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and Western Balkan Countries

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Hoda Dedić Die Integration von Bosnien
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Christophe Solloz Carla Del Ponte Ending
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Sehr geehrte Leserin, sehr geehrter Leser,

in der ersten Jahreshälfte 2009 übernimmt die Tschechische Republik die EU-Ratspräsidentschaft – der zweite neue Mitgliedstaat der EU, der diese zentrale Funktion in der europäischen Politik einnimmt. Es ist eine gute Nachricht für Südosteuropa, dass sich die Tschechen, ganz ähnlich wie die Slowenen während ihrer EU-Präsidentschaft im ersten Halbjahr 2008, besonders der Stabilisierung und Integration der Staaten des westlichen Balkans annehmen wollen. Die Bemühungen der slowenischen Ratspräsidentschaft um die Nachbarn im Südosten analysiert im vorliegenden Doppelheft der Südosteuropa Mitteilungen der ungarische Ökonom András Inotai. Er bescheinigt den Slowenen beachtliche Erfolge in wichtigen Bereichen, wie z.B. die Unterzeichnung von SAA-Abkommen mit Serbien und Bosnien-Herzegowina. Mit Recht appelliert Inotai an die Europäer, das Momentum der Beitrittsperspektive für den westlichen Balkan aufrecht zu erhalten. Wenn, so der Autor, die EU im westlichen Balkan scheitern sollte, wären die negativen Folgen unvergleichlich größer als die unmittelbaren Rückschläge, welche die negativen Referenden in Frankreich, den Niederlanden und zuletzt in Irland mit sich brachten.

Mit einigen der verbleibenden Herausforderungen für die Balkanregion beschäftigen sich weitere Beiträge in diesem Heft. Gernot Erler erörtert die schwierigen Aufgaben, die im Kosovo noch zu lösen sind: Diese sind insbesondere die Konsolidierung im Inneren und die Koordination und Kooperation der zahlreichen internationalen Akteure vor Ort. Die Politologin Hoda Dedić beschreibt die Schwierigkeiten, in Bosnien-Herzegowina funktionale staatliche Strukturen zu etablieren und das Denken und Handeln nach rein ethnischen Gesichtspunkten zu überwinden. Einen spannenden Einblick in das Zusammenspiel zwischen Justiz und Politik bei der Arbeit des Internationalen Strafgerichtshofs für das ehemalige Jugoslawien (ICTY) gibt der Beitrag von Christophe Solioz. Er unterzieht die Memoiren der langjährigen obersten ICTY-Anklägerin Carla del Ponte einer kritischen Würdigung. Vergangenheitsbewältigung stehe in den Balkanländern noch ganz am Anfang. Notwendig sei eine „Repolitisierung der Erinnerung“ und hierzu leisten, so Solioz, die Erinnerungen von Del Ponte einen wichtigen Beitrag. Um Kriegsbewältigung wiederum geht es in einem viel beachteten serbischen Kinofilm, den Tatjana Petzer in einem Essay beleuchtet.

Weitere Analysen in diesem SOM-Doppelheft befassen sich mit der höchst dynamischen Entwicklung der albanischen Hauptstadt Tirana und schließlich mit dem Parteiverbotsverfahren gegen die regierende AKP in der Türkei. – Einen vertieften Einblick in die Literatur über und aus Südosteuropa bietet wieder ein ausführlicher Rezensionsteil.

Unseren Lesern wünschen wir eine erkenntnisreiche Lektüre und vor allem ein glückliches und erfolgreiches Jahr 2009.

Ihre Redaktion

Hansjörg Brey

Claudia Hopf

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András Inotai

The Slovenian EU Presidency and the Western Balkan Countries

Slovenia became the first new member country of 2004 to hold the EU Presidency in the first half of 2008. The article focuses on one of the Presidency priorities, the Western Balkans, where this country has plenty of historical experience and manages a broad everyday business network.

The Slovenian Presidency could achieve major breakthrough in some areas (SAA with Bosnia-Herzegovina and Serbia), enrich mutual EU-Western Balkan relations with a number of pragmatic approaches. In turn, no major results could be reported in the pre-negotiation status of Macedonia. Neither ongoing accession talks with Croatia could be accelerated. Obviously, the integration process of the Western Balkans is much more substantial and will not be solved within one Presidency. Two concluding chapters address some of the basic problems in the region, as compared to the transformation and accession process of the East Central European countries a decade ago, as well as the options of EU policies towards the Western Balkans, including some policy recommendations. It is stressed that the momentum of the enlargement promise as regards these countries has to be maintained during the next Presidencies, with special reference to the Czech (first half of 2009) and Hungarian (first half of 2011) ones.

Gernot Erler

Kosovo – 120 Days after the Constitution's Adoption

Looking back on the months since Kosovo's independence, the prospects, according to the author, are rather encouraging. Kosovo, despite all obstacles and problems, is moving towards stabilization and normalization. The unilateral declaration of independence was not the ideal solution that the international community had hoped for. Yet, after all the efforts to achieve a negotiated solution had failed, an independent Kosovo with a strong international presence on the ground is preferable to a continued political limbo with the danger of an uncontrolled escalation. Kosovo faces huge challenges, both as regards its internal consolidation and efficient cooperation between the numerous international players on the ground. The Kosovo government still has to succeed in turning written paragraphs of the constitution into practice, in developing the economy, in the fight against corruption and organized crime. The international organizations have to overcome existing incompatibilities,

find pragmatic-solutions and work together efficiently – for the sake of credibility of the entire international community in Kosovo. Belgrade, too, will have to find a “modus vivendi” with Pristina and put its relations with its neighbours, including Kosovo, on a pragmatic footing.

Hoda Dedić

The Integration of Bosnia and Herzegovina in the European Union

The policy of the European Union towards Bosnia and Herzegovina and other western Balkan countries received a new impetus by the launch of the Stabilization and Association Process (SAP) in 1998. In spite of the commitment of the European Union in the last years, Bosnia and Herzegovina have made insufficient progress in terms of meeting the criteria for full membership. This was on the one hand due to the absence of willingness for achieving consensus between ethnic parties in Parliament and on the other hand to the very complex constitutional structure that causes state structures not to be functional.

Furthermore and different from the other Balkan states, institutions of the international community are involved in the process of creation and implementation of the reforms in Bosnia and Herzegovina, based on the authority of the Dayton Peace Agreement. In this regard, the integration of Bosnia and Herzegovina into the European Union represents the completion of the internationalization of the “Bosnian issue”. Only after a successful integration into the EU Bosnia and Herzegovina will gain its internal integration, secure a stabile political and economic development and, in the long run, contribute to more stability in Europe.

Christophe Solioz

Breaking the Circle of Impunity

Carla Del Ponte Ending the Cat-and-Mouse Game of International Justice

The book *Madame Prosecutor* portrays Carla Del Ponte’s life struggle against the culture of impunity and reveals her true enthusiasm as a prosecutor. (Publishing of the English version 2009: Carla Del Ponte in collaboration with Chuck Sudetic: “Madame Prosecutor: Confrontation with Humanity’s Worst Criminals and the Culture of Impunity”, New York: Other Press. The book was first published in Italian in April 2008 as “La Caccia” by the Feltrinelli publishing house.) This memoir firstly highlights the complex interplay between justice and politics and, secondly, strongly denounces those who have been blocking the arrest of indicted war criminals and access to key documents and sensitive archives.

Although a memoir, the tone of the book is quite objective. Nevertheless, based on a few highly selective extracts, most of the international press have presented the book inaccurately. Conceived as a review essay, the article attempts to provide an insight into the internal logic of the Del Ponte memoir, underlining Del Ponte’s true personality, some decisive episodes and crucial issues of transitional justice.

Tatjana Petzer
The Gravity of War
On the Intellectual Attraction in “Čarlston za Ognjenku”

The short paper reviews the Serbian film „Čarlston za Ognjenku“ (English title: „Tears for Sale“). Uroš Stojanović’s fabulous story is set in the 1920s amidst the imaginary Balkan village named Pokrp – a village without men who were eradicated by generations of war, and women hunting for men to get life back to their village. The story is about the encounter of occident and orient, of tradition and civilisation, of a couple of mourners with two entertainers, and it is a story about how a war-torn civilization has transformed a productive land into a mere minefield, or, according to the film’s language, a *Vinograd* (vineyard) into a *Minograd* (mineyard). Staged with modern special effects the film does not offer simply easy-going entertainment. The explosive power of the village’s minefields and the desire for love (actually a zest for life) derives from a more serious horizon of imagination behind the scenes with numerous allusions to Serbian and European culture and cinematography which does not lack parallels to the present. The review looks upon the associative potential and the intertextuality of the film, and suggests a reading that goes along with Sergei Eisenstein’s theory of *intellectual attraction*.

Dhimiter Doka / Daniel Göler
Tirana’s Way into the 21st Century
From a Latecomer of Urbanisation to a Newcomer during Post-socialism

Tirana is a young settlement. Basically, urbanisation has reached Albania late, as the country was completely isolated during the socialist period. In spite of this delay, Tirana nowadays is a capital with a wide range of recent developments and one of the leading cities in the Balkans.

First and foremost the article discusses Tirana’s way into the 21st century from a historical point of view. Analyses focus on the problems which arise from the fact that Tirana has been one of the fastest growing cities worldwide during the last few years: The number of inhabitants has nearly tripled within the last two decades. Squatting becomes more and more frequent and includes housing in the suburban fringe, marginal settlements in former industrial areas as well as so-called rich informal developments inside the urban area. The retail trade and the service sector are also growing and recently tend towards formalisation. The latest development is the spread of shopping centres in Tirana and elsewhere in Albania.

Both the scale and the pace of the changes within the urban area appear rather impressive. This comprises the growth of the suburban fringe as well as the densification within the city that is characterised e.g. by an increase in high buildings. In many cases urban planning is done subsequently, and sometimes political dispute rises to an extent that approaches informality.

Christian Rumpf / Ekrem Akartürk
The Procedure of Closing Political Parties in Turkey: The AKP-Case

The Turkish example is only one of a large variety of methods and procedures of closing political parties within the European countries. Since 1961, the Turkish system has been laid down in the constitution as well as in statutory legislation. Under the constitution, various sanctions can be applied on political parties which do not comply with the rules. If a political party comes into conflict with the constitution and if its program and activities are focusing on unconstitutional aims and targets, it can be closed. Minor breaches may cause the exclusion from public funding. The example of the governing Adalet ve Kalkinma Partisi (AKP), which has been confronted with closing proceedings, has shown how the Turkish system works. First of all, the Attorney General at the Court of Cassation has the task and duty to supervise the legality of the activities of the political parties. If such activities are not in line with the constitution, the prosecutor (Attorney General) has to file a suit to the Constitutional Court, which follows the rules and regulations of the Criminal Procedure Code. Thus, the closing procedure has some important similarities with a criminal court case. Second, the Constitutional Court has to evaluate the application of the Attorney General. In the end, not necessarily but regularly in practice, the Court can decide with seven out of eleven judges on the closure of the political party. In the AKP case, the majority in favour of a closure was only six to five, therefore the Court was only able to impose a fine and exclude the AKP from public funding for a while.

The European Court of Human Rights has given some guidelines as to the conditions under which political parties may be prohibited. The Turkish procedure of closing political parties itself has not raised any objections of this Court. – In the essence the Turkish system is an interesting case for possible conflicts between the Rule of Law and the Principle of Democracy.