Wavering EU's State Consolidation Approches in Western Balkans

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SUMMARY

The paper aims to assess the consistency of the EU's regional policy in Western Balkans in the past ten years, with particular emphasis on Bosnia-Herzegovina and Macedonia. The promise of eventual EU membership for all Western Balkan countries has been the backbone of the EU's strategy during this period. EU leaders maintained that the "membership carrot" would promote internal changes in line with the EU's political and economic standards, and most importantly, that it would prevent further fragmentation, particularly in countries with pronounced stateness problems, such as Bosnia-Herzegovina and Macedonia. Depending on the scope of the stateness problem in these two countries, the EU used the "membership carrot" to promote either centralization (in Bosnia) or decentralization (in Macedonia) in order to mitigate the competing interests of local communities and thus ensure territorial sovereignty of these states. However, the efficiency and legitimacy of the EU's approach broke down following the endorsement of Kosovo's declaration of independence in 2008 by the majority of EU member states. It became apparent to local leaders in Bosnia and Macedonia that the EU allows exceptions and that it does not follow the formulae it itself prescribes. In other words, if Kosovo can secede from Serbia, then why couldn't Republika Srpska secede from Bosnia, or why shouldn't Albanian-dominated parts of Macedonia proclaim independence, too?

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1. Introduction

In the past ten years or so, the EU has emerged as the most important managing actor of post-conflict stabilization and conflict prevention processes in the Western Balkans. Although it still relies on the significant financial, military and

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logistical support of the US, NATO, UN, OSCE, World Bank and IMF, the EU assumes a leading role because it has offered Balkan countries the prospect of EU membership. In practice, this has meant establishing formal relations through Stabilization and Association Agreements (SAA) with six countries that previously had had no contractual relations with the EU: Albania, Bosnia-Herzegovina, Croatia, Macedonia, Montenegro and Serbia. From the point of view of EU member states, having formal ties with West Balkan countries gave them more direct control on the region by binding them to the EU's political, economic and social norms. Generally speaking, the EU's overall aim was to prevent further political fragmentation. On their side, Balkan leaders increasingly began seeing potential EU accession as a tool of state consolidation, particularly in countries with sensitive inter-ethnic relations and pronounced *stateness* problems, such as Bosnia-Herzegovina and Macedonia. Given the existence of competing local interests, political elites in both countries perceived EU membership as a way to preserve their countries' political and territorial unity, and to legitimize the given *status quo* in the eyes of various ethnic communities. However, the pursuits of local communities in Bosnia and Macedonia, as well as the very survival of these countries, have been compromised by the contradicting way in which the EU implemented its state-building strategies in the region.

2. *Stateness* problems and international administration in Bosnia and Macedonia

The concept of s*tateness* is part of a broad literature on sovereignty and state building. The *stateness* problem presupposes: 1) a lack of loyalty from parts of the population towards their legitimately elected governments and a propensity towards political fragmentation due to recent armed conflicts; and 2) the refusal of segments of the population to recognize the state's territorial borders as legitimate. All of these elements could be observed in post-1995 Bosnia and Macedonia, and to a much greater extent than in Albania, Croatia and Montenegro. The fervently contested case of Serbia's sovereignty over Kosovo obviously provides an even better example of a *stateness* problem in the region. However, as Kosovo's independence has been recognized by the overwhelming majority of EU member states (23 out of 27), Serbia's state consolidation strategy through potential EU accession *vis-à-vis* Kosovo can no longer be analysed as a feasible or realistic policy choice.

Bosnia and Macedonia represent clear examples of fractured, unconsolidated societies with ethnic minorities that tend to forge special ties with their compatriots across the border. In Bosnia, the Croatian and Serbian minorities developed close ties with Croatia and Serbia, while in Macedonia the Albanian minority did the same with Kosovo and/or Albania. Bosnia's *stateness* problem is further complicated by the fact that the

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Bosnian Muslims constitute a plurality rather than a clear majority, accounting for less than 50 per cent of the entire population. Serbs and Croats account for approximately 31.2 and 17.4 per cent of the Bosnian population respectively.[1] In Macedonia, the Albanians comprise the largest minority and make up 25.17 per cent of the population.[2]

Both Macedonia and Bosnia experienced varying degrees of international administration throughout the 1990s. The scope of international involvement in the two countries differed mainly because of the intensity of conflict. In Bosnia conflict had been much deeper and wider as the country went through a full-scale war which resulted in *de facto* territorial disintegration. By 1995, the Bosnian territory was carved into three parts controlled by the Bosnian Muslims, Serbs and Croats. The division was later reflected in the country's institutional set-up. The post-Dayton Bosnia became a federation consisting of two ethnically based entities: Muslim-dominated Federation of Bosnia-Herzegovina (also known as the Muslim-Croat Federation) and Serb-dominated Republika Srpska. The international administration in Bosnia thus adopted a reactive approach to inherited post-conflict realities. Its involvement follows the traditional framework of post-conflict stabilization and peacekeeping, which involves strong elements of externally led state-building. The latter is embodied in the Office of the High Representative (OHR), an *ad hoc* international institution responsible for overseeing the implementation of civilian aspects of the Dayton Peace Agreement. The OHR acts as the foremost political authority in the country and can override decisions of locally elected officials thanks to the so-called "Bonn powers," instituted by the Bosnia Peace Implementation Council (PIC) in 1997.

On the other hand, one could observe a less intrusive role of the international administration in Macedonia during the 1990s. The strategy pursued by international actors in Macedonia could be best described as a conflict prevention approach. The country's ethnic tensions were of low intensity until violence between the Macedonian Slav majority and the Albanian minority escalated in 2001. Nonetheless, peacekeepers and observers were present in Macedonia since November 1992 upon request of local leaders who feared that the armed conflicts in other former Yugoslav republics might spill over. External actors guarded and monitored the country's borders, first as part of the United Nations Protection Force (UNPROFOR), originally designed for Croatia and Bosnia, and then as the independent United Nations Preventive Deployment Force (UNPREDEP). In addition to external security, the UN mission in Macedonia also focused on strengthening mutual dialogue among political parties, monitoring human rights and

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[1] It should be noted that the quoted percentage dates back to 1991, when the last population and housing census was conducted in Bosnia. The 1991 statistics are available at the web site of the Federal Office of Statistics of the Federation of Bosnia and Herzegovina at http://www.fzs.ba/Dem/Popis/NacPopE.htm. These figures should obviously not be taken for granted as the political, economic, and social circumstances in the country have changed considerably. An alternative population estimate was made by the CIA World Factbook: Bosnian Muslims 48%, Serbs 37.1% and Croats 14.3%. Available at https://www.cia.gov/library/publications/the-world-factbook/geos/bk.html.
[2] According to the 2002 census available at the web portal of the Macedonian State Statistical Office at http://www.stat.gov.mk/pdf/kniga_13.pdf.

inter-ethnic relations. The signing of the Ohrid Framework Agreement in August 2001 put an end to violence between the Macedonian Slavs and Albanians, and marked a shift toward a more intrusive involvement of international actors. Although international involvement could still be described as conflict preventive because it prevented full-scale armed conflict, this time around it also exhibited elements of externally led state-building. Under EU's leadership, external actors brokered constitutional amendments that transformed the country's institutional framework and allowed for decentralization of government.[3] The implementation of the agreement was ensured and monitored by three missions: 1) NATO's *Operation Essential Harvest* from August 2001 until March 2003; 2) joint EU-NATO mission *Concordia* from March 2003 until December 2003; and 3) EU police mission *Proxima* from December 2003 until December 2005.

3. EU's lead in state-consolidation strategies: centralization and decentralization

Despite international assistance in state-building, bolstered by a military presence, the institutional designs in Bosnia and Macedonia throughout the 2000s remained fragile: either explicit or latent discontent threatened to undermine given political set-ups. Interestingly, the prospect of EU integration has both mitigated and bolstered internal discontent, depending on what local communities perceived to be the costs and benefits of potential EU membership. As of 2001, the EU pursued two opposite state consolidation strategies: centralization in Bosnia, and decentralization in Macedonia.

Although aimed at ensuring that each ethnic group retained control over decision making in the territories where it constituted the local majority, the Dayton institutional framework in Bosnia created a lot of dissatisfaction The Bosnian Muslims challenged Dayton and pushed for a stronger central government and elimination of entities in order to enhance their position of majority/plurality. Their goal coincided with the OHR's efforts to introduce more centralization, in line with the EU's requirements for potential membership. In response, Bosnian Croats began voicing demands for an entity of their own, fearing that they would be outvoted by the Muslim majority. For their part, leaders of Republika Srpska resisted the transfer of their entity powers (taxation, army and police) to the central government in Sarajevo, and started threatening with secession. They brought up the secession threat more frequently following Kosovo's declaration of independence in February 2008.

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[3] Specific provisions for decentralization of government can be found in the full text of the Ohrid Framework Agreement, available at http://faq.macedonia.org/politics/framework_agreement.pdf.

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Similarly, the Macedonian Slav majority resented the provisions of the Ohrid agreement which fosters decentralization and allocates more decision-making power to local authorities, especially when decisions affect minorities. In July 2004, thousands of Macedonian Slavs protested against proposals to redraw municipal borders and give minority Albanians more power in local decision making. Despite the heavy outburst of the protesters, the parliament approved the legislation redrawing local boundaries and thus gave the ethnic Albanians greater local autonomy in the areas where they constitute the majority of the population. The road blockades staged by two Albanian political parties in August 2006, in protest over the composition of the newly elected Macedonian government also cast a shadow on the viability of the current Macedonian state and reinforced the view that Macedonia's chances of survival increased every time EU officials played the "membership carrot" card.

In both countries, political elites latched on European integration in order to solve their state consolidation problems. The majority (or plurality) groups saw EU accession as a chance to preserve their dominant position in the country (i.e. the Bosnian Muslims and Macedonian Slavs), while the minorities saw it as a way to maintain their influence on decision-making and foster closer ties with their compatriots across the border. Despite frequent challenges, the EU's "membership carrot" has mitigated risks of political and territorial fragmentation until 2008. It served as an incentive for political elites of all ethnic groups to overcome their disagreements, undertake concrete institutional reforms and build functioning states at least to a certain extent. Political elites were therefore willing to accept the devolution of their central or local prerogatives, and follow the EU's seemingly contradictory lead in regional state consolidation strategies: centralization in Bosnia, and decentralization in Macedonia. The EU's strategy gained legitimacy among Macedonian political leaders in December 2005 when the country was granted candidacy status by the European Council. In Bosnia, the EU-led centralization took longer to gain credibility because of the incompatible interests of local elites, but appeared promising with Bosnia signing the SAA in June 2008.

4. Legitimacy crisis of EU's regional strategies

In 2008 the legitimacy of the EU's overall regional approach was shaken due to the recognition of Kosovo's independence by the overwhelming majority of EU member states. Even before the recognition of Kosovo, one could question whether the EU's state-building formulae in Bosnia and Macedonia had indeed succeeded in increasing the legitimacy of the state. None of the constituent ethnic groups was entirely satisfied with the strategy and they grudgingly accepted it because of the prospect of EU membership. The promotion of centralization in Bosnia has won the support of the Bosnian Muslims, but it has disaffected the Bosnian Serbs and Croats who saw it as a

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threat to their national interests. Likewise, the Macedonian Slavs resented decentralization, fearing that it might lead to a *de facto* federalization of their country and the loss of their status as the dominant ethnic group.

The recognition of Kosovo's independence amplified the already existing fears and doubts about given institutional frameworks in Bosnia and Macedonia. The EU began sending mixed signals to regional leaders. It was becoming less clear how the EU's state-building recipes would allow local communities to preserve or improve their political position within their country. While in Bosnia and Macedonia the EU encouraged institutional changes in order to preserve their political unity and territorial sovereignty, elsewhere in the region it supported the formal redrawing of borders (Serbia/Kosovo). Not surprisingly, this encouraged certain communities to agitate the threat of secession (i.e. Bosnian Serbs), while it nudged others to again seek closer ties with their core nation state, or to ask for the redefinition of internal administrative borders (i.e. Bosnian Croats and Albanians in Macedonia). The results of the October 2010 general elections in Bosnia highlighted these tendencies.

The EU's endorsement of Kosovo's independence is a particularly sensitive issue in Macedonia. Albanian political leaders have used their kinship ties with Kosovo and the explicit or implicit threat of secession in Western Macedonia to obtain political benefits from the Macedonian Slav majority. The EU played a major role in preserving Macedonia's unity during the armed clashes between Macedonian police and Albanian paramilitary forces in 2001. It is important to bear in mind that the EU signed the SAA with Macedonia in April 2001, while clashes between the police and paramilitary forces still raged. However, the recognition of Kosovo by the EU may lead Albanian political leaders to the conclusion that secession, rather than remaining part of the current Macedonian state, is the best way to achieve their interests.

5. Conclusion

In the past ten years, the fragile inter-ethnic balance in Bosnia and Macedonia, and the very survival of the two states, depended on the prospect of EU accession. The EU adopted two different approaches in dealing with these conflict-ridden countries. In Bosnia, its engagement in state consolidation was largely a reaction to the constitutional framework that reflected territorial divisions between Bosnian Muslims, Serbs and Croats inherited from the civil war of 1992-1995. The EU's advocacy of centralization in Bosnia was, therefore, part of post-conflict reconstruction efforts. In Macedonia, its involvement has been characterized by conflict prevention efforts since the early 1990s. Consequently, it is not surprising that its reaction to the armed conflict between Macedonian security forces and Albanian paramilitary in 2001 was to encourage the decentralization of decision making in order to avoid a violent

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break-up of the country. Although they differed vastly in their political goals, local leaders in Bosnia and Macedonia perceived potential EU membership as a useful tool that would help them achieve their objectives in terms of institutional arrangements. Consequently, they accepted the EU's seemingly contradictory approach towards regional state-building: centralization in Bosnia, and decentralization in Macedonia. However, the endorsement of Kosovo's declaration of independence in 2008, as well as the renewed EU enlargement fatigue, damaged the legitimacy of the EU's regional approach. It demonstrated to local leaders that the EU's state consolidation strategies were far from clearly defined and that exceptions were permitted. Inevitably, leaders of some communities began drawing parallels with the case of Kosovo and asking that they be treated exceptionally too. Such reactions open the door to further political and territorial fragmentation in the region.

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