. 489), which provided for the permanent settlement of immigrants who had entered for humanitarian reasons. The Decree was mostly known for its tough stand against smuggling and trafficking of people and for providing basic health care for illegal immigrants.

The most comprehensive Immigration Law was the Turco-Napolitano Act of 1998, which amended the 1990 Martelli law. This was divided in four pillars regarding the restriction of illegal immigration, the regulation of immigration flows, the integration of legal immigrants and provision of basic individual rights to illegal immigrants. This law was also significant because it separated immigration policy from humanitarian refugee issues.²² As a result, in 1998 some 5,298 refugees from the former Yugoslavia were allowed to apply for asylum and in 1999 this number rose to 6,739.²³ Furthermore, asylum was granted to more applicants in 1998 (1,358) compared to the 1992-1997 years (an average of 224 per year; for all these years combined the total was a mere 1,343). It should be noted that asylum applications increased rapidly in 1998-9 as a result of the war in Kosovo and the fleeing of Kurds from Turkey and Iraq.²⁴ The Bossi-Fini Act (2002), which amended the 1998 law, tightened regulations regarding the acquisition of a permanent resident card as well as responding to immigrant sponsorship issues by making them more demanding.²⁵

Τάσος Τέλλογλου, *Η Γερμανική Πολιτική στον Γιουγκοσλαβικό Χώρο (1991-1995): Χρόνια Καλών Προθέσεων* (Αθήνα: Πόλις, 1996), 79.

²² Kimberly Hamilton, "Italy's Southern Exposure," *Migration Policy Institute* (2003) in <http://www.migrationinformation.org/Profiles/print.cfm?ID=121>

²³ Data by nationality for previous years was not available. See "Country Profile: Italy," *European Community* (2001), 2 in

http://europa.eu.int/comm/justice_home/doc_centre/asylum/seekers/doc/italy_final_en.pdf

²⁴ "Country Profile: Italy," *European Community* (2001), 5-6.

²⁵ Kimberly Hamilton, "Italy's Southern Exposure."

Italian immigration policy shows that the country is not very open to foreigners. Immigrants were seen as disrupting the socio-political and economic system of the country through competition with Italian workers or by altering the power of the labour unions. Furthermore, Italian identity is also linked to immigration policy. The reformed Aliens Act of 1992 gave preferential treatment to foreigners of Italian descent vis-à-vis EU and non-EU aliens. Aliens of Italian descent, even if they had lost their nationality, had the right to enter and become Italian citizens much faster than EU and non-EU citizens.²⁶

Italian national identity has been closely linked to religion, despite the increasing secularization of Italian politics and society. The legacy of Leftist ideology in Italian politics has resulted in the secularization of the population.²⁷ Although the focus of this work is on ethnicity and not religion, it is important to refer to the power of religion in politics because the Church was actively involved in state affairs until the 1970s. It had control over the religious education in public schools and over marriage issues. Ecclesiastical courts ruled on issues of marriage and the civil courts merely validated them.²⁸ The Church's relationship to the Christian Democratic party gave it increased political power until the 1950s when the party lost its wide popular support. For this reason, the party tried to change its basis of popular support and thus minimize its dependence on the Catholic Church. Despite the party's attempts to identify more with the center or the center-left it was

²⁶ Giovanna Zincone and Tiziana Caponio, "Immigrant and Immigration Policy-Making: The case of Italy," 6.

²⁷ As Hearder says, the party of the Left has ruled Italy since 1876. The strength of the Communist Party as well as socialism in Italy have been important elements of Italian politics for decades. Harry Hearder, "Whose Identity? Italy and the Italians," 37-43.

²⁸ Stephen Hellman, "Italy," 353-4 in Mark Kesselman, et al., *European Politics in Transition* (Boston: Houghton Mifflin Company, 1997).

not very successful. By the 1960s however, the political power of the Church was drastically reduced, first with the death of Pope Pius XII and then with the succession by reformist Pope John XXIII. Despite these changes, the rural south remains more religious than the industrialized north. Due to the secularization of the Italian state, religion is not the main determinant for state identity and therefore, not as important for the recognition of the new Balkan states.

2) Expected Italian Policy on Recognition

According to the model Italy's ethnic identity should encourage it to recognize the ethnic states of Slovenia, Croatia and Macedonia (FYROM), but be hesitant concerning the recognition of Bosnia, a civic state. Since Italy borders Slovenia one would expect the possibility of a conflict spill over to pose a threat, thus becoming a factor alongside the ethnic identity of the new state. Considering the geographical distance from the republic of Macedonia, Italy should not feel threatened by the new state. Furthermore, the lack of conflict within the republic's territory made this moot for Italy. The same applies to the case of Croatia, although it is located not very far from the Italian northeast border. Some may even have believed the Adriatic Sea would serve as a barrier sealing off any conflict there. Such hopes could not be maintained, as past experience with Albanian refugees proved. The Adriatic Sea did not prevent waves of refugees arriving mainly from Albania.²⁹ Therefore, Italy's geographic position meant it was more sensitive to potential refugees coming from destabilized areas.

²⁹ Although Albanian refugees fled to Italy in 1991 the response of the Italian state was not organized. In 1997, during the Albanian crisis Italy's goal was to halt the refugee waves that were

A Slovenian state sharing borders with Italy would be recognized only if it posed low threat and if there were no issues of contention between the two states. The presence of the Yugoslav Army in Slovenia in 1991 created a perception of threat for a possible spill over of the conflict. Another threat grew out of past Italian-Slovenian relations. Memories of persecution of the Italian minority in Istria and Dalmatia³⁰ after the Second World War persist. Interpretations of past events, and even some disputed property claims were still at issue. For these reasons, Italy would be inclined to oppose the recognition of Slovenia until it received guarantees that recognition would not create higher possibilities of conflict.

Bosnia would not necessarily be a priority for Italy due to its geographical distance from the Italian borders. Despite Italy's recognition of ethnic differences within its territory, it would not favour the creation of a civic state that would accommodate all different ethnic groups. As Bosnia became an American responsibility, Italy would be likely to support any initiatives presented by its ally

the largest ever. Initially it attempted to financially and politically support the establishment of internal stability in Albania. Once these policies proved to fail it took drastic measures to stop the Albanian refugees from crossing the borders or even send them back to Albania. See Ted Perlmutter, "The Politics of Proximity: The Italian Response to the Albanian Crisis," *IMR*, 32, 1 (Spring 1998), 203-222. Also Giuseppe Sciortino, "The Albanian Crisis: Social Panic and Italian Foreign Policy," 209-226 in Luciano Bardi and Martin Rhodes, eds., *Italian Politics: Mapping the Future* (Colorado: Westview Press, 1998).

³⁰ Almost 280,000 Italians living in Istria and Dalmatia fled to Trieste during the mass exiles of the 1942-1950s and the more relaxed migration of 1953-56. Slovene-Italians were persecuted for their anti-communist beliefs. For a more detailed account of the experience of the Italian community see Gloria Nemec, "The Redefinition of Gender Roles and Family Structures Among Istrian Peasant Families in Trieste, 1954-64," *Modern Italy*, 9, 1 (May 2004), 35-46.

	High threat	Low threat
Ethnic identity	Reluctant/Oppose recognition SLOVENIA	Eager/Instigator to recognize CROATIA, MACEDONIA
Civic identity	Oppose recognition	Follower/Non-instigator for recognition BOSNIA

3) Observing Actual Italian Policy on Recognition

Along with most of the European states, Italy was hesitant to support the dissolution of Yugoslavia until June 1991. No state would support the dismantling of another state, especially at a time of peace. The fear of instability on Italy's border did not make dissolution a very appealing idea. Nevertheless, almost from the moment Germany and Austria insisted on proceeding with the recognition of the northeast republics, Italy sided with them. The Vatican was another state that strongly supported the same policy, but for religious and political reasons, unrelated to Italian interests.

Italy was concerned about the possible spread of the conflict. Being a neighbouring state to Slovenia and extremely close to the Croatian border it had every reason to worry, as these two were the first republics to seek self-determination. For this reason, Italy tried to mediate in order to avoid the dissolution of Yugoslavia. From December 1990 onwards, Italy tried to help advance economic reforms and to open the political dialogue within Yugoslavia. It pursued regional collaboration and tried to persuade Belgrade to agree to a confederal political framework for a united Yugoslavia. Italy entered in direct

dialogue with Slovenia and Croatia to reduce the possibility of conflict and establish further cooperation with Belgrade.

Belgrade's military intervention in Slovenia influenced Italian foreign policy. Consequently after the 25th of June 1991, Italy³¹ sided with Germany favouring the recognition of the two republics in the name of peace. According to Grafini, Italy persuaded Austria and Hungary to support the EC policy (reflecting Germany's position).³² Italy's goal was to avoid conflict and to protect the minorities in former Yugoslavia. The Badinter Commission concluded that Croatia had not made sufficient constitutional changes to guarantee minority rights. The Commission aimed at the recognition of a democratic state without any conditions that could lead to conflict or instability. The transformation of internal borders to external ones, along with the possibility of border instability, made the presence of minorities more important. As a result, another unwanted result of conflict would be a mass flow of refugees expected to cross the Italian border. To guarantee that this disorder would not affect the political relation of Italy with the future new states, Italy desired all minority disputes be regulated.

Although past border disputes concerning Trieste had been settled in 1954, Italy demanded the renegotiation of the 1975 Treaty of Ossimo that settled the borders after World War II. This Treaty regulated border changes and the rights of

³¹ Belgrade believed that the change in the Italian position was the result of German criticism against the Italian Foreign Minister De Michelis. For a quick reference to the relations of Italy and Slovenia and Croatia at the time see the Report of a 2003 Conference by Ilaria Favretto, "Conflicting Memories and Mutual Representations: Italy and the Balkans from World War II to the Present," *Modern Italy*, 9, 1 (May 2004), 95-100.

³² Alessandro Grafini, "La Crisi Jugoslava e la Politica Estera Italiana," *Political Internazionale*, 20, 3 (May-June 1992), 23.

the Italians who lived in Slovenia, among other things.³³ The process lasted five years, from 1991 to 1995 and caused friction between the two nations over water and land.³⁴

At the same time Italy held the right to veto the signature of the association agreements of Slovenia and Croatia with the European Union.³⁵ Since 1918, there have been property disputes between Italy and Slovenia. Italy was still in disagreement with Slovenia over Italian properties (300 houses) in Slovenia.³⁶ During that time, the Slovene republic emphasized its distinct language and culture to resist any influence by its neighbouring states. In a sense, it created a nation within the republican borders.³⁷ The issue of compensations was very important for the bilateral relations of Slovenia and Italy. This issue continued to be negotiated by the two countries until its settlement.³⁸

In the meantime, as a condition to recognition Italy insisted on the identification of the ethnic Italian residents of Slovenia as an official minority. De Michelis insisted that the historical experiences of both minority groups in Slovenia and Italy grant the Italian minority more important and thus, the Slovenes should not

³³ Advocates of the re-nationalization of Italian foreign policy demanded the denunciation of the agreements, as they did not serve the Italian national interest anymore. They also demanded the compensation of the expelled Italians from Istria and Dalmatia. They went so far as to discuss border revisions. Critics of this approach focused more on the status of the Italian minorities abroad. Roberto Aliboni and Ettore Greco, "Foreign Policy Re-Nationalization and Internationalism in the Italian Debate," *International Affairs*, 72, 1 (January 1996), 49-50.

³⁴ Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution After the Cold War* (Washington, DC: The Brookings Institution, 1995), Chapter 7, footnote 17.

³⁵ Roberto Aliboni and Ettore Greco, "Foreign Policy Re-Nationalization and Internationalism in the Italian Debate," 50.

³⁶ Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution After the Cold War*, 375.

³⁷ Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution After the Cold War*, 207.

³⁸ According to Mr. Jelko Kacin, chairman of the Slovenian parliamentary foreign policy committee, Slovenia honoured its obligations stemming from the Ossimo Agreements and deposited the compensations. See press release from the Chamber of Commerce and Industry of Slovenia in <http://www.gzs.si/eng/news/sbw/head.asp?idc=11770>

expect absolute reciprocity.³⁹ Article 5 of the 1991 Slovene Constitution protects and guarantees “the rights of the autochthonous Italian and Hungarian national communities” as well as the autochthonous Slovene national minorities in neighbouring countries. Furthermore, article 11 states that where the autochthonous communities reside, the Italian and Hungarian languages hold official status equal to the Slovene language.⁴⁰

4) Italian Identity and the Recognition of Slovenia

Italy acted as predicted in the cases of Bosnia and the republic of Macedonia. Bosnian identity was not in accordance with the nature of Italian identity, but Italy recognized it at the same time as the EC did. In the case of Macedonia, Italy would favour the recognition of this ethnic state but it sided with the rest of Europe and supported the Greek position. Hence, it recognized the state of Macedonia later on.

The Italian foreign policy with respect to Slovenia and Croatia is of more interest. Until June 1991, the Italian foreign policy was consistent with the prediction related to Slovenia. Italy did oppose its recognition. On the other hand, it is not consistent with the prediction for recognition of Croatia. Instead of being eager to recognize Croatia, it refused to do so until June 1991. This attitude is consistent with a more general European policy towards the dissolution of Yugoslavia. The interest of this work lies in the second phase of the debate on

³⁹ “Si Riapre la Ferita delle Minoranze,” *Corriere della Sera*, 16 January 1992.

⁴⁰ The Slovene Constitution was adopted on 23 December 1991 (Official Gazette of the Republic of Slovenia, No. 33/91-I) and was last amended by the Constitutional Act of 25 July 2000 (Official Gazette of the Republic of Slovenia, No. 66/2000).

recognition. Italy changed its policy immediately after the German disagreement with the rest of the EC member states.

After June 1991 the policy of Italy coincides with the German position towards the recognition debate. Hence, the Italian position differs from the one predicted, especially towards Slovenia. As a result of the perception that any conflict might create significant spill over effects, due to geographical proximity, Italy should resist the recognition of Slovenia. Italy's reaction can be explained by the fact that Slovenian identity was not a threat to Italian identity. It was Slovenia that always tried to avoid cultural assimilation by Italy and Austria. Furthermore, Italy made sure that the Italian minority was recognized by the Slovene constitution. As seen earlier, Slovenia granted the status of indigenous minority only to two ethnic groups, one of them being the Italians.⁴¹ The Italian language is official in the border region and they are also guaranteed parliamentary representation. Slovenia was the most ethnically homogeneous republic that was requesting recognition, with 88% ethnic Slovenes.⁴² It presented itself internationally as a nation seeking to fulfill its will to self-determination. Recognizing its ethnic self-determination, more internal stability would exclude the scenario of mass outflow of refugees especially given the homogeneity of its population.

The same rationale was followed in the case of Croatia, but the result of recognition enhanced stability, since the war continued. The same issue of minorities was also raised with Croatia. The Italian foreign minister De Michelis

⁴¹ According to an organization on European minorities in 2001, there were 2,258 Italians in Slovenia while around 4,000 in 1994. See http://www.eurominority.org/version/en/fiche.asp?id_minorites=si-ital. Hence the Italians count approximately for 0.16% which although is a very small part of the total population is significant enough for the relations between the two states.

⁴² Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution After the Cold War*, 35.

warned Tudjman that minority guarantees were essential to Croatia's recognition⁴³ although the Italian community accounts for only 0.45% of the Croat population today.⁴⁴ Italy failed to reach an agreement, but this did not affect the recognition of Croatia. This indicates that minority guarantees were not as significant for the recognition of Croatia. There is still a dispute over property and minority rights between the two states.

The Italian policy on recognition indicates that Italy was interested in identity issues, but Italian-Slovenian bilateral relations also played a role. Hence, Italy recognized Slovenia after the constitutional recognition of the Italian minority and the conviction that self-determination would eliminate a possible outflow of refugees. Furthermore, the Slovene identity, although ethnic, is different from the Italian identity and does not compete with it.

At the same time, Italy wanted to establish a good relation with the neighbouring new states for economic benefits as well as for future political influence in the Balkans. According to Susan Woodward, Italy supported the recognition of Slovenia in order to expand its economic interests in the region.⁴⁵ Italian relations with Europe led Italy to support a European policy towards the former Yugoslavia. As a common European foreign policy did not exist in 1991, Italy tried to define it by siding with a strong EC state, Germany. It tried to re-establish itself as a regional power. Although a middle power, it was excluded (in 1994) from the Contact Group for Bosnia, members of which were France, Germany, Britain, Russia and the United States.

⁴³ "Les Douze ont Refait Leur Unité « in extremis »" *Le Monde*, 17 January 1992.

⁴⁴ <http://www.mapzones.com/world/europe/croatia/peopleindex.php>

⁴⁵ Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution After the Cold War*, 207.

Conclusion

Italy, like Greece, is an important case study because of its geopolitical position due to proximity to the Balkan region. These concerns interacted with its ethnic state identity. Identity is the key factor in determining Italian recognition of Slovenia. This is supported by the fact that Italy negotiated with Slovenia the protection of its Italian minority rights in the new constitution, as a precondition to Italian support. This differentiates the Italian case from Greece. For Greece, Macedonia was very important, while for Italy it was Slovenia, due to their shared borders. We see that ethnic states are willing to recognize new ethnic states if they can successfully manage the threats recognition might trigger. Italy did manage to successfully negotiate its issues with Slovenia, so it believed recognition carried few risks.

Italy was also concerned with maintaining good regional relations with Europe, especially after Germany divided Europe on the issue of recognition of the former Yugoslav republics. Hence, it waited to recognize the republic of Macedonia and followed the rest of Europe in the recognition of Bosnia.

Chapter 6

CONCLUSIVE REMARKS

The dissolution of Yugoslavia and the emergence of new states in the early 90s, presented Europe with a crisis at its own borders that intensified the need for a common foreign policy. European stability has been a constant throughout this crisis and the policy of recognition was designed to deter the conflict from destabilizing Europe as a whole. The developments during the Yugoslav crisis raised several questions regarding the role of the international and the European Community as well as on the criteria behind the recognition of new states. State recognition provides international consent to a new state's sovereign presence in the international system and thus, it is the final step to complete statehood.

Two questions are relevant regarding the recognition of new states. First, is there a widely accepted legal framework that lays out the criteria that must be fulfilled by a new state before the international community recognizes it? In the early 90s, such a detailed international legal framework was not yet widely accepted. As the requirements for membership in the international community were not clearly defined, the international community would be scrutinized for its decisions and lack of consistency. To prevent this, the European Community took

advantage of the Yugoslav crisis to create and agree upon a comprehensive legal framework that would serve as a blueprint for the recognition of new states. In addition the Badinter Commission examined the basis behind the claims for independence of the seceding Yugoslav republics. Its decisions would serve as guidelines for recognition. As already explained in the introduction, the credibility of the Commission was greatly challenged by the Yugoslav government who refused to send its representative as well as by some EU members such as Germany who recognized Slovenia and Croatia before the conclusion of the Commission's deliberations. As the Commission's decisions were not legally binding, it had only consultative power.

In the absence of uniform rules on recognition, which were the criteria each European state considered before its recognition of Slovenia, Croatia, Bosnia and FYROM as independent states? An obvious answer would be the fulfillment of state functions provided that the population supports them. But then what are the elements that should characterize the relationship between the citizens and the new state? These elements determine membership in the new state and by extend the rights and obligations between the citizen and the state. In the constitutions of Slovenia, Croatia and the republic of Macedonia, ethnicity is the defining characteristic for membership in the new nation-state. These are ethnic states. The diverse ethnic background of the Bosnian population led the republic to seek independence based on a civic state identity. Nevertheless, inter-ethnic differences failed to encourage integration and hindered the creation of a civic state by consent.

This thesis proves that the examined European states (Germany, France, Greece and Italy) used as blueprint their own state identity and their perceptions of threat to recognize Slovenia, Croatia, FYROM (Macedonia) and Bosnia-Herzegovina. More specifically, states are more likely to recognize new states with which they share similar state identity. State identity as it has been consolidated in national law illustrates the potential agreement of the principles upon which the emerging and already established states have been built on. As a result, the ethnic or civic nature of the emerging states is an important element in the recognition policy of the European states. The break-up of Yugoslavia and the call for recognition of new states in the territory of the former federal state forced the members of the European Community to revisit the principles upon which their statehood was founded. These principles, reflecting each state's history, shape individual state preferences that surface when faced with the recognition of the sovereignty of new states.

The thesis further advocates that perceptions of threat influenced the European states' willingness to recognize the above-mentioned new states. Hence, an established state that feels threatened by an emerging state withholds its recognition until its security is guaranteed. Close geographical proximity exacerbates the perceived threat and requires opposition to the establishment of the new state. As already explained, threat can be tangible in the form of conflict spill over but also intangible in the form of threat from mass movement of refugees from the conflict area.

Policy Outcomes

The initial reaction, in the mid-1991, of Germany, France, Greece and Italy to the secession of the Yugoslav republics indicates their support for certain international norms. Although all European states initially resisted the dissolution of Yugoslavia by ignoring the demands for mediation in the civil war, some states such as France and Greece stood by this belief more than others. The reasoning behind such a reaction unveils the belief system of each state. The French and Greek objections against any mediation that would support the secession of the Yugoslav republics prove the two states strong support for state sovereignty and non-intervention. The German lead favouring the secession of Slovenia and Croatia shows that re-united Germany values ethnic self-determination over state self-determination. It was this principle that led the German re-unification. When efforts to guarantee the ethnic self-determination of certain nations within the context of the existing state had already failed, Germany saw the recognition of the independence of the north republics from the federal state as the only solution to peace and stability in the region. Consequently, concerns about regional and state stability relate to the elimination of any potential threat and not to identity.

The security and stability of the Balkans depended on the management of Yugoslavia's disintegration and by extend to the political relations of the neighbouring states with the emerging political entities. As the crisis progressed and new conflicts emerged in former Yugoslavia, the international actors had to rethink and adjust their foreign policy for the conclusion of the civil war and the creation of legitimate new states able to guarantee peace in the region. The

European states envisaged their future relation to the new states as well as among themselves. Hence, they planned to eliminate any potential threat. A common European policy would enhance the international role and credibility of Europe as a power block. As a result, the twelve member-states unanimously agreed on the recognition of Slovenia and Croatia on January 15, 1992. Hence, some states tempered their initial preferences to simultaneously safeguard their interests.

Taking into account the state identity of the European and the emerging states, the case studies show that ethnic states such as Germany, Greece and Italy would recognize emerging ethnic states such as Slovenia, Croatia and FYROM, while civic states like France would not be inclined to do so. It is logical for civic states to ensure the equal treatment of all citizens by the new ethnic state, as dictated by their own civic values. Accordingly, France and Britain recognized Croatia only after they received by the Croat leader Tudjman promises for additional guarantees ensuring citizen equality concerning the existing minorities in Croatia.

The timing of recognition by the four European states proves that geopolitics influences the policy of recognition by either delaying it or refusing it. Furthermore, the examined cases conclude that ethnic states tend to recognize ethnic states as long as these do not pose a threat to their security. Geographical proximity not only intensifies existing threat but may also facilitate the emergence of future discontent. A good example here is the Greek resistance to the recognition of the republic of Macedonia until the name dispute is settled.

Realist literature has proved that threat influences foreign policy making. Assuming that the influence of state identity is represented by the initial state

reaction towards the recognition of new states, threat due to proximity should alter state policy. The four cases examined, indicate that proximity influenced the perceptions of threat of these states and thus, altered the expected outcomes regarding recognition. More specifically, although the three European ethnic states (Germany, Greece and Italy) supported the recognition of new ethnic states, the recognition of some emerging states was more complex due to proximity. Nevertheless, the treatment of these complex cases shows how different states dealt with threat. Potential threats were conflict spill over, large refugee inflows and at times, state identity itself. Distance exacerbated or diminished the effects of threat but did not eliminate them. The conflict spill over proved to be an unrealistic fear for the European states. Mass refugee inflow however, remained a threat for these European states due to their proximity to the region. Furthermore, favourable domestic national characteristics such as welfare systems, generous laws and already established diasporas, would encourage refugees and asylum seekers to choose these countries as their preferred destination.

The recognition of the republic of Macedonia posed a high threat for Greece due to border sharing. As already explained in the relevant chapter, Greece was not willing to recognize this republic because of the name dispute. This revealed the Greek perceptions of threat and delayed the recognition of the republic of Macedonia. The recognition of the northern former Yugoslav republics was traded off¹ to gain European support for extensive negotiations with the republic of Macedonia to solve the dispute and eliminate any potential threat from the new

¹ On December 16, 1991 the twelve member-states promised Greece the delay of the recognition of the republic of Macedonia. C. T., "Les Douze ont Refait Leur Unité « in extremis »,» *Le Monde*, 17 January 1992.

state. For this reason, Greece did not initially show its intentions regarding the recognition of Slovenia and Croatia. Greece recognized the republic of Macedonia under the provisional name of FYROM until both states agree on another name.²

In the case of Italy, Slovenia proved to be of special interest due to old disputes linked to World War II therefore the new state was of potential high threat to Italy. The existing Italian community in Slovenia and the unresolved compensation dispute between Italy and Slovenia were included in the recognition negotiations.³ The guaranteed protection of the Italian minority in the Slovene constitution and the arrangement of the Slovene compensations to Italians who fled, were examples for the Italian success to protect its identity and avoid future threats.

Germany and France also calculated potential threats from the Yugoslav civil war. Germany, although not as close to the region, felt threatened by the possibility that large numbers of refugees would enter its borders as a result of civil war. The generous German asylum laws had already attracted large numbers of refugees. In addition, the already existing immigrant communities in Germany provided an extra incentive for immigration to Germany. Germany, although an ethnic state, recognized a civic Bosnian state because it was of low threat. This behaviour aimed at appeasing its fellow EC states that valued multilateralism. Moreover, it followed the rest of Europe hoping that statehood would provide

² The two states have not reached a consensus yet on the proper name of FYROM.

³ Italy has been very helpful in the process of Slovenia's recognition by the EU and it recognized it as a successor state to all Treaties that had been concluded with Yugoslavia. Nevertheless, Italy later proposed a trilateral Treaty with Croatia and Slovenia on the protection of the Italian minority but without the protection of the Slovenian minority in Italy. The Slovene Parliament rejected this proposal and Italy demanded the revision of the Treaty on compensation for the Italians who fled Slovenia but this time in kind. Danica Fink-Hafner and John R. Robbins, eds., *Making a New Nation: The Formation of Slovenia* (Aldershot: Dartmouth, 1997), 41.

Bosnians with a legal framework for dispute settlement among the ethnic communities.

France, despite its civic identity and its objections to recognition, eventually recognized the ethnic states of Slovenia and Croatia because they posed low threat to the French state. The Slovene ethnic homogeneity was not in accordance with the French and British civic values. Furthermore, both states feared that recognition would encourage ethnic aspirations inside France and Britain as well as in Eastern Europe and USSR.⁴ At the same time ethnic homogeneity became an asset to Slovenia's statehood. Societal homogeneity discourages new inter-ethnic disputes that could lead to another civil war and displacement of people. Slovenia had also recognized the existence of non-ethnic Slovenes. Both France and Britain initially objected to the Croat recognition "as a precedent that would encourage ethnic extremism elsewhere in Europe."⁵ Croatia's laws were not detailed enough in relation to minority issues. In order to avoid the non-recognition of Croatia, the Italian foreign minister De Michelis asked for more guarantees from Tudjman on the protection of minorities. France was not willing to recognize civic Bosnia due to unsettled ethnic disputes. Bosnia, despite its willingness to become a civic state, was not homogeneous and all nationalities were hostile to each other. The different ethnic groups were drifting apart instead of peacefully coexisting. Fears of a new conflict were materialized despite the recognition of the state.

⁴ Britain was very much worried that recognition would give hope to N. Ireland and further complicate the conflict in *The Times*, 27 and 29 July 1991, and 5-8 August 1991 as reported by Sonia Lucarelli, *Europe and The Break-up of Yugoslavia* (The Hague: Kluwer Law International, 2000), 160.

⁵ Joseph Fitchett, "Bonn Claims Recognition Will Help End the Yugoslav War," *International Herald Tribune*, 16 December 1992.

The model presented on the policy of recognition is supported by the early recognition of the seceding republics by Hungary and Bulgaria. Both states share borders with former Yugoslavia. Bulgaria, as seen earlier, bordered the republic of Macedonia. Being an ethnic state it recognized FYROM and was not threatened by it. In fact, it was the other way around as Bulgaria announced it recognizes the Macedonian state but not the Macedonian nation due to similar to Bulgaria's national identity.

Hungary followed the German lead and was willing to recognize Slovenia and Croatia but not unilaterally.⁶ It established diplomatic relations with both states the 15th of January 1992. The Hungarian foreign minister explained that diplomatic relations were even more important than recognition itself. He further added that Hungary was already examining the recognition of Bosnia-Herzegovina and the republic of Macedonia.⁷ Did Hungarian ethnic identity determine its policy? Already in July 1991 Hungary greeted the Brioni Accord by warning Serbia that it could not count on its province of Vojvodina, whose largest minority is Hungarians. As a matter of fact, the Prime Minister József Antall referred to the Treaty of Trianon and announced, "We gave Vojvodina to Yugoslavia. If there is no more Yugoslavia, then we should get it back."⁸ The fear for large numbers of refugees was also an issue like in most of the countries.⁹

⁶ Richard Caplan, *Europe and the Recognition of New States in Yugoslavia* (Cambridge: Cambridge University Press, 2005), 108.

⁷ "La Crise Yougoslave: Près de Trente Pays Ont Reconnu," *Le Monde*, 17 January 1992.

⁸ Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution After the Cold War* (Washington: Brookings Institution, 1995), 219.

⁹ According to Hungarian foreign minister Jeszensky, the recognition of Slovenia and Croatia would end the mass inflow of more than 50,000 registered refugees mostly Croats into Hungary. This view was also shared by Poland and Czechoslovakia. Geza Jeszensky, "Going Beyond Croatia and Slovenia," *International Herald Tribune*, 17 January 1992.

This comment shows that the ethnic aspirations¹⁰ of Hungary influenced its foreign policy of recognition but does not clearly prove that its recognition of Slovenia and Croatia was due to the similarity of their state identity. It is clear though that Hungary gives precedence to ethnic self-determination and as a result, the Hungarians of Vojvodina should return back to their original state. The dissolution of Yugoslavia would increase Hungarian leverage over its minority and the new state.

Other states such as Canada, Australia¹¹ had different preferences on state identity but also did not have much at stake as they were very far from the region. The United States had already expressed that it was not interested in getting involved.¹² In reality, it was not really affected by the conflict itself. It became very involved in the case of Bosnia but as

The model provides adequate information on the behaviour of ethnic states geographically far and close to the conflict area. It also examines the behaviour of civic states situated far from Yugoslavia but it cannot draw any conclusions for civic states¹³ sharing borders with the seceding republics. Hence, the examination of another state dissolution in another region may provide this information.

¹⁰ Although its prime minister refused any Hungarian territorial claims and supported the protection of human rights of the Hungarian minority in Vojvodina. In fact, the minority's status had changed and thus 25,000 Magyars had to flee since July 1991. See Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution After the Cold War*, 219 and Yves-Michel Riol, "L'Isolement de la Minorité Hongroise de Voïvodine," *Le Monde*, 19-20 January 1992.

¹¹ "La Crise Yougoslave: Près de Trente Pays Ont Reconnu," *Le Monde*, 17 January 1992; "EC Grapples With a Yugoslavia Problem," *The International Herald Tribune*, 17 December 1991.

¹² Henri Pierre, "Washington Maintient son Refus de Reconnaître les Républiques Sécessionnistes," *Le Monde*, 18 January 1992.

¹³ There is no civic state in the region.

Theoretical Implications for Further Study

This thesis explores identity in terms of the wider sense of ethnicity that has been neglected by the current international relations literature. It examines how the ethnic or civic identity of a state determines its foreign policy that relates to the socio-political structure of the new state. Hence it is not interested in the specific characteristics of national identity. The sources of this identity are domestic and rest at the heart of the nation-state since its creation. Nation-state formation provides the process through which state identity emerges. Therefore, state identity is not very fluid as it has been consolidated in the national law at various levels. This does not preclude its evolution over time but as this is a very slow process, it can be considered stable. Even though it evolves, identity remains the same at its core. Through the policy of recognition the domestic principles upon which a state is organized are also externalized. The recognition of a state leads to the creation of similar states, ethnic or civic, protected by international law.

Emphasis on the use of ethnicity in foreign relations does not imply the examination of nationalism as a political ideology. The political goals of nationalism are the continuous struggle for the realization of the ideals of a nation and its rejection of any alternative goals. This work does not judge the “correctness”¹⁴ of ethnic or civic ideology but rather it draws attention to its influence on the recognition of new states. It further focuses on the need for a deeper understanding of the state in order to comprehend its policy choices regarding recognition.

¹⁴ Each ideology provides alternative ways for state-society relations whose correctness can only be judged on individual basis according to the existing conditions.

Alternative definitions of identity would equally be interesting for the policy of recognition, as they would require the use of different variables influencing foreign policy. For example, states may be characterized according to their domestic policies such as immigration. Based on this, a state could also be identified as an immigrant society. Would this influence its foreign policy on recognition? Should Canada, the United States and Australia be expected to recognize only immigrant states? Although these states have been founded upon immigration, their policy on recognition may differ. So, the multicultural identity¹⁵ of Canada may be incompatible with the recognition of immigrant states that employ assimilationist policies of incorporation. The US may not believe that states should include citizens who identify with another nation-state as a result of their origin. The American policy of the “melting-pot” would be relevant in the determination of its foreign policy. Further research would have to determine state attitudes towards specific types of immigration and how these influence its foreign policy on recognition.

All these different definitions of state identity provide a different social and political framework governing the relations between citizen and the state. Independently of these definitions, the ultimate goal is the creation of viable and stable states. Constructivism however, is not interested in the effects of identity but cares about the nature of this identity. State stability is a realist concern although respect for minorities, a widely accepted norm, also implies stability. The recognition of Bosnia-Herzegovina as a civic state shows respect for the three ethnic

¹⁵ Multiculturalism refers to Canada’s political ideology for the incorporation of its citizens without employing assimilation as Australia does.

groups residing within its territory. As a result emphasis is given on the state the highest and impartial authority¹⁶ that would mediate for the resolution of ethnic disputes to alleviate social injustice and achieve social cohesiveness. Hence, recognition did not empower any individual ethnic identity.

Similar research could analyze the relationship of the policy of recognition with types of political systems. Hence, would federal states be more likely to recognize federal states as opposed to unitary states? According to this hypothesis, Germany would be more inclined to recognize a Bosnian federation than the Slovene unitary state. Greece would be expected to oppose the creation of a Bosnian federation but should support a Slovene and Croat state.

Challenges against a federal state by the republics were not unique to Yugoslavia. In 1990, the first signs of the Soviet republics' challenge against Moscow are also evident. Could the findings regarding the role of state identity on the policy of recognition concluded for the Yugoslav crisis be applied to the Soviet case? Was state identity important in the recognition of the Baltic States by Europe?

The two cases of state dissolution share some characteristics. They took place at the same time and both states were situated at the external borders of the European Community. The Yugoslav and Soviet republics challenged the federal structure when they were allowed more freedom of expression as a result of the fall of Communism. Another common feature is that Europe was asked to

¹⁶ "State" (Κράτος) derives from the word "Κραῖς" that means "Head". See Homer's *Iliad* 14 and 177 as well as Homer's *Odyssey*, 22 and 218.

diplomatically intervene by the republics and not by the federal state which perceived the disputes to be an internal matter.

There is not enough evidence to support that the ethnic or civic identity of the European states determined the recognition of the Baltic States. Nevertheless, the common policy of France and Germany supporting the ethnic self-determination of the Baltics does not weaken the argument of the thesis. In this case, the two states regarded the Baltic recognition as a return of their sovereignty that was taken away by Moscow in 1940.¹⁷

The Baltic states fall under the case of foreign invasion as they had been already granted statehood by the USSR in 1920. More specifically, the Baltic states became independent after the October Revolution of 1917. The Soviet government declared the right for all nationalities in the Union to establish independent states.¹⁸ Within the same year, all three republics declared independence and gained statehood by 1920. The USSR signed Peace Treaties stating that it voluntarily recognized Lithuania (20 July), Latvia (11 August) and Estonia (2 February) as sovereign states and renouncing any right over their people and territory.¹⁹ The Peace Treaty of Brest-Litovsk signed by Germany and Russia in March 1918 facilitated this process. In 1922 the three new states became members of the League

¹⁷ The distinction between the conditions implemented for the recognition of the Baltic states on the one hand and the recognitions of Slovenia and Croatia on the other is supported by the Serb Minister of Foreign Affairs Vladislav Jovanovic. Florence Hartmann, "Un Entretien Avec le Ministre des Affaires Étrangères de Serbie," *Le Monde*, 15 January 1992.

¹⁸ Susan E. Himmer, "The Achievement of Independence in the Baltic States and Its Justifications", 326 in Adolf Sprudz, ed., *The Baltic Path to Independence* (Buffalo, New York: William S. Hein & Co., 1994). The author describes the historical background of each Baltic republic separately.

¹⁹ Susan E. Himmer, "The Achievement of Independence in the Baltic States and Its Justifications", 328 in Adolf Sprudz, ed., *The Baltic Path to Independence* (Buffalo, New York: William S. Hein & Co., 1994).

of Nations. As only states sit on international organizations, this is an indication of their status in the international community as a result of their recognition.

This statehood was short-lived as these states were forcefully annexed by the USSR in 1940. This action was a breach of the Soviet-Nazi Non-Aggression Pact of 1939. The secret protocols of the Molotov-Ribbentrop Pact defined the German and Soviet zones of influence in Eastern Europe. Hence, the Baltic states fell under the Soviet sphere and were later forced, under the threat of invasion, to sign “mutual-assistance” agreements with the USSR.²⁰

Furthermore, the Europeans tried to encourage the democratization process in the Soviet Union by seeking the consent of Russia for the independence of the Baltic states. The distinguishing factor is that the Soviet Union was a superpower not comparable to Yugoslavia. The proximity and the military might of Moscow increased the importance of security considerations. Hence, considerations of threat took precedence over identity in the determination of the European policy on recognition.

The findings show that the realist and non-realist variables can be used complementary to better understand and predict state behaviour. The dissertation does not claim that ethnicity is the only way to explain the policy of recognition. It draws the attention on a definition of state identity that is deeply rooted into the formation of the nation-state. Realism is not interested in identity defined in social terms but only power. Constructivism focuses on the nature of identity and not

²⁰ Rahim Kherad, “La Reconnaissance Internationale des Etats Baltes,” *Revue Generale de Droit International Public*, 96, 4 (1992), 846. Also see, Michael Bothe and Christian Schmidt, “Sur Quelques Questions de Succession Posees par la Dissolution de l’URSS et Celle de la Yougoslavie,” *Revue Générale de Droit International Public*, 96, 4, 1992, 822.

rational calculations. This work combines constructivist and realist indicators to show that these should be considered for the prediction of state recognition. Thus, it does not oppose the validity of central ideas of both theoretical fields, it just tries to show that states are not as rational actors, calculating their power and security, as realism assumes. State behaviour is determined by domestic norms that influence and are influenced by international norms.

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APPENDICES

Relevant Excerpts from the Constitutions of the New States

THE CONSTITUTION OF THE REPUBLIC OF SLOVENIA

* Adopted on 23 December 1991 (Official Gazette of the Republic of Slovenia, No. 33/91-I), as amended by the Constitutional Act of 14 July 1997 (Official Gazette of the Republic of Slovenia, No. 42/97) and the Constitutional Act of 25 July 2000 (Official Gazette of the Republic of Slovenia, No. 66/2000).

PREAMBLE

Proceeding from the Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia, and from fundamental human rights and freedoms, and the fundamental and permanent right of the Slovene nation to self-determination; and from the historical fact that in a centuries-long struggle for national liberation we Slovenes have established our national identity and asserted our statehood, the Assembly of the Republic of Slovenia hereby adopts

I. GENERAL PROVISIONS

Article 1

Slovenia is a democratic republic.

Article 2

Slovenia is a state governed by the rule of law and a social state.

Article 3

Slovenia is a state of all its citizens and is founded on the permanent and inalienable right of the Slovene nation to self-determination.

In Slovenia power is vested in the people. Citizens exercise this power directly and through elections, consistent with the principle of the separation of legislative, executive and judicial powers.

Article 4

Slovenia is a territorially unified and indivisible state.

Article 5

In its own territory, the state shall protect human rights and fundamental freedoms. It shall protect and guarantee the rights of the autochthonous Italian and Hungarian national communities. It shall maintain concern for autochthonous Slovene national minorities in neighbouring countries and for Slovene emigrants and workers abroad and shall foster their contacts with the homeland. It shall provide for the preservation of the natural wealth and cultural heritage and create opportunities for the harmonious development of society and culture in Slovenia.

Slovenes not holding Slovene citizenship may enjoy special rights and privileges in Slovenia. The nature and extent of such rights and privileges shall be regulated by law.

Article 6

The coat-of-arms of Slovenia has the form of a shield. In the middle of the shield, on a blue background, is a representation of Mount Triglav in white, under which there are two undulating blue lines symbolising the sea and rivers and above which there are three golden, six-pointed stars forming a downward-pointing triangle. The shield is bordered in red. The coat-of-arms is designed in accordance with a set standard of geometry and colour.

The flag of Slovenia is the white-blue-red Slovene national flag with the coat-of-arms of Slovenia. The ratio of the width of the flag to the length thereof is one to two. The colours of the flag are in the following order: white, blue and red. Each colour occupies a horizontal band covering one third of the area of the flag. The coat-of-arms is positioned in the upper left portion of the flag such that it lies with one half in the white field and the other in the blue field.

The national anthem of Slovenia is "Zdravljica".

The use of the coat-of-arms, the flag and the national anthem shall be provided by law.

Article 7

The state and religious communities shall be separate.

Religious communities shall enjoy equal rights; they shall pursue their activities freely.

Article 8

Laws and regulations must comply with generally accepted principles of international law and with treaties that are binding on Slovenia. Ratified and published treaties shall be applied directly.

Article 9

Local self-government in Slovenia is guaranteed.

Article 10

The capital of Slovenia is Ljubljana.

Article 11

The official language in Slovenia is Slovene. In those municipalities where Italian or Hungarian national communities reside, Italian or Hungarian shall also be official languages.

Article 12

Slovene citizenship shall be regulated by law.

Article 13

In accordance with treaties, aliens in Slovenia enjoy all the rights guaranteed by this Constitution and laws, except for those rights that pursuant to this Constitution or law only citizens of Slovenia enjoy.

II. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Article 14

(Equality before the Law)

In Slovenia everyone shall be guaranteed equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political or other conviction, material standing, birth, education, social status or any other personal circumstance.

All are equal before the law.

Article 15

(Exercise and Limitation of Rights)

Human rights and fundamental freedoms shall be exercised directly on the basis of the Constitution.

The manner in which human rights and fundamental freedoms are exercised may be regulated by law whenever the Constitution so provides or where this is necessary due to the particular nature of an individual right or freedom.

Human rights and fundamental freedoms shall be limited only by the rights of others and in such cases as are provided by this Constitution.

Judicial protection of human rights and fundamental freedoms, and the right to obtain redress for the violation of such rights and freedoms, shall be guaranteed.

No human right or fundamental freedom regulated by legal acts in force in Slovenia may be restricted on the grounds that this Constitution does not recognise that right or freedom or recognises it to a lesser extent.

Article 16

(Temporary Suspension and Restriction of Rights)

Human rights and fundamental freedoms provided by this Constitution may exceptionally be temporarily suspended or restricted during a war and state of emergency. Human rights and fundamental freedoms may be suspended or restricted only for the duration of the war or state of emergency, but only to the extent required by such circumstances and inasmuch as the measures adopted do not create inequality based solely on race, national origin, sex, language, religion, political or other conviction, material standing, birth, education, social status or any other personal circumstance.

The provision of the preceding paragraph does not allow any temporary suspension or restriction of the rights provided by Articles 17, 18, 21, 27, 28, 29 and 41.

Article 17

(Inviolability of Human Life)

Human life is inviolable. There is no capital punishment in Slovenia.

Article 18

(Prohibition of Torture)

No one may be subjected to torture, inhuman or degrading punishment or treatment. The conducting of medical or other scientific experiments on any person without his free consent is prohibited.

Article 19

(Protection of Personal Liberty)

Everyone has the right to personal liberty.

No one may be deprived of his liberty except in such cases and pursuant to such procedures as are provided by law.

Anyone deprived of his liberty must be immediately informed in his mother tongue, or in a language which he understands, of the reasons for being deprived of his liberty. Within the shortest possible time thereafter, he must also be informed in writing of why he has been deprived of his liberty. He must be instructed immediately that he is not obliged to make any statement, that he has the right to immediate legal representation of his own free choice and that the competent authority must, on his request, notify his relatives or those close to him of the deprivation of his liberty.

Article 20

(Orders for and Duration of Detention)

A person reasonably suspected of having committed a criminal offence may be detained only on the basis of a court order when this is absolutely necessary for the course of criminal proceedings or for reasons of public safety.

Upon detention, but not later than twenty-four hours thereafter, the person detained must be handed the written court order with a statement of reasons. The person detained has the right to appeal against the court order, and such appeal must be decided by a court within forty-eight hours. Detention may last only as long as there are legal reasons for such, but no longer than three months from the day of the deprivation of liberty. The Supreme Court may extend the detention a further three months.

If no charges are brought by the end of these terms, the suspected person shall be released.

Article 21

(Protection of Human Personality and Dignity)

Respect for human personality and dignity shall be guaranteed in criminal and in all other legal proceedings, as well as during the deprivation of liberty and enforcement of punitive sanctions.

Violence of any form on any person whose liberty has been restricted in any way is prohibited, as is the use of any form of coercion in obtaining confessions and statements.

Article 22

(Equal Protection of Rights)

Everyone shall be guaranteed equal protection of rights in any proceeding before a court and before other state authorities, local community authorities and bearers of public authority that decide on his rights, duties or legal interests.

Article 23

(Right to Judicial Protection)

Everyone has the right to have any decision regarding his rights, duties and any charges brought against him made without undue delay by an independent, impartial court constituted by law.

Only a judge duly appointed pursuant to rules previously established by law and by judicial regulations may judge such an individual.

Article 24

(Public Nature of Court Proceedings)

Court hearings shall be public. Judgements shall be pronounced publicly. Exceptions shall be provided by law.

Article 25

(Right to Legal Remedies)

Everyone shall be guaranteed the right to appeal or to any other legal remedy against the decisions of courts and other state authorities, local community authorities and bearers of public authority by which his rights, duties or legal interests are determined.

Article 26

(Right to Compensation)

Everyone has the right to compensation for damage caused through unlawful actions in connection with the performance of any function or other activity by a person or body performing such function or activity under state authority, local community authority or as a bearer of public authority.

Any person suffering damage has the right to demand, in accordance with the law, compensation also directly from the person or body that has caused damage.

Article 27

(Presumption of Innocence)

Any person charged with a criminal offence shall be presumed innocent until found guilty in a final judgement.

Article 28

(Principle of Legality in Criminal Law)

No one may be punished for an act which had not been declared a criminal offence under law, or for which a penalty had not been prescribed, at the time the act was performed.

Acts that are criminal shall be established and the resulting penalties pronounced according to the law that was in force at the time the act was performed, save where a more recent law adopted is more lenient towards the offender.

Article 29

(Legal Guarantees in Criminal Proceedings)

Anyone charged with a criminal offence must, in addition to absolute equality, be guaranteed the following rights:

- the right to have adequate time and facilities to prepare his defence;
- the right to be present at his trial and to conduct his own defence or to be defended by a legal representative;
- the right to present all evidence to his benefit;
- the right not to incriminate himself or his relatives or those close to him, or to admit guilt.

Article 30

(Right to Rehabilitation and Compensation)

Any person unjustly convicted of a criminal offence or deprived of his liberty without due cause has the right to rehabilitation and compensation, and other rights provided by law.

Article 31

(Prohibition of Double Jeopardy)

No one may be sentenced or punished twice for the same criminal offence for which criminal proceedings were dismissed finally, or for which the charge was finally rejected, or for which the person was acquitted or convicted by final judgement.

Article 32

(Freedom of Movement)

Everyone has the right to freedom of movement, to choose his place of residence, to leave the country and to return at any time.

This right may be limited by law, but only where this is necessary to ensure the course of criminal proceedings, to prevent the spread of infectious diseases, to protect public order or if the defence of the state so demands.

Entry into the country by aliens, and the duration of their stay in the country, may be limited on the basis of law.

Article 33

(Right to Private Property and Inheritance)

The right to private property and inheritance shall be guaranteed.

Article 34

(Right to Personal Dignity and Safety)

Everyone has the right to personal dignity and safety.

Article 35

(Protection of Right to Privacy and Personality Rights)

The inviolability of the physical and mental integrity of every person, his privacy and personality rights shall be guaranteed.

Article 36

(Inviolability of Dwellings)

Dwellings are inviolable.

No one may, without a court order, enter the dwelling or other premises of another person, nor may he search the same, against the will of the resident.

Any person whose dwelling or other premises are searched has the right to be present or to have a representative present.

Such a search may only be conducted in the presence of two witnesses.

Subject to conditions provided by law, an official may enter the dwelling or other premises of another person without a court order, and may in exceptional circumstances conduct a search in the absence of witnesses, where this is absolutely necessary for the direct apprehension of a person who has committed a criminal offence or to protect people or property.

Article 37

(Protection of the Privacy of Correspondence and Other Means of Communication)

The privacy of correspondence and other means of communication shall be guaranteed.

Only a law may prescribe that on the basis of a court order the protection of the privacy of correspondence and other means of communication and the inviolability of personal privacy be suspended for a set time where such is necessary for the institution or course of criminal proceedings or for reasons of national security.

Article 38

(Protection of Personal Data)

The protection of personal data shall be guaranteed. The use of personal data contrary to the purpose for which it was collected is prohibited.

The collection, processing, designated use, supervision and protection of the confidentiality of personal data shall be provided by law.

Everyone has the right of access to the collected personal data that relates to him and the right to judicial protection in the event of any abuse of such data.

Article 39

(Freedom of Expression)

Freedom of expression of thought, freedom of speech and public appearance, of the press and other forms of public communication and expression shall be guaranteed. Everyone may freely collect, receive and disseminate information and opinions.

Except in such cases as are provided by law, everyone has the right to obtain information of a public nature in which he has a well founded legal interest under law.

Article 40

(Right to Correction and Reply)

The right to correct published information which has damaged a right or interest of an individual, organisation or body shall be guaranteed, as shall be the right to reply to such published information.

Article 41

(Freedom of Conscience)

Religious and other beliefs may be freely professed in private and public life.

No one shall be obliged to declare his religious or other beliefs.

Parents have the right to provide their children with a religious and moral upbringing in accordance with their beliefs. The religious and moral guidance given to children must be appropriate to their age and maturity, and be consistent with their free conscience and religious and other beliefs or convictions.

Article 42

(Right of Assembly and Association)

The right of peaceful assembly and public meeting shall be guaranteed.

Everyone has the right to freedom of association with others.

Legal restrictions of these rights shall be permissible where so required for national security or public safety and for protection against the spread of infectious diseases.

Professional members of the defence forces and the police may not be members of political parties.

Article 43

(Right to Vote)

The right to vote shall be universal and equal.

Every citizen who has attained the age of eighteen years has the right to vote and be elected.

The law may provide in which cases and under what conditions aliens have the right to vote.

Article 44

(Participation in the Management of Public Affairs)

Every citizen has the right, in accordance with the law, to participate either directly or through elected representatives in the management of public affairs.

Article 45

(Right to Petition)

Every citizen has the right to file petitions and to pursue other initiatives of general significance.

Article 46

(Right to Conscientious Objection)

Conscientious objection shall be permissible in cases provided by law where this does not limit the rights and freedoms of others.

Article 47

(Extradition)

No citizen of Slovenia may be extradited to a foreign country. The extradition of aliens shall only be permitted in cases covered by treaties that are binding on Slovenia.

Article 48

(Asylum)

Within the limits of the law, the right of asylum shall be recognised for foreign nationals and stateless persons who are subject to persecution for their commitment to human rights and fundamental freedoms.

Article 49

(Freedom of Work)

Freedom of work shall be guaranteed.

Everyone shall choose his employment freely.

Everyone shall have access under equal conditions to any position of employment.

Forced labour shall be prohibited.

Article 50

(Right to Social Security)

Citizens have the right to social security under conditions provided by law.

The state shall regulate compulsory health, pension, disability and other social insurance, and shall ensure its proper functioning.

Special protection in accordance with the law shall be guaranteed to war veterans and victims of war.

Article 51

(Right to Health Care)

Everyone has the right to health care under conditions provided by law.

The rights to health care from public funds shall be provided by law.

No one may be compelled to undergo medical treatment except in cases provided by law.

Article 52

(Rights of Disabled Persons)

Disabled persons shall be guaranteed protection and work-training in accordance with the law.

Physically or mentally handicapped children and other severely disabled persons have the right to education and training for an active life in society.

The education and training referred to in the preceding paragraph shall be financed from public funds.

Article 53

(Marriage and the Family)

Marriage is based on the equality of spouses. Marriages shall be solemnised before an empowered state authority.

Marriage and the legal relations within it and the family, as well as those within an extramarital union, shall be regulated by law.

The state shall protect the family, motherhood, fatherhood, children and young people and shall create the necessary conditions for such protection.

Article 54

(Rights and Duties of Parents)

Parents have the right and duty to maintain, educate and raise their children. This right and duty may be revoked or restricted only for such reasons as are provided by law in order to protect the child's interests.

Children born out of wedlock have the same rights as children born within it.

Article 55

(Freedom of Choice in Childbearing)

Everyone shall be free to decide whether to bear children.

The state shall guarantee the opportunities for exercising this freedom and shall create such conditions as will enable parents to decide to bear children.

Article 56

(Rights of Children)

Children shall enjoy special protection and care. Children shall enjoy human rights and fundamental freedoms consistent with their age and maturity.

Children shall be guaranteed special protection from economic, social, physical, mental or other exploitation and abuse. Such protection shall be regulated by law.

Children and minors who are not cared for by their parents, who have no parents or who are without proper family care shall enjoy the special protection of the state. Their position shall be regulated by law.

Article 57

(Education and Schooling)

Freedom of education shall be guaranteed.

Primary education is compulsory and shall be financed from public funds.

The state shall create the opportunities for citizens to obtain a proper education.

Article 58

(Autonomy of Universities and Other Institutions of Higher Education)

State universities and state institutions of higher education shall be autonomous.

The manner of their financing shall be regulated by law.

Article 59

(Freedom of Science and the Arts)

The freedom of scientific and artistic endeavour shall be guaranteed.

Article 60

(Intellectual Property Rights)

The protection of copyright and other rights deriving from artistic, scientific, research and invention activities shall be guaranteed.

Article 61

(Expression of National Affiliation)

Everyone has the right to freely express affiliation with his nation or national community, to foster and give expression to his culture and to use his language and script.

Article 62

(Right to Use One's Language and Script)

Everyone has the right to use his language and script in a manner provided by law in the exercise of his rights and duties and in procedures before state and other bodies performing a public function.

Article 63

(Prohibition of Incitement to Discrimination and Intolerance and Prohibition of Incitement to Violence and War)

Any incitement to national, racial, religious or other discrimination, and the inflaming of national, racial, religious or other hatred and intolerance are unconstitutional.

Any incitement to violence and war is unconstitutional.

Article 64

(Special Rights of the Autochthonous Italian and Hungarian National Communities in Slovenia)

The autochthonous Italian and Hungarian national communities and their members shall be guaranteed the right to use their national symbols freely and, in order to preserve their national identity, the right to establish organisations and develop economic, cultural, scientific and research activities, as well as activities in the field of public media and publishing. In accordance with laws, these two national communities and their members have the right to education and schooling in their own languages, as well as the right to establish and develop such education and schooling. The geographic areas in which bilingual schools are compulsory shall be established by law. These national communities and their members shall be guaranteed the right to foster relations with their nations of origin and their respective countries. The state shall provide material and moral support for the exercise of these rights.

In order to exercise their rights, the members of these communities shall establish their own self-governing communities in the geographic areas where they live. On the proposal of these self-governing national communities, the state may authorise them to

perform certain functions under national jurisdiction, and shall provide funds for the performing of such functions.

The two national communities shall be directly represented in representative bodies of local self-government and in the National Assembly.

The position of the Italian and Hungarian national communities and the manner in which their rights are exercised in the geographic areas where they live, the obligations of the self-governing local communities for the exercise of these rights, and those rights which the members of these national communities exercise also outside these areas, shall all be regulated by law. The rights of both national communities and their members shall be guaranteed irrespective of the number of members of these communities.

Laws, regulations and other general acts that concern the exercise of the constitutionally provided rights and the position of the national communities exclusively, may not be adopted without the consent of representatives of these national communities.

Article 65

(Status and Special Rights of the Romany Community in Slovenia)

The status and special rights of the Romany community living in Slovenia shall be regulated by law

CONSTITUTION OF CROATIA

Adopted in: Dec 1990.
Last Amendment on: 2 April 2001.

Chapter I Historical Foundations

[Preamble]

The millenary identity of the Croatia nation and the continuity of its statehood, confirmed by the course of its entire historical experience within different forms of states and by the preservation and growth of the idea of a national state, founded on the historical right of the Croatian nation to full sovereignty, manifested in:

- the formation of Croatian principalities in the seventh century;
- the independent mediaeval state of Croatia founded in the ninth century;
- the Kingdom of Croats established in the tenth century;
- the preservation of the identity of the Croatian state in the Croatian-Hungarian personal union;
- the independent and sovereign decision of the Croatian Parliament (Sabor) of 1527 to elect a king from the Habsburg dynasty;
- the independent and sovereign decision of the Croatian Parliament of the Pragmatic Sanction of 1712;
- the conclusions of the Croatian Parliament of 1848 regarding the restoration of the Triune Kingdom of Croatia under the authority of the Banus grounded on the historical, national and natural right of the Croatian nation;
- the Croatian-Hungarian Compromise of 1868 on the relations between the Kingdom of Dalmatia, Croatia and Slavonia and the Kingdom of Hungary, grounded on the legal traditions of both states and the Pragmatic Sanction of 1712;
- the decision of the Croatian Parliament of 29 October 1918 to dissolve state relations between Croatia and Austria-Hungary and the simultaneous affiliation of independent Croatia, invoking its historical and natural right as a nation, with the state of Slovenes, Croats and Serbs, proclaimed on the former territory of the Habsburg Monarchy;
- the fact that the Croatian Parliament had never sanctioned the decision of the National Council of the State of Slovenes, Croats and Serbs to unite with Serbia and Montenegro in the Kingdom of Serbs, Croats and Slovenes (1 December 1918), subsequently (3 October 1929) proclaimed the Kingdom of Yugoslavia;
- the establishment of the Home Rule (Banovina) of Croatia in 1939, by which Croatian state identity was restored within the Kingdom of Yugoslavia,
- establishing the foundations of state sovereignty during the course of the Second World War, by the decisions of the Antifascist Council of National Liberation of Croatia (1943), as opposed to the proclamation of the Independent State of Croatia (1941), and subsequently in the Constitution of the People's Republic of Croatia (1947) and all later

constitutions of the Socialist Republic of Croatia (1963-1990), on the threshold of the historical changes, marked by the collapse of the communist system and changes in the European international order, the Croatian nation by its freely expressed will at the first democratic elections (1990) reaffirmed its millenary statehood. By the new Constitution of the Republic of Croatia (1990) and the victory in the Homeland War (1991-1995), the Croatian nation demonstrated its will and determination to establish and defend the Republic of Croatia as a free, independent, sovereign and democratic state. Considering the presented historical facts and universally accepted principles of the modern world, as well as the inalienable and indivisible, non-transferable and non-exhaustible right of the Croatian nation to self-determination and state sovereignty, including its fully maintained right to secession and association, as basic provisions for peace and stability of the international order, the Republic of Croatia is established as the national state of the Croatian nation and the state of the members of autochthonous national minorities: Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians and Ruthenians and the others who are citizens, and who are guaranteed equality with citizens of Croatian nationality and the realization of national rights in accordance with the democratic norms of the United Nations Organization and the countries of the free world. Respecting the will of the Croatian nation and all citizens, resolutely expressed in the free elections, the Republic of Croatia is hereby founded and shall develop as a sovereign and democratic state in which equality, freedoms and human rights are guaranteed and ensured, and their economic and cultural progress and social welfare promoted.

Chapter II Basic Provisions

Article 1 [State Principles]

- (1) The Republic of Croatia is a unitary and indivisible democratic and social state.
- (2) Power in the Republic of Croatia derives from the people and belongs to the people as a community of free and equal citizens.
- (3) The people shall exercise this power through the election of representatives and through direct decision-making.

Article 2 [Sovereignty]

- (1) The sovereignty of the Republic of Croatia is inalienable, indivisible and untransferable.
- (2) The sovereignty of the Republic of Croatia includes its land area, rivers, lakes, canals, internal maritime waters, territorial sea, and the air space above these.
- (3) The Republic of Croatia shall exercise its sovereign rights and jurisdiction in the maritime areas and the seabed and subsoil thereof of the Adriatic Sea outside the state territory up to the borders with its neighbors in accordance with international law.
- (4) The Croatian Parliament (Sabor) or the people directly shall, independently and in accordance with the Constitution and law, decide:
 - on the regulation of economic, legal and political relations in the Republic of Croatia
 - on the preservation of natural and cultural wealth and its utilization

-- on association into alliances with other states.

(5) The Republic of Croatia may conclude alliances with other states, retaining its sovereign right to decide on the powers to be delegated and the right freely to withdraw from such associations.

Article 3 [State Values]

Freedom, equal rights, national equality and equality of genders, love of peace, social justice, respect for human rights, inviolability of ownership, conservation of nature and the environment, the rule of law, and a democratic multiparty system are the highest values of the constitutional order of the Republic of Croatia and the ground for interpretation of the Constitution.

Article 4 [State Powers]

(1) In the Republic of Croatia government shall be organized on the principle of separation of powers into the legislative, executive and judicial branches, but limited by the right to local and regional self-government guaranteed by this Constitution.

(2) The principle of separation of powers includes the forms of mutual cooperation and reciprocal checks and balances provided by the Constitution and law.

Article 5 [Rule of Law]

(1) In the Republic of Croatia laws shall conform with the Constitution, and other rules and regulations shall conform with the Constitution and law.

(2) Everyone shall abide by the Constitution and law and respect the legal order of the Republic of Croatia.

Article 8 [Borders]

The borders of the Republic of Croatia may only be altered by a decision of the Croatian Parliament.

Article 9 [Citizenship]

(1) Croatian citizenship, its acquisition and termination shall be regulated by law.

(2) No Croatian citizen shall be exiled from the Republic of Croatia or deprived of citizenship, nor extradited to another state.

Article 10 [Citizens Abroad]

The Republic of Croatia shall protect the rights and interests of its citizens living or residing abroad, and shall promote their links with the homeland.

Parts of the Croatian nation in other states shall be guaranteed special concern and protection by the Republic of Croatia.

Article 11 [State Symbols]

(1) The coat-of-arms of the Republic of Croatia is the historic Croatian coat-of-arms whose base consists of 25 alternating red and white (argent) fields.

(2) The flag of the Republic of Croatia consists of three colors: red, white and blue, with the historic Croatian coat-of-arms in the center.

(3) The anthem of the Republic of Croatia is "Our Beautiful Homeland" (Lijepa naša '9aa

domovino).

(4) The description of the historic Croatian coat-of-arms and flag, the text of the anthem, and the use of these and other state symbols shall be regulated by law.

Article 12 [State Language]

(1) The Croatian language and the Latin script shall be in official use in the Republic of Croatia.

(2) In individual local units, another language and the Cyrillic or some other script may be introduced into official use along with the Croatian language and the Latin script under conditions specified by law.

Article 13 [Capital: Zagreb]

(1) The capital of the Republic of Croatia is Zagreb.

(2) Status, jurisdiction and organization of the capital city of Zagreb shall be regulated by law.

Chapter III Protection of Human Rights and Fundamental Freedoms

Part 1 General Provisions

Article 14 [Equality]

(1) Everyone in the Republic of Croatia shall enjoy rights and freedoms, regardless of race, color, gender, language, religion, political or other belief, national or social origin, property, birth, education, social status or other characteristics.

(2) All shall be equal before the law.

Article 15 [Rights of Foreigners, Cultural Rights]

(1) Members of all national minorities shall have equal rights in the Republic of Croatia.

(2) Equality and protection of the rights of national minorities shall be regulated by the Constitutional Act which shall be adopted in the procedure provided for the organic law.

(3) Besides the general electoral right, the special right of the members of national minorities to elect their representatives into the Croatian Parliament may be provided by law.

(4) Members of all national minorities shall be guaranteed freedom to express their nationality, freedom to use their language and script, and cultural autonomy.

Article 16 [Rule of Law, Restrictions]

(1) Freedoms and rights may only be restricted by law in order to protect freedoms and rights of others, public order, public morality and health.

(2) Every restriction of freedoms or rights shall be proportional to the nature of the necessity for restriction in each individual case.

Article 17 [Special Restrictions in State of Emergency]

- (1) During a state of war or an immediate threat to the independence and unity of the State, or in the event of severe natural disasters, individual freedoms and rights guaranteed by the Constitution may be restricted. This shall be decided by the Croatian Parliament by a two-thirds majority of all members or, if the Croatian Parliament is unable to meet, at the proposal of the Government and upon the counter-signature of the Prime Minister, by the President of the Republic.
- (2) The extend of such restrictions shall be adequate to the nature of the danger, and may not result in the inequality of persons in respect of race, color, gender, language, religion, national or social origin.
- (3) Not even in the case of an immediate threat to the existence of the State may restrictions be imposed on the application of the provisions of this Constitution concerning the right to life, prohibition of torture, cruel or degrading treatment or punishment, on the legal definitions of penal offenses and punishments, or on freedom of thought, conscience and religion.

Article 18 [Right to Appeal, Access to Courts]

- (1) The right to appeal against the first instance decisions made by courts or other authorities shall be guaranteed.
- (2) The right to appeal may exceptionally be excluded in cases specified by law, if other legal remedies are ensured.

Article 19 [Rule of Law in Public Administration]

- (1) Individual decisions of administrative agencies and other bodies vested with public authority shall be grounded on law.
- (2) Judicial review of decisions made by administrative agencies and other bodies vested with public authority shall be guaranteed.

Article 20 [Personal Liability]

Anyone who violates the provisions of the Constitution concerning the human rights and fundamental freedoms shall be held personally responsible and may not be exculpated by invoking a superior order.

CONSTITUTION OF THE REPUBLIC OF MACEDONIA

Skopje, 1991

Taking as the points of departure the historical, cultural, spiritual and statehood heritage of the Macedonian people and their struggle over centuries for national and social freedom as well as for the creation of their own state, and particularly the traditions of statehood and legality of the Krushevo Republic and the historic decisions of the Anti-Fascist Assembly of the People's Liberation of Macedonia, together with the constitutional and legal continuity of the Macedonian state as a sovereign republic within Federal Yugoslavia and the freely manifested will of the citizens of the Republic of Macedonia in the referendum of September 8th, 1991, as well as the historical fact that Macedonia is established as a national state of the Macedonian people, in which full equality as citizens and permanent co-existence with the Macedonian people is provided for Albanians, Turks, Vlachs, Romanies and other nationalities living in the Republic of Macedonia, and intent on:

- the establishment of the Republic of Macedonia as a sovereign and independent state, as well as a civil and democratic one;
- the establishment and consolidation of the rule of law as a fundamental system of government;
- the guaranteeing of human rights, citizens, freedoms and ethnic equality;
- the provision of peace and a common home for the Macedonian people with the nationalities living in the Republic of Macedonia; and on
- the provision of social justice, economic wellbeing and prosperity in the life of the individual and the community,

the Assembly of the Republic of Macedonia adopts

THE CONSTITUTION OF THE REPUBLIC OF MACEDONIA

I. BASIC PROVISIONS

Article 1

The Republic of Macedonia is a sovereign, independent, democratic and social state.

The sovereignty of the Republic of Macedonia is indivisible, inalienable and nontransferable.

Article 2

Sovereignty in the Republic of Macedonia derives from the citizens and belongs to the citizens.

The citizens of the Republic of Macedonia exercise their authority through democratically elected Representatives, through referendum and through other forms of direct expression.

Article 3

The territory of the Republic of Macedonia is indivisible and inalienable.

The existing borders of the Republic of Macedonia are inviolable.

The borders of the Republic of Macedonia may be changed only in accordance with the Constitution.

Article 4

Citizens of the Republic of Macedonia have citizenship of the Republic of Macedonia.

A subject of the Republic of Macedonia may neither be deprived of citizenship, nor expelled or extradited to another state.

Citizenship of the Republic of Macedonia is regulated by law.

Article 5

The state symbols of the Republic of Macedonia are the coat of arms, the flag and the national anthem.

The coat of arms, the flag and the national anthem of the Republic of Macedonia are adopted by law by a two-thirds majority vote of the total number of Assembly Representatives.

Article 6

The capital of the Republic of Macedonia is Skopje.

Article 7

The Macedonian language, written using its Cyrillic alphabet, is the official language in the Republic of Macedonia.

In the units of local self-government where the majority of the inhabitants belong to a nationality, in addition to the Macedonian language and Cyrillic alphabet, their language and alphabet are also in official use, in a manner determined by law.

In the units of local self-government where there is a considerable number of inhabitants belonging to a nationality, their language and alphabet are also in official use, in addition to the Macedonian language and Cyrillic alphabet, under conditions and in a manner determined by law.

Article 8

The fundamental values of the constitutional order of the Republic of Macedonia are:

- the basic freedoms and rights of the individual and citizen, recognized in international law and set down in the Constitution;
- the free expression of national identity;
- the rule of law;
- the division of state powers into legislative, executive and judicial;
- political pluralism and free, direct and democratic elections;
- the legal protection of property;
- the freedom of the market and entrepreneurship;
- humanism, social justice and solidarity;
- local self-government;
- proper urban and rural planning to promote a congenial human environment, as well as ecological protection and development; and
- respect for the generally accepted norms of international law.

Anything that is not prohibited by the Constitution or by law is permitted in the Republic of Macedonia.

II. BASIC FREEDOMS AND RIGHTS OF THE INDIVIDUAL AND CITIZEN

1. Civil and political freedoms and rights

Article 9

Citizens of the Republic of Macedonia are equal in their freedoms and rights, regardless of sex, race, colour of skin, national and social origin, political and religious beliefs, property and social status.

All citizens are equal before the Constitution and law.

Article 10

The human right to life is irrevocable.

The death penalty shall not be imposed on any grounds whatsoever in the Republic of Macedonia.

Article 11

The human right to physical and moral dignity is irrevocable.

Any form of torture, or inhuman or humiliating conduct or punishment, is prohibited.

Forced labour is prohibited.

Article 12

The human right to freedom is irrevocable.

No person's freedom can be restricted except by a court decision or in cases and procedures determined by law.

Persons summoned, apprehended or detained shall immediately be informed of the reasons for the summons, apprehension or detention and on their rights. They shall not be forced to make a statement. A person has a right to an attorney in police and court procedure.

Persons detained shall be brought before a court as soon as possible, within a maximum period of 24 hours from the moment of detention, and the legality of their detention shall there be decided upon without delay.

Detention may last, by court decision, for a maximum period of 90 days from the day of detention.

Persons detained may, under the conditions determined by law, be released from custody to conduct their defence.

Article 13

A person indicted for an offence shall be considered innocent until his/her guilt is established by a legally valid court verdict.

A person unlawfully detained, apprehended or convicted has a right to legal redress and other rights determined by law.

Article 14

No person may be punished for an offence which had not been declared an offence punishable by law, or by other acts, prior to its being committed, and for which no punishment had been prescribed.

No person may be tried in a court of law for an offence for which he/she has already been tried and for which a legally valid court verdict has already been brought.

Article 15

The right to appeal against individual legal acts issued in a first instance proceedings by a court, administrative body, organization or other institution carrying out public mandates is guaranteed.

Article 16

The freedom of personal conviction, conscience, thought and public expression of thought is guaranteed.

The freedom of speech, public address, public information and the establishment of institutions for public information is guaranteed.

Free access to information and the freedom of reception and transmission of information are guaranteed.

The right of reply via the mass media is guaranteed.

The right to a correction in the mass media is guaranteed.

The right to protect a source of information in the mass media is guaranteed.

Censorship is prohibited.

Article 17

The freedom and confidentiality of correspondence and other forms of communication is guaranteed.

Only a court decision may authorize non-application of the principle of the inviolability of the confidentiality of correspondence and other forms of communication, in cases where it is indispensable to a criminal investigation or required in the interests of the defence of the Republic.

Article 18

The security and confidentiality of personal information are guaranteed.

Citizens are guaranteed protection from any violation of their personal integrity deriving from the registration of personal information through data processing.

Article 19

The freedom of religious confession is guaranteed.

The right to express one's faith freely and publicly, individually or with others is guaranteed.

The Macedonian Orthodox Church and other religious communities and groups are separate from the state and equal before the law.

The Macedonian Orthodox Church and other religious communities and groups are free to establish schools and other social and charitable institutions, by way of a procedure regulated by law.

Article 20

Citizens are guaranteed freedom of association to exercise and protect their political, economic, social, cultural and other rights and convictions.

Citizens may freely establish associations of citizens and political parties, join them or resign from them.

The programmes and activities of political parties and other associations of citizens may not be directed at the violent destruction of the constitutional order of the Republic, or at encouragement or incitement to military aggression or ethnic, racial or religious hatred or intolerance.

Military or paramilitary associations which do not belong to the Armed Forces of the Republic of Macedonia are prohibited.

Article 21

Citizens have the right to assemble peacefully and to express public protest without prior announcement or a special license.

The exercise of this right may be restricted only during a state of emergency or war.

Article 22

Every citizen on reaching 18 years of age acquires the right to vote.

The right to vote is equal, universal and direct, and is exercised at free elections by secret ballot.

Persons deprived of the right to practice their profession by a court verdict do not have the right to vote.

Article 23

Every citizen has the right to take part in the performance of public office.

Article 24

Every citizen has a right to petition state and other public bodies, as well as to receive an answer.

A citizen cannot be called to account or suffer adverse consequences for attitudes expressed in petitions, unless they entail the committing of a criminal offence.

Article 25

Each citizen is guaranteed the respect and protection of the privacy of his/her personal and family life and of his/her dignity and repute.

Article 26

The inviolability of the home is guaranteed.

The right to the inviolability of the home may be restricted only by a court decision in cases of the detection or prevention of criminal offences or the protection of people's health.

Article 27

Every citizen of the Republic of Macedonia has the right of free movement on the territory of the Republic and freely to choose his/her place of residence.

Every citizen has the right to leave the territory of the Republic and to return to the Republic.

The exercise of these rights may be restricted by law only in cases where it is necessary for the protection of the security of the Republic, criminal investigation or protection of people's health.

Article 28

The defence of the Republic of Macedonia is the right and duty of every citizen.

The exercise of this right and duty of citizen is regulated by law.

Article 29

Foreign subjects enjoy freedoms and rights guaranteed by the Constitution in the Republic of Macedonia, under conditions regulated by law and international agreements.

The Republic guarantees the right of asylum to foreign subjects and stateless persons expelled because of democratic political convictions and activities.

Extradition of a foreign subject can be carried out only on the basis of a ratified international agreement and on the principle of reciprocity. A foreign subject cannot be extradited for political criminal offences. Acts of terrorism are not regarded as political criminal offences.

CONSTITUTION OF BOSNIA AND HERZEGOVINA
(adopted 1 December 1995)

Preamble

Based on respect for human dignity, liberty, and equality,
Dedicated to peace, justice, tolerance, and reconciliation,
Convinced that democratic governmental institutions and fair procedures best produce peaceful relations within a pluralist society,
Desiring to promote the general welfare and economic growth through the protection of private property and the promotion of a market economy,
Guided by the Purposes and Principles of the Charter of the United Nations,
Committed to the sovereignty, territorial integrity, and political independence of Bosnia and Herzegovina in accordance with international law,
Determined to ensure full respect for international humanitarian law,
Inspired by the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, as well as other human rights instruments,
Recalling the Basic Principles agreed in Geneva on September 8, 1995, and in New York on September 26, 1995,
Bosniacs, Croats, and Serbs, as constituent peoples (along with Others), and citizens of Bosnia and Herzegovina hereby determine that the Constitution of Bosnia and Herzegovina is as follows:

ARTICLE I:

3. Composition

Bosnia and Herzegovina shall consist of the two Entities, the Federation of Bosnia and Herzegovina and the Republika Srpska (hereinafter "the Entities").

7. Citizenship

There shall be a citizenship of Bosnia and Herzegovina, to be regulated by the Parliamentary Assembly, and a citizenship of each Entity, to be regulated by each Entity, provided that:

- a. All citizens of either Entity are thereby citizens of Bosnia and Herzegovina.
- b. No person shall be deprived of Bosnia and Herzegovina or Entity citizenship arbitrarily or so as to leave him or her stateless. No person shall be deprived of Bosnia and Herzegovina or Entity citizenship on any ground such as sex, race,

color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

- c. All persons who were citizens of the Republic of Bosnia and Herzegovina immediately prior to the entry into force of this Constitution are citizens of Bosnia and Herzegovina. The citizenship of persons who were naturalized after April 6, 1992 and before the entry into force of this Constitution will be regulated by the Parliamentary Assembly.
- d. Citizens of Bosnia and Herzegovina may hold the citizenship of another state, provided that there is a bilateral agreement, approved by the Parliamentary Assembly in accordance with Article IV.4 (d), between Bosnia and Herzegovina and that state governing this matter. Persons with dual citizenship may vote in Bosnia and Herzegovina and the Entities only if Bosnia and Herzegovina is their country of residence.
- e. A citizen of Bosnia and Herzegovina abroad shall enjoy the protection of Bosnia and Herzegovina. Each Entity may issue passports of Bosnia and Herzegovina to its citizens as regulated by the Parliamentary Assembly. Bosnia and Herzegovina may issue passports to citizens not issued a passport by an Entity. There shall be a central register of all passports issued by the Entities and by Bosnia and Herzegovina.