

Book Review: Ana S. Trbovich. A Legal Geography of Yugoslavia's Disintegration. Oxford, UK: Oxford University Press, 2008. 522 pp. ISBN 978-0-19-533343-5

Beginning in 1991, the state of Yugoslavia disintegrated like an accidentally dropped fine crystal. Yet according to Ana S. Trbovich, it was hardly an unforeseen and indeed, an unforeseeable occurrence. Its seeds were sown in the historical apportionment of various provinces, which bore the names of ethnic groups (except for the Muslims) but had little to do with the patterns of actual demographic composition within these geographical entities. She points out that the internal boundaries of Yugoslavia reflected only the administrative needs of the Communist government; these did not pertain to any territorial claims of the Slovenes, the Croats, the Serbs and the Muslims (who claimed Bosnia-Herzegovina). As a result, each group felt compelled to drive out the "intruders" by a process, which became enshrined in history of the twentieth century under the euphemistic name of "ethnic cleansing."

Nationalism, the process by which a group of people see themselves as part of a larger collectivity, separated from the "others," was largely a product of nineteenth century Europe. From the beginning, the principle of (and later right to) self-determination and political separation came directly in conflict with the sovereign need of the state to maintain its territorial integrity. Although Trbovich frames this dilemma in terms of the former Yugoslavia, her analysis is eminently pertinent for our understanding of other conflicts - from Uighur nationalism to the Basque rebellion, from Kashmir to Georgia.

However, in the quest for international political stability, the post WWII practice in the United Nations, with the possible exception of Bangladesh and East Timor, has been to side squarely on the side of state sovereignty. Trbovich poignantly points out that "(i)n the case of Yugoslavia, the fundamental principle of territorial integrity, which lies at the basis of international law, appears to have been undermined" (p. 1). On the basis of a great deal of legal and historical research, the author constructs her case in favour of state sovereignty and warns us against the romantic notion of ancestral community and a common bond of blood and culture – notions which psychologically separate a group from everyone else within a larger political entity.

While Trbovich builds an impressive set of arguments based on international law and a painstaking discussion of various treaties and plans, she generally shies away from answering her own core question adequately: why did the international community break its own rule in the case of the Yugoslav republics which "rendered human and minority rights the only form of determination" (p. 436)? It would have been interesting to place it in the broader context of international politics, the discussion of which is somewhat inadequate in the treatment of her own Balkan case study. Had she done so, we would have understood better the reasons why, along with Yugoslavia, Bangladesh and East Timor stand out as exceptions to standard UN practices. It could also have shed important light on the West's concern about genocide in Darfur as opposed to the one in Rwanda. Equally absent in her discussion is the question of the formation of individual ethnic identity, which was used to romanticize each community while demonizing others. Tito,

on the one hand, tried to develop a Yugoslav national identity, yet, on the other hand, created at the same time a political structure which could only promote sectarianism.

Much of this unfortunate process can be traced to successive amendments to the Yugoslav Constitution, which almost guaranteed conflict among various groups. Trbovich comments that "(i)n addition to escalating nationalism, the reason for creating such an ambiguous, contradictory, and inefficient constitutional arrangement for Yugoslavia was the so-called inheritance question or the problem of Tito's succession. Tito safeguarded his power so strongly, that he fashioned a system in which any conflict resolution among the republics called for his personal intervention" (p. 165). Unfortunately, while presenting the legal evolution of Yugoslav federalism, Trbovich did not explore these important and in many ways, more interesting political questions in greater detail. Nevertheless Ana Trbovich's work is an excellent example of multidisciplinary work, imaginative in its presentation, historical in perspective, and magisterial in scope. Any serious student of the disintegration of Yugoslavia in particular, and all other violent calls for self-determination and secession in other parts of the world in general, can ill afford to ignore her arguments. - Reviewed by Dipak Gupta (San Diego State University)

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