

The Principle of Non-forced Change of Borders versus the Principle of Self-Determination of Peoples

The topic of this conference, "Multiethnic State or Ethnic Homogeneity - the case of South East Europe", is both theoretically interesting and practically important. It is directly connected to a highly problematic reality as well as to the awareness of a self-evident need to get out of it not only quickly, but also in a secure way, in order to avoid a turned back of similar events.

When democratic changes started in the former Communist countries of Eastern and Central Europe, probably nobody thought that many movements of a national character in the former Soviet Union, former Yugoslavia, and former Czechoslovakia would experience this kind of rekindling and revival. As a consequence of these movements many new states were created. With the exception of the peaceful division of former Czechoslovakia and a part of the former Soviet Republics, the birth of these new states came about through wars, which often took a tragic course, especially in former Yugoslavia where severe crimes and massive ethnic cleansing accompanied this process. All international efforts that aimed to resolve this crisis via dialogue and cooperation failed. Thus, NATO intervention became indispensable, and only after this intervention the Dayton Agreement, whose main purpose was in its core to make the peoples of different ethnic backgrounds in Bosnia-Herzegovina to once again co-exist peacefully with each-other within one state, was signed in December 1995.

Ten years later, in 1998, another cruel ethnic conflict exploded, this time in Kosova. Again, NATO intervention against the Serbian military was required to put an end to this conflict. Immediately after that and in order to eliminate the possibility of new wars in the Balkans the "Stability Pact" was initiated and signed by all the countries of Southeastern Europe. However and independently of all the efforts made by the International Community, today we feel the danger of another ethnic conflict in Macedonia. On the other hand, separatist tendencies are developing or redeveloping in Montenegro and Bosnia-Herzegovina.

The movements of a national character have not been highly evident in Southeastern Europe alone, where they were so conspicuous, but in other parts of the world as well. In Chechnya, e.g., we notice that the same aspirations for national identity are not likely to fade away.

Movements for national identity are also present in Northern Ireland, Tibet, East Timor, the Basque Region of Spain, regions with Kurdish population, etc. Based on these bloody or peaceful developments of the post communist period in the countries of Central and Eastern Europe and in other countries of the world one can arrive at some clear, prime and probably indisputable conclusions.

1. The long co-existence under the rule of Communist governments of nations or ethnic minorities was based upon fierce oppression and discrimination with obvious or hidden assimilation purposes.
2. Nations and ethnic minorities demonstrated that they were ready and able to fight even a war for their national rights. The different wars of a nationalist nature came out as a repetition of the previous similar wars that had taken place in the long history of these countries, especially in the Balkan region.
3. The international effort to revive co-existence, including the Dayton Agreement were probably not the most fruitful means for the creation of long-term peaceful ethnic co-existence. This agreement overestimates the multiethnicity within one state and underestimates the inter-state multiethnicity. I think that the creation of new national identities

does not translate into isolation for these nations, on the contrary, it puts the latter in equal conditions for cooperation and good relationships.

4. Groups of people that have undertaken continuous efforts to preserve and express their rejected national identity cannot be easily forced to cohabit peacefully within the borders of the same state. The experience of Bosnia, Kosova and Montenegro makes this quite evident. This truth has more value for the people that had to experience bloodshed during these movements of national character. Those people do need a relatively long and quiet period of time, during which they can get the chance to experience self-governing as independent countries or UN protectorates so that they can express their long-denied national identity. Thus, they need to affirm their identity. In this way, these people will be more easily and more quickly included in state integration processes such as federative and confederative ones and in Euro-Atlantic integration processes.
5. In many cases, the qualitative and quantitative vagueness of the term "ethnic minority" has been abused in order not to fulfil all the requests of a national character that different groups of people might have. This is very clearly shown by the interethnic conflict situation in Macedonia. This fact shows that the causes of ethnic conflicts are not only related to the national consciousness of a nation or ethnic minority that fights for more rights, but also with the national consciousness of the nation that controls the power in a particular state. The governing elites of the states where small or large ethnic groups have been oppressed and have revolted have deeply-rooted prejudices concerning the dangers the fulfilment of the demands of a national character might bring for their ethnic social position.
6. The national movements have been revived at a time when it was thought that the pace of integration processes within countries and between countries was being accelerated, among other things, as a result of the intensification of modern communication due to big advancements in the information technologies. Nevertheless, we should accept that besides worldly tendencies towards integration there still exist counter tendencies that support the movements for the strengthening of the national or other identities.

In a few words, I think that trying to look beyond eventual developments of different national movements, one can observe a discrepancy between the tendency of such developments and the political and diplomatic efforts to resolve the problems derived from them.

In an effort to find the cause of this discrepancy, I think that the main reasons are related to two important principles of international charters, i.e. the principle of the non-forced change of borders and the principle of self-determination of peoples.

The International Community should in a natural way preserve both of the principles and I would notice here that while it keeps trying to do that it always faces huge problems. The international recognition of the numerous new states that came out of the former Soviet Union and Yugoslavia are an indicator of these efforts, despite the fact that in some cases the borders become international via force. The "de facto" international protectorate in Kosova also brings evidence of the same efforts, although the right to self-determination by a referendum of a final political status for the Albanian people there has not been fully recognized.

If we would for a while also look at the situation in Macedonia and at the attitude of the International Community towards the latest developments there, things seem to be a little different. In this case we are not talking about either respecting or disrespecting any of the two principles. It seems as if the International Community this time in Macedonia did not want to allow the repetition of the passivity and delays that were noticed in the decision making processes regarding Bosnia-Herzegovina and Kosova. The International Community has been accelerating its efforts to support without any conditions the Macedonian

government as if this was not the case of a clear two-ethnic state. In its position towards the ethnic problems in Macedonia, what was observed was a clear and open support for the majority's Macedonian State at the expense of an unbiased treatment of the Macedonian-Albanian ethnic problems. In this framework of reasoning, the revolting Albanians in Macedonia were described as terrorists and extremists, although they were never the first to attack and have declared many a time and since the beginning of the armed revolt that they only want to make the dialogue between Albanians and Macedonians start as soon as possible, after so many years of delay. They also stated many times that they are bound to defend the territorial integrity of Macedonia. On the contrary, Albanians in Macedonia are suffering the heavy consequences of government violence, such as shellings, killings, economic destruction, fleeing as refugees, anti-Albanian psychological pressure, etc.

That is why, the very open support that governments of some EU countries offered for Macedonia and the EU Association Agreement that Macedonia signed recently seems to have not served for a softening of the exacerbated interethnic Albanian-Macedonian relations. I am afraid that, again, the International Community is one step behind the conflicting interethnic developments in Macedonia and the situation may worsen even more. The recent creation of a coalition government with participation of all the political forces of both ethnic groups in Macedonia, while the governmental military forces are still attacking the National Liberation Army (UCK), does not seem to offer much of a solution to the problem, that is for the constitutional changes, that is, Albanians demand.

The issue can be considered in the following way: What can be done to offer a long-term solution to the acute ethnic problems of the countries in Southeastern Europe?

Let us go back to the two principles that were previously stated and are related to the self-determination of peoples and the non-forced change of borders.

In the Final Act of the Helsinki Agreement, Article I(a).1, entitled "Sovereign equality, respect for the rights inherent in sovereignty", it is stated among other things that " ...all the participating States have equal rights and duties. They will respect each other's right to define and conduct as it wishes its relations with other States in accordance with international law and in the spirit of the present Declaration. They consider that their frontiers can be changed, in accordance with international law, by peaceful means and by agreement".

In the same document, in Article I(a).8, entitled "Equal rights and self-determination of peoples", it is stated that " The participating States will respect the equal rights of peoples and their right to self-determination, acting at all times in conformity with the purposes and principles of the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States.

By virtue of the principle of equal rights and self-determination of peoples, all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development".

In the UN Charter, Article 1.2 it is stated that one of the purposes of the UN is "To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace".

It is understandable that one of the basic ideas that stands after these articles that describe border changes and the right to self-determination is that there are situations in which ethnic homogeneity becomes indispensable and more fruitful than support of multi-ethnicity. Thus, ethnic co-existence is not a principle that should always be enforced.

Wars with national character that took place in the last decade in Southeastern Europe showed that different people did not desire any coexistence within the borders of one single state. Instead, they fought with indescribable cruelty and committed horrendous crimes although they had been cohabiting for a long time with each other. Many borders were forcibly changed on behalf of ethnic homogeneity or ethnic "cleansing", thus violating the Helsinki Charter. Many nations ask for and cannot exercise their right of self-determination. Therefore, way they cannot exercise the relevant articles of the UN and Helsinki Charters.

In some cases the borders that were forcibly changed (or forcibly self-determined) were recognised by the International Community. On the other hand, in some other cases, nations that want to exercise their right to self-determination (or change borders without use of force) are not being helped to exercise the rights deriving from the above-mentioned charters. This contradiction concerning the violation of the principle of non-forced change of borders and the practical impossibility to exercise the right of self-determination demands a solution. The key to this is an increase of the imposing force that the international organisations have towards particular states based on the international charters and laws, which, as is known, is not easy, but neither impossible. Inability to timely prevent the war in Bosnia-Herzegovina, to prevent the war in Kosova, and avoid further exacerbation of interethnic conflict in Macedonia has its roots in the inability of the International Community to timely and via consensus exercise the enforcement of international charters and laws.

In order to solve the ethnic problems that still exist in Southeastern Europe and, more explicitly, in Bosnia Herzegovina, Kosova, Montenegro, Macedonia, etc, some ideas should be taken into consideration.

Firstly, the principle of multiethnic cohabitation should not be looked upon in a dogmatic way. Whenever this cohabitation within a certain country faces difficult problems, other possibilities should be taken into consideration which have to do with ethnic homogeneity and a peaceful change of borders.

Of course, in this case also the principle of multi-ethnicity is not ignored, not only because it is in the long ran related to the essence of social life itself as a cohabitation and that there is nowhere pure ethnic homogeneity, but also because this principle is necessarily observed in international relations.

Secondly, in order to solve the ethnic problems, the historical and the present background of concrete interethnic relations must be considered, which are closely related to the depth of national feelings of various human groups as well as to the way and strength of their thinking of the ethnic group they belong to.

Thirdly, the terms "minority" and "majority" would be more precisely defined if they were regarded not only in the context of the country they concern but also linked with the history of the territories they live in and of their appertaining to these territories.

Fourthly, as long as there are no pure ethnic groups, the respect for the real ethnic minorities is always very important.

Fifthly, the efforts of the International Community aiming at preserving the principle of the non-forced change of borders should be complemented with the creation of the conditions for the people to exercise their right of self-determination. The situation in Montenegro, Bosnia-Herzegovina, Kosova, etc., would probably more persistently need this exercise of the right of self-determination and in that case the International Community should not be late.

In the UN Charter, Chapter 12, Article 76.b, it is said that the international system of trusteeship (as it is the case of Kosova) has as a main goal "to promote the political, economic, social and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be

appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement"

In conclusion, I would like to reinforce the idea that in the territories of former Yugoslavia where there are still problems, a process of dialogue and discussion should start aiming at exploring the possibilities and the means of exercising on the right of self-determination of the peoples. South East Europe or the Balkans is in need of a pre-integration period during which national identities should be recognised and assessed, never forgetting that a war was recently fought for the sake of these identities and that there is still a danger of new wars. Macedonia, where winds of war are coming around, seems to be an easier case to be solved if timely actions are to be taken. There, the Albanians do not demand to proclaim their independent state, but just equal constituent rights.

The great fear concerning the Albanians is that wherever they make efforts to realise the idea of a "Greater Albania" it is part and result of a deceitful propaganda, which serves as a protective umbrella against the true chauvinists of the Balkans who just finished a bloody tragedy and continue to work out the idea of a "Greater Serbia".

At a conference organised by CEPS (Centre of European Policy Studies) in Brussels, on February 26, 2001, President Gjukanovic of Montenegro said: "The eyes of Serbian nationalists have always seen Montenegro as a part of Serbia. As long as Montenegro stays with Serbia, in whatever form of a united state, the project of the Greater Serbia will continue to live and will be a threat to the peace and stability of the region."

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