

(Continued)

Organization	Contact	EIA involvement?
NGO DRINA – SKELANI	No response	
NGO Krajina	Interview, 5 November 2008	No EIA-related activities. Projects mainly focussed on reconstruction, employment and Small and Medium Enterprise support.
Perspective Association of Explorers	E-mail, 18 October 2008	Research and preparation of technical reports for environmental matters, such as treatment of wastewater from mines.
REC Country Office (Sarajevo)	Interview, 4 November 2008	Providing opinions at EIA hearings, helping government with environmental by-laws.
REC Field Office (Banja Luka)	Interview, 5 November 2008	Same as REC country office.
Troya Tourism Development and Environment Protection Association	No response	
West Herzegovina Association for Protection of Environment and Cultural and Historical Heritage	E-mail, 20 October 2008	Involved in advice and discussions to devise the energy sector for BiH, but no EIA-related activities.
Wigwam Association of Friends of Cultural and Natural Values	Interview, 7 November 2008	Applies pressure through media, but not directly to government. Only direct appeals to members.
Youth Association for Scientific Research of Republika Srpska	Interview, 5 November 2008	Not a functioning NGO. The active members are a part of IZEI.
Youth Association of the Krivajka River	E-mail, 21 October 2008	Involved in a REC project for the development of the non-governmental sector, but no involvement in EIA studies.
Youth Association of the Municipality Kalesija	No response	

## 10 Secessionism, irredentism and EU enlargement to the Western Balkans

### Squaring the circle?

Rafael Biermann

#### Introduction

The Balkans remains the prime arena of an ideational struggle between those elites opting for Europeanization, i.e. the transformation of the region along the norms which brought peace and welfare to Western Europe after two World Wars, and those nationalist forces who continue to cling to those ideas that dominated Balkan politics since at least the Congress of Berlin in 1878. This chapter analyzes how the simultaneousness of old and new thinking, of ethno-nationalism and reform-mindedness, continues to challenge the transformative power of Europe in the Western Balkans.

The norm competition (Checkel 1999; Cortell and Davis 2000; Finnemore and Sikkink 1998) we confront in the Balkans reflects opposing views on classic attributes of state sovereignty: borders, territory and citizenship. It thus reveals the struggle between two opposing models: the traditional Westphalian model of governance based on the principles of national sovereignty, territorial integrity and *Realpolitik*; and the emerging post-Westphalian model based on ideas of pooled sovereignty, interdependence and open borders (Sperling 2009; Wallace 1999). Although it is often assumed that the post-Westphalian model will eventually prevail in the Balkans, regional progress towards the model is still slow, fragile and uneven. In some countries, such as Bosnia, soccer clubs and schools remain strictly segregated along ethnic lines. In others, such as Kosovo, there are no-go areas inaccessible to other ethnicities. Even more problematically, 70.5 per cent of Albanians, 74.2 per cent of Kosovars and 13.6 per cent of Macedonians support 'the formation of a greater Albania', while 47.3 per cent of Kosovars and 44.5 per cent of Macedonians expect this to happen 'in the near future' (*Gallup Balkan Monitor* 2009). How strong are these exclusionary ethnic sentiments and tendencies? Can they still drive political agendas, especially if mobilized by populist and unreformed leaders? How do they interact with the transformative power of European Union (EU) enlargement? Regional experts, scholars and politicians disagree fundamentally on the magnitude of the challenge.

It is within this frame of uncertainty about the degree and role of ethnic-based divisions that we discuss the problem of secessionism – the major driver of the Balkan conflicts of the 1990s. The phenomenon is less overt and apt to violence

than in the early 1990s, but it is still virulent in many places across the Western Balkans and poses probably the most serious challenge to the Europeanization project today. Secessionism is the embodiment of exclusionary thinking, and thus essentially incompatible with the integrationist norms the EU is trying to diffuse to the Balkans. The EU's enlargement policy, based upon conditionality, is designed to delegitimize this logic of segregation, empower the reformists and thus tip the balance in favour of change; but is the membership perspective, and the benefits it entails for domestic elites, strong enough to do so?

As Elbasani points out in the introduction to this volume, the domestic scope conditions are much less favourable in the Western Balkans than in Central and Eastern Europe (see also Epstein and Sedelmeier 2008: 796, 799; Schimmelfennig 2007). This can be attributed to the factor of weak stateness, both in terms of contested sovereignty and weak institutional capacity. We argue that secessionism is a primary cause of weak stateness, especially contested sovereignty. Although secessionist ambitions have also been present in other cases, the challenge posed by the countries covered by the Stabilisation and Association Access (SAP) is structurally different: borders are disputed, state capacity is weak, ethnic identities are still strong, regional cooperation is underdeveloped and minority rights mean little (Van Evera 1997: 55). Moreover, secession has occurred in different waves, most recently by Montenegro (2006) and Kosovo (2008). Other attempts at secession, such as the Bosnia Republica Srpska (1991–5) or Western Macedonia (2001), have failed. In still other cases, secessionist ambition continues to linger, particularly in Southern Serbia and Kosovo's Mitrovica.

This contribution is among the first to discuss the conflict between Europeanization and secessionism. It investigates forms and degrees of secessionism as a component of the contested statehood argument advanced in the introduction to this volume.

Due to the poor state of research on secessionism, the chapter first lays some groundwork by conceptualizing secessionism and irredentism. Subsequently, the chapter identifies the specific profile of secessionist conflict in the Western Balkans. Having explored the specificity of the region, we then analyze how secessionism affects Europeanization, and assess the EU's policy to overcome the problem thus far.

### Conceptualizing secessionism and irredentism

Those who link secessionism and EU enlargement encounter a taboo as well as conceptual confusion. Academically, there is neither a theory of secessionism in International Relations (IR) (Hechter 1992a: 267) nor an agreed *ius secendi* in international law (Tomuschat 1993a). Aggregating our knowledge about secession is hindered by the fragmentation of academic research in International Relations, international law and conflict studies.

Slightly revising a definition of Donald L. Horowitz (1992: 119), we define secession as 'an attempt by a group claiming a homeland to withdraw with its territory from the authority of a larger state of which it is a part'. This includes

the withdrawal of territorial units from federal states (see Hechter 1992b), but excludes movements that call for autonomy or other forms of self-rule, although the two might be related (Heraclides 1992: 401). Accordingly, secession involves a 'claim to territory' (Buchanan 1991: 11), and it is considered successful when recognized by the host state and the international community, opening the door to UN membership. Secession without – or with incomplete – recognition leads to *de facto* statehood. Secession can also lead to irredentism; the question is 'whether the process ends there or whether nationalist integration ensues' (Cederman 2002: 417). As Horowitz puts it 'Irredentism involves subtracting from one state and adding to another state, new or already existing; secession involves subtracting alone' (Horowitz 1992: 119).

Secession, and irredentism even more so, is as much feared as it is branded illegitimate. The former Secretary General of the United Nation, U Thant, declared in 1970 that his organization 'has never accepted and does never accept and I do not believe it will ever accept a principle of secession' (quoted by Murswiek 1993: 24). There are several major normative and political reasons for this restrictive approach. To start with, secession erodes the main pillars of international order: state sovereignty, territorial integrity and the inviolability of borders (Buchheit 1978: 21–7). The disputes on thresholds of legitimate secession motivate many to rule out secession *per se*. Furthermore, secessionist conflict tends to diffuse, both via tangible spill-over effects such as trans-border refugee flows or violence and via intangible behavioural demonstration, effects that 'whet the appetites' of others (Hechter 1992a: 267; Cederman 2002: 417; Buchheit 1978: 105).

In order to prevent such a 'domino effect', in early 1992, the EU tried to limit the disintegration of Yugoslavia to the republic level, and when Kosovo, which was merely an autonomous province within Yugoslavia, declared independence in 2008, those recognizing the newcomer quickly and *uni sono* declared this a *sui generis* case, setting no precedent for others. Those facing secessionist movements at home are the most adamant in protecting the territorial status quo (Buchheit 1978: 102–3; Biermann 2006: 238–40).

Closely related to this are the fears of 'Balkanization', i.e. secession stimulating an uncontrollable process of state fragmentation that leads to 'a multiplicity of small, squabbling States' (Buchheit 1978: 28); incentives for further separation (Tomuschat 1993a: 14); and 'entrapped minorities' in the new state (Buchheit 1978: 29–30; Buchanan 1991: 159). Secession might also turn the remaining rump-state population into a 'stranded majority, stripped of its economic base, particularly so in the case of secession by 'the better off', such as Slovenia's in 1991 (Buchanan 1991: 16). Finally, supporting secession implies endorsing an ideology of exclusivity that runs counter to the very ideas of multiculturalism, tolerance and open borders the EU upholds (Heraclides 1992: 410).

Despite this 'taboo', secessionism has reappeared in the post-Cold War era, foremost in the European context. Apart from the creation of 15 new states on the soil of the former Soviet Union, seven more have so far been created on former Yugoslav territory (including the second wave of Balkan secessions recently in Montenegro and Kosovo), and two emerged out of the former Czechoslovakia.

The additional secessions of Eritrea (1993), East Timor (2002) and Southern Sudan (2011), and the proliferation of *de facto* states ranging from Transnistria to South Ossetia and Somaliland, indicate that we might witness a paradigm change. This is accompanied by an emerging international case law on the issue, as the International Criminal Court (ICC) ruling of August 2010 on the legality of Kosovo's secession demonstrates.

### The secessionist challenge in the Balkans

Besides anti-regime conflicts, which aim at toppling governments, secessionist conflict is the major type of intra-state conflict. According to the Heidelberg Conflict Simulation Model's (COSIMO) Conflict Barometer (HIIK 2010), which records conflict worldwide, secessionism or calls for autonomy rank second as causes of global conflict. In Europe, secessionism and autonomy are by far the most prevalent forms of conflict items, accumulating to 19 secessionist and 15 autonomy conflicts in 2009. They range from Western Europe (Northern Ireland, the Basque Provinces, Corsica, etc.) and the former Soviet Union (Nagorny Karabakh, Transnistria, Abkhazia, etc.) to the former Yugoslavia. Twelve of the 19 secessionist conflicts in Europe were conducted violently in 2009.

Yet the modes and seriousness of secessionist conflict vary greatly. We know of cases of both consensual, rapid separation and of protracted agony (see the three cases discussed in Young 1997: 47–9). We also frequently observe what Horowitz (1992: 121) calls the 'convertibility of claims', i.e. groups moving back and forth between integrationist, i.e. within-state solutions, and secessionist positions. As of 2009, COSIMO (HIIK 2010: 11–12) counted ten ongoing conflicts in the Western Balkans, of which three are coded as secessionist (Republica Srpska, Kosovo, Sandžak Wahabi militants) and seven as conflicts over autonomy (Bosniak-Croat Federation, Krajina and West/East Slavonia, Western Macedonia, Southern Serbia/Preševo Valley, Sandžak Bosnjak minority, Vojvodina)<sup>1</sup>, with individual cases fluctuating over time between integrationist and secessionist claims.

In order to measure the tractability of secessionism in the Balkans, which strongly impacts on the EU's transformative power and successful Europeanization of the region, we need to assess the magnitude of the challenge they pose. Although most secessionist conflicts have abated since the early 1990s, the change is one of degree. Subsequently, we will discuss both changes that are favourable to Europeanization and remaining issues that have the potential to disrupt democratic transformation and Europeanization of the region in the future.

#### *Factors favourable to Europeanization*

On the positive side, secessionist sentiment has considerably abated since its upsurge in the early 1990s. Obviously, the momentum of post-Yugoslav fragmentation has reached a threshold. Commitment to pursuing a secessionist or irredentist cause is, in general, decreasing, with violence having subsided since the last major

flare-ups in Macedonia (2001) and Kosovo (2004). The amount of violence after Kosovo's declaration of independence has been very limited. Furthermore, disillusionment over the horrendous results of the five secessionist wars of Yugoslav succession since 1991 seems to be widespread. Concerning levels of intensity, the Conflict Barometer rates most of the conflicts in the Western Balkans in 2009 as 'latent' or 'manifest', which are the two lowest intensity levels of a scale of five. The conflicts in Kosovo and Western Macedonia, which are regarded as being at the 'crisis' level (level 3), were the most serious. Other groups, such as the Hungarians in Vojvodina or the Bosnjaks in Sandžak, have accepted their autonomous status, while some have only done so after failed attempts to secede, such as the Croats in Bosnia or the Serbs in Croatia. Those groups continue to identify with their motherland abroad, but lack a viable secessionist option.

The reasons for this abatement of secessionist sentiment are manifold. Crucial conditions that enable secessionist mobilization seem to be absent. First, secessionist sentiment is currently checked and channelled through new constitutional frameworks (Hechter 1992a). All governments are willing to grant substantial voice opportunities to those seeking minority rights. The constitutional frameworks of Dayton and Ohrid even institutionalized extensive power-sharing systems in Bosnia and Macedonia respectively (Dehnert and Sulejmani 2008). This is markedly different from the 1990s, when central governments dominated by nationalists such as Franjo Tuđman or Slobodan Milošević rejected any dialogue with what they claimed to be rebels or criminals. Diplomatically, upgrading these rebels to negotiation partners was ruled out. The result was a policy of exclusion, discrimination and marginalization, which radicalized demands, strengthened in-group cohesion and inter-ethnic segregation, stimulated stereotyping and polarized relations to a point where conflicts became chronic and intractable (Horowitz 1992: 129; 72; Van Evera 1997: 31, 36).

Second, irredentism plays a very limited role as a serious policy option in the Balkans today. The exception is the Republica Srpska leadership, particularly since the 2006 elections (Gromes 2008). This is a remarkable development given the long history of Balkan irredentism and the large number of irredentist options open to multiple Balkan groups. In principle, irredentism is most attractive when diasporas settle in compact territories that border states controlled by their kin group. This is frequently the case in the Western Balkans: the Albanians in Southern Serbia share a border with Kosovo as do the Albanians in Western Macedonia; Mitrovica Serbs border Serbia as does the Eastern (Pale) part of Republica Srpska. Contiguity stimulates both 'redeeming irredentism', i.e. neighbouring states trying to annex territory in adjacent countries inhabited by co-nationals, and 'escaping irredentism', i.e. secessionist groups trying to escape their government and join their co-nationals in the neighbouring state (see also Van Evera 1997: 33). In Balkan history, both versions were practiced multiple times, in the Balkan Wars of 1912–13 and in the 1990s (International Crisis Group 2004; Oschlies 2002; Judah 2001). The absence of major irredentist claims today (apart from Bosnia) appears to be motivated by two factors: the cost-benefit calculus of secessionist elites who generally prefer

independent statehood over incorporation into a larger state (Horowitz 1992: 120), and the cost-benefit calculus of central governments, such as in Albania, Croatia or Serbia, who are well aware that their EU accession process would derail if explicit irredentist claims were voiced at governmental level.

Third, some of the major secessionist conflicts in the Western Balkans are resolved today. Of course, resolution is a relative term, since the revocation of secessionist claims might be temporary or even tactical. However, a secessionist conflict might be deemed resolved once the secessionists and the central government agree to have settled the dispute, either through consensual secession or through revocation of the secessionist claim in favour of a more limited goal such as autonomy. According to this definition, the secessionist conflicts of Slovenia, Croatia and Montenegro are resolved today, as these states are recognized by their former host governments and the international community, even though resolution was preceded by an agonizing domestic struggle and protracted negotiations (Montenegro) or even by war (Slovenia and Croatia). To be sure, central governments hardly give up territory lightly (Young 1997: 47), and they have a plethora of means to avert secession (Hechter 1992a: 280–2). Resolution is rare in secessionist conflicts. However, resolution is possible, even in the Balkans. In the case of Montenegro, it was even consensual and pacific.

Fourth, different from the Caucasus, the Balkans have now almost no largely unrecognized *de facto* states carved out of their homelands by war. Such ‘frozen’ conflicts are extremely precarious and prone to new outbreaks of violence, since governments are dedicated to restoring their territorial integrity and re-incorporating the breakaway territory. Croatia’s Krajina and Slavonia, which seceded in 1991, were such cases until their forced re-integration in 1995. Kosovo, which is still far away from full international recognition and UN membership, is the only remaining case of this kind in the Balkans. However, at least the current Serbian leadership seems to be committed to resolving the conflict peacefully.

Fifth, further Balkan secessions neither promise viable statehood nor command legitimacy. Looking at past cases of successful secession, there are two major arguments that lend some legitimacy to secessionist claims and increase the chances of international backing: irrefutable historical titles, such as in the case of the Baltic states; and gross violations of human rights coupled with host-nation refusal even to negotiate about the future status of a secessionist group, leaving that group with no other resort than territorial escape (‘remedial secession’).<sup>2</sup> However, legitimacy is hardly accorded when a group basically raises cultural identity arguments when facing limited or even no discrimination. In the Balkans, all of the looming secessionist cases, each much smaller than Kosovo, would hardly be viable as sovereign states. None can claim irrefutable historical titles. Furthermore, democratization has taken place, even if incomplete, and basic minority rights are granted. Dayton and Ohrid have even granted Serbs and Croats in Bosnia, and Albanians in Macedonia, an unprecedented degree of cultural and political autonomy. Even though ethnic identities and segregation remain strong in Bosnia, Kosovo, Macedonia and Southern Serbia, this hardly legitimizes secession.

### *Factors impeding Europeanization*

However, serious secessionist risks remain. A robust international presence is still needed to check nationalist sentiment and push the region forward on the path of Europeanization.

First, secessionist sentiment is still strong enough to stimulate competing nationalism and slow down transformation processes. All seven entities that have attained statehood in the Western Balkans since 1991 are territorially satisfied and pose little threat to peace. Yet the number of looming secessionist cases with a potential to destabilize the territorial integrity of current EU candidate countries is still large. The most challenging cases include Bosnia, Kosovo, Macedonia and Serbia. At least four groups harbour considerable secessionist sentiment: Republica Srpska and possibly still the Croat cantons in Bosnia (Alić 2009; Džihić 2008; Gromes 2008; International Crisis Group 2009); the Albanian-inhabited territories in Western Macedonia and Southern Serbia (Dehnert and Sulejmani 2008; International Crisis Group 2006; Opfer-Klinger 2008); and Serb-inhabited Northern Mitrovica in Kosovo. Whether the externally-imposed Dayton and Ohrid agreements, which aimed at ending war, turn out to be temporary freezes or durable peace agreements remains to be seen. Other cases, such as Sandžak and Vojvodina, where calls for self-rule are limited to autonomy, also remain ambivalent. Kosovo’s declaration of independence has instigated strong revisionist sentiment in Serbia, backed by Russia (International Crisis Group 2008). Belgrade remains dedicated to not recognizing Kosovo, continues to undermine its sovereignty and refuses to back down to EU pressure. Overall, identities remain ethnically defined and antagonistic among many groups and countries.

Second, in terms of settlement patterns, the wars of the 1990s in Croatia, Bosnia and Kosovo, and the forced population transfers they entailed, strongly reduced local intermingling.<sup>3</sup> That might decrease the costs of future war, but it increases the feasibility of secession. This finding is derived from research on ethnic conflict, which argues that countries with compact settlement patterns are more likely to face secessionist demands (Brown 1997: 7; Van Evera 1997: 38; Buchanan 1991: 159).

Third, the interdependence of multiple secessionist cases on such a small chunk of territory as the Western Balkans remains problematic. reason: ‘repetition’ (p. 159). Spill-over was a major factor inspiring the Balkan wars of the 1990s. Much of conflict prevention was focused on avoiding diffusion; for example, the Organisation for Security and Cooperation in Europe (OSCE) Long-Term Mission to Macedonia, established in 1992, is still called the ‘Spillover Mission’. Today the fear of a domino effect is a major factor inhibiting the recognition of Kosovo by countries such as Bosnia (Džihić 2008), but also by EU members, such as Romania, Slovakia and Spain. Those movements that have not succeeded in carving out some piece out of the Yugoslav pie perceive themselves as losers in the secession game (Biermann 2006: 471–97). Secessionism remains a major concern, especially in the Albanian-inhabited territories, since about half of the Albanians in the Balkans live outside Albania (Austin 2004; Judah 2001; International Crisis

Group 2004). Stephan Troebst (1999) introduced the metaphor of 'communicating tubes' to visualize the connectivity of the Albanian and the Macedonian 'question'. Kosovo managed to achieve statehood, inspiring Albanians in Serbia and Macedonia, in particular, but also the Serbs in Bosnia (Džihić 2008; Fawn 2008). It became the first case of post-Yugoslav secession below the level of former Yugoslav republics, which was defined by the EU's Badinter Commission in early 1992 as the threshold for dismemberment, and thus legitimate statehood.

Fourth, territories in the Western Balkans still harbouring secessionist sentiment, such as Kosovo or Bosnia, remain strongly underdeveloped. This is true in particular for internationally isolated territories such as the Republica Srpska or Southern Serbia. Weak or failing statehood invites secessionism, since groups contemplating secession perceive host-nation vulnerability as a window of opportunity through which they can succeed (Brown 1997: 5). Waves of secession accompanied the break-up of the Ottoman Empire, socialist Yugoslavia and the Soviet Union. In such settings, ethnic entrepreneurs can most easily inflate ethnic cleavages for personal and political gain (Van Evera 1997).

Fifth, the sheer record of violence connected with the secessionist wars of the 1990s, combined with the memory of past injustice dating back to the Balkan wars of 1912–13, should make us cautious about closing the Balkan chapter of secessionism prematurely. In the 1990s, only Slovenia and Macedonia were largely spared from mass violence in the region. Research indicates that the odds of overcoming secessionism are much better where violence is avoided (Young 1997). Where injustice – up to mass murder, land theft and population expulsion – accumulates and transgressors are not brought to justice, memories are kept alive and magnify current grievances, stimulating myths that malign others and 'white-wash' oneself, allowing populist leaders to play the ethnic 'card' (Brown 1997: 19–20; Van Evera 1997: 44–51; Biermann 2006: 146–48 and 169–84). Srebrenica will remain the most vivid symbol of a decade which left societies traumatized and divided by the memories of horrific war crimes.

Sixth, the record of mediation in the Balkan conflicts is depressingly low (Biermann 2008: 27–32). Such resistant cases disproportionately attract mediation efforts, but doing more than freezing the conflict is often not possible, as agreements tend to be fragile and short-lived. Overall, 65 per cent of the settlements during the Yugoslav wars of succession (1989–2000) failed after less than eight weeks, 35 per cent lasted less than one week, and 13 per cent just one week (Gartner and Bercovitch 2006: 833). Apart from the UN and NATO, the EU was the major international player in Balkan mediation (Biermann 2004), and its depressing record was the major trigger for the emergence of the Common Foreign and Security Policy and the Common Security and Defence Policy (Mahneke 2001). Mediation succeeded in Slovenia in 1991 (Brioni Agreement), in Macedonia in 2001 (Ohrid Agreement) and in Montenegro in 2003 (Belgrade Agreement). However, mediation failed to prevent the break-up of Yugoslavia and to contain the war in Bosnia. Fourteen mediation attempts largely failed to resolve the Kosovo issue before independence was declared unilaterally (Biermann 2008). Within the

EU, the consensus on non-recognition broke down, both in 1992 on Slovenia and Croatia and in 2008 on Kosovo (Pippan and Karl 2008).

Summing up, whether the dismemberment of Yugoslavia has finally come to an end, or whether Montenegro's and Kosovo's independence has ushered in a new wave of secession, is still to be seen. The current positive trend should not be simply projected into the future. Recent quantitative data on conflict recurrence should make us cautious. Almost every other post-Cold-War conflict worldwide (45 per cent) relapsed into violence less than ten years after a peace agreement, doubling the figure of the Cold War (26 per cent; Hewitt 2010: 31). One fundamental problem of predicting the future is the lack of reliable data, both on the strength of secessionist sentiment and the calculus of host-nation leaders, giving rise to vastly disparate judgments about the magnitude of the challenge (Hechter 1992a: 268). Secessionist claims are dynamic, as much as notions of legitimacy are. What is deemed illegitimate today might be legitimate tomorrow, and the risk both of over- and under-warning is substantial. Designing adequate policy responses is extremely difficult.

Moreover, diverse causal factors interact. Besides the EU perspective, much will depend on the strength of incumbent governments, responsible leaders, and the shifting international discourse regarding the legitimacy of secession. The more the international taboo of secession fades and further precedents are set elsewhere, the more the Balkans will come under stress. Serbia and Albania are the lynch-pin actors, due to their large and dispersed diasporas within the region. Albania's moderate stance towards Kosovo has contributed to containing the pan-Albanian problem, as does Serbia's policy towards Bosnia (reason: Tadić not anymore president). Serbia's non-recognition of Kosovo, however, stimulates further calls for border change, at a minimum concerning the status of Mitrovica.

Mitrovica is the most critical test-case. Given the small territorial size of the remaining cases and their irredentist nature, territorial transfer – not secession – is the only viable option. Only the Serbs in Northern Mitrovica have so far managed to break away and establish an autonomous administration closely linked to Belgrade (International Crisis Group 2005). The reintegration of Northern Mitrovica would send a clear signal to others that territorial transfer will not be tolerated (see Kaufmann 1996). By contrast, 'compensating' Serbia for the loss of Kosovo by transferring Mitrovica to Serbia will instigate further 'Mitrovicas', in particular Western Macedonia and Southern Serbia.

### **Secessionism meets Europeanization**

Besides the US government, the EU is the pivotal external player in the region, as it has the broadest spectrum of instruments available, ranging from economic assistance to mediation and military intervention, with the enlargement perspective being the most potent one. Brussels has made it clear that it perceived secessionism as the most serious threat to its Europeanization agenda. In all of the secessionist conflicts, ranging from Slovenia and Croatia in 1992, Macedonia in

2001, Montenegro before 2006, and Bosnia and Kosovo up to the present, the EU has stood up forcefully against the forces of secessionism, arguing that parochial nationalism aiming at border revision is incompatible with a post-modern Europe of open borders, shared identity and pooled sovereignty (Noutcheva *et al.* 2004).

Apart from conflict management, conditionality is the foremost tool, not only to promote democratic transformation, but also to fight the risk of secessionism. However, the effectiveness of EU conditionality depends on two factors: the size and credibility of the EU incentives (Phinnemore this volume) and the domestic costs of compliance (Elbasani this volume; Schimmelfennig and Sedelmeier 2005b). So far, Europeanization research has paid much more attention to the former than to the latter, even though the openness and capacities of the candidate countries to respond favourably to the EU's incentives profoundly shape the success of the EU enlargement tools.

As Elbasani suggests in the introduction to this volume, state weakness is 'the main obstacle' for the successful Europeanization of the Balkans. States can be weak either because institutional capacity to legislate and implement reforms is lacking or because state authority is contested. Contested statehood can have multiple causes, one of them being secessionism, which undermines all three constitutive features of a modern state: it contests the borders and thus the *territorial integrity* of the state it is part of, it defies the *authority* of the central government by setting up alternative centres of power, and it dismisses the very idea of belonging to one *nation*, directing primary loyalty to the ethnic group constructed in opposition to the state-ruling group.

Secessionism also promotes state weakness in the sense of a government's capacities to implement its vision, and thus delays transformation- and Europeanization-related reforms. States harbouring secessionist sentiment spend much of their internal discourse and bargaining on quarrels over authority. Since all issues are identity-laden, willingness to compromise is minimal, with even minor issues becoming hostage to secessionist logic. As a consequence, conflicts drag on and tend to reach a stalemate, which is particularly dysfunctional in periods of rapid transition, such as post-communist and post-war transformation. Paralyzed decision-making runs counter to the need for far-reaching and painful structural reforms. Thus, Montenegro's domestic discourse was bogged down for about five years in the all-out struggle for or against independence (Huszka 2003). Once the referendum removed that item from the domestic agenda, the process of transformation and EU rapprochement accelerated significantly.

Furthermore, secessionists profit from – and thus promote and prolong – state weakness. They are most likely to succeed in settings of state failure, such as the disintegrating Soviet Union or Yugoslavia of the late 1980s. The weaker the central government, the better secessionists can advance their parochial agenda. Federal and power-sharing systems are particularly vulnerable to this kind of logic. They grant minority groups voice opportunities at the state level, up to veto rights and quotas, in order to increase their say in domestic affairs and defuse more radical claims. However, the same rights can be instrumentalized by secessionists to

block effective decision-making in order to undermine the very institutional set-up that they are designed to protect. Bosnia and Macedonia since Dayton and Ohrid respectively are vivid examples (Gromes 2008; Dehnert and Sulejmani 2008).

Consequently, it is hardly surprising that Slovenia and Croatia, both lacking any serious secessionist conflict today, proceeded fastest on the enlargement track. Conversely, those Western Balkan countries where secessionist conflict is still ongoing, i.e. Bosnia, Kosovo, Macedonia and Serbia, have fallen behind. Macedonia is a telling example. It was widely perceived as a front-runner for EU membership before the fighting among Albanian and Slavic Macedonians broke out in 2001. Even though EU and NATO mediation stopped the escalation of conflict, the agonizing implementation process of the 2001 Ohrid Framework Agreement consumed much of the country's energies in the subsequent years. The implementation of the Stabilization and Association Agreement (SAA), which was also signed in 2001, stalled for several years as reforms required by the EU became hostage to inter-ethnic bargaining.

It is striking how little the EU's transformative power is able to accomplish in terms of containing secessionism. The EU has failed three times to stop secession – in 1992 (Slovenia and Croatia), 2006 (Montenegro) and 2008 (Kosovo). The European perspective, so far, has also been insufficient to overcome the on-going secessionist ambitions in Bosnia, Kosovo, Macedonia and Serbia, which repeats the EU's experience with Cyprus before 2004 (Kramer 2008). The reason is straightforward: The EU is only *one* player, although a powerful one, in a complex game involving different actors, interests and ideas. Secessionists calculate their bets and make choices that are shaped by a variety of factors, one of them being the appeal of the EU's incentives. The receptivity of the European conditions, therefore, varies from place to place. The stronger the secessionist veto players, the fewer access points exist to tip the balance in favour of reform. As suggested in the introduction to this volume, 'The EU can do little in environments dominated by undemocratic and illiberal political establishments whose anti-EU and anti-reform establishments are strong enough to contravene even the most tempting incentives offered by the EU'.

In principle, the EU's influencing strategy rests on the power of positive incentives. However, lack of progress breeds the temptation to re-employ the coercive strategies of the 1990s. The EU enlargement strategy in the Balkans is *de facto* oscillating between inducement and coercion mechanisms, while lacking long-term strategies to delegitimize secessionists and strengthen reform-minded leadership in prime battleground places such as the Republica Srpska, Western Macedonia or Mitrovica. Coercion is certainly much more prominent in the enlargement process of the Western Balkans than previously in Central and Eastern Europe. The EU, due to the pivotal role it plays in peace-building, also has more instruments to impose its will in various cases of secession. In Bosnia, the implementation of Dayton rests with the EU High Representative who still imposes laws and dismisses local officeholders based on his 'Bonn Powers'. In Kosovo, the European Union Rule of Law Mission (EULEX) can still intervene in domestic affairs following the formula of 'supervised independence'. Even in Serbia and

Macedonia, where the EU has no such mission, there is a strong impression that conditionality and coercion go hand-in-hand. This combination is perceived to be the most effective way to deal with secessionist groups and entice them into the alternative of integration.

### The way ahead

The literature on secessionism discusses a plethora of constitutional frameworks the EU could institutionalize in order to defuse secessionist ambition, such as various forms of territorial, political or cultural autonomy, power-sharing, and federalization (Tomuschat 1993b). The premise is the 'convertibility of claims' already discussed: groups are not born irredentist or secessionist. The EU can, thus, influence the territorial claims and the strategies of both host governments and secessionists.

The literature suggests combining incentives for moderation with firmness in principle, the aim being to defuse separatist ambitions and encourage integration (Buchheit 1978: 105). For host governments, demonstrating genuine respect for minorities and giving them a say over their own affairs is crucial. The idea is to offer viable alternatives to secession and experiment with new forms of internal self-determination (Buchanan 1991: 21; Oeter 1992: 762; Kimminich 1993; Eide 1993). However, self-rule has to be 'granted in time', because windows of opportunity close as conflicts polarize, antagonistic images spread, and bargaining positions freeze (Murswiek 1993: 39; also Tomuschat 1993b: 17).

Tailor-made policies, which target specific secessionist groups, are crucial. External patrons such as Slobodan Milošević or Franjo Tuđman who supported the Serb and Croat secessionists in neighbouring countries have largely disappeared in the Balkans today, at least on the governmental level. No government wants to derail its enlargement perspective by being portrayed as undermining the stability of neighbouring states. Here, conditionality clearly works. The exception is Serbia's support for the Serb enclaves in Kosovo. However, the EU's leverage on the secessionists themselves is far more limited. Sub-state groups, such as the Serbs in Mitrovica or the Albanians in Southern Serbia, who thrive in networks of patronage and organized crime, are internationally isolated and frequently excluded from EU programmes. The lack of access implies a lack of information about their goals and strategies, and a lack of leverage to influence their behaviour. Continuously monitoring these groups, and cultivating ties with their leadership, is pivotal for early warning and applying EU leverage.

In the end, the EU will have to remain flexible. Enlargement and secession are not mutually exclusive. At a minimum, the door must remain open for consensual, peaceful secession. This is in accordance with the principle of peaceful border change that the OSCE Charter embraces. If two parties agree to separate, who could object? After all, the Czech Republic, Slovakia and Slovenia entered the Union in 2004, and Montenegro and Kosovo will do so in the not-too-distant future.

### Notes

- 1 For Vojvodina, HIK 2010 counts two autonomy conflicts initiated by the Hungarian minority and the 'Together for Vojvodina' coalition, respectively. Similar data can be retrieved from the 'Minorities at Risk' project of the University of Maryland (<http://www.cidcm.umd.edu/mar/>, accessed 21 April 2011).
- 2 See the Declaration on Friendly Relations 1970 as analyzed in (Murswiek 1993: 22–42).
- 3 Compare the maps before and after the war at <http://www.ohr.int/ohr-info/maps/> (accessed 21 April 2011).