

7. THE IMPORTANCE OF BEING BALANCED: LESSONS FROM NEGOTIATED SETTLEMENTS TO SELF-DETERMINATION MOVEMENTS IN BOSNIA, MACEDONIA, AND KOSOVO

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On every continent, self-determination movements have challenged state governments for statehood, yielding a proliferation of de jure and de facto states extending from the former socialist republics of Yugoslavia, the Soviet Union, and Czechoslovakia to South Sudan, Eritrea, and East Timor. Elsewhere they have produced “quasi-states” with limited international recognition, including South Ossetia and Abkhazia in Georgia; Northern Cyprus; Nagorno-Karabakh in Azerbaijan; Somaliland; and Transnistria in Moldova.¹ Today separatists the world over press for greater political independence from existing state governments—sometimes through violence, other times through popular referenda. Examples of the former include Kurds in northern Iraq and Russians in eastern Ukraine; examples of the latter include Scots in the United Kingdom, Québécois in Canada, and most recently Catalans of Spain. Once activated, movements for self-determination often recur periodically in tandem with regime transition and other institutional changes.

Self-determination movements are potent sources of political destabilization, leading in extreme cases to violent conflict when the majority and minority fail to find a compromise that each would prefer to taking up arms.² The preferred solution of the United Nations and other peace-making organizations is complex power-sharing agreements from which no party prefers to defect unilaterally. This means successful settlements

must at a minimum achieve an acceptable division of political power between majority and minority groups in the state while laying the foundation for a functional state over the entire territory.

The international community favors negotiated solutions to such conflicts for a number of reasons. First, cooperative solutions avoid the moral hazard of rewarding secessionist organizations with statehood while forestalling further fragmentation. Second, inducing a compromise agreement is believed to be the best way of protecting vulnerable minorities against retaliation by a hostile government or ethnic majority. Third, negotiated solutions are consistent with the Westphalian norm of sovereignty, increasing the legitimacy of the solution in the eyes of the target state population. Finally, cooperative agreements represent a relatively cost-effective method of settling territorial wars at least risk and cost to the interveners. To be successful, such settlements should be based on minority autonomy, either through devolution or decentralization.³

Critics warn, however, that immediate benefits of negotiated settlements can obscure long-term costs. Although satisfying minority demands for autonomy, the conferral of such institutions may inadvertently reinforce separatist impulses while giving secessionist organizations the material and symbolic resources needed to mobilize for independence down the road.⁴ Research indicates that minorities with a history of territorial autonomy are more likely to mobilize for independence than those without.⁵ A recent analysis suggests these effects are probably overstated, but also shows that territorial autonomy alone is unlikely to achieve success unless the minority also has a stake in the center.⁶ Achieving a balance between “power-dividing” elements (such as territorial self-government) and “power-sharing” elements (such as a grand coalition in the central government) lies at the heart of *consociational* models of conflict management.⁷

The West Balkan region presents a natural laboratory with which to illustrate this simple principle. Despite their common origins, different settlement logics were used to resolve the violent self-determination struggles in Bosnia and Herzegovina (Bosnia), Macedonia, and Kosovo. Their common origins are clear. All three states once were part of Yugoslavia. Each conflict was resolved with the intervention of NATO and Western powers, which sought an acceptable division of power between rival groups that would also stabilize state institutions. None is a re-

sounding success, but each post-conflict trajectory is a predictable consequence of each settlement's design.

We argue that while scholars have long recognized the importance of achieving a balance between competing interests at the domestic level, *they often underestimate the impact that regional conflict dynamics can have on the fate of such settlements*. Peacemakers must consider whether sufficient safeguards are built into institutions to protect against regional destabilization of fragile ethnic settlements, a problem compounded in chronically unstable neighborhoods.

OVERVIEW OF WEST BALKAN SETTLEMENTS

In 1991–1992, the Slovene, Croatian, Bosnian-Herzegovinian, and Macedonian republics declared independence from the Socialist Federal Republic of Yugoslavia (SFRY); in 2008, Kosovo declared independence from Serbia. Internal fragmentation plagued the newly independent states, as Serbs and Croats sought to secede from Bosnia; Serbs launched a violent bid for independence from Croatia and sought to separate from postwar Kosovo; and ethnic Albanians mobilized violently against the Former Yugoslav Republic of Macedonia (FYROM, hereafter Macedonia). In three of four conflicts—Bosnia, Kosovo, and Macedonia—the international community used negotiated settlements to rebuild peaceful multiethnic states.

Bosnia

The Yugoslav Republic of Bosnia and Herzegovina was highly ethnically integrated; there was no outright majority in 80 percent of its municipalities.⁸ Yet it was the site of the bloodiest war of postcommunist Europe. Like the other five republics, the republic had its own independent parliament, which consistently voted with the League of Communists of Yugoslavia. As the party lost power in the waning days of the Cold War, divisions emerged between Muslims, Serbs, and Croats in parliament. When the Muslim-dominated assembly declared independence for Bosnia and Herzegovina, Serb delegates indicated that they would boycott the referendum with the aim of forming an independent Bosnian Serb state.⁹ With Belgrade and Zagreb intervening on the side of their

Figure 7.1. Map of Western Balkans

respective coethnics, escalating hostilities led to a three-year war among the three groups. About 100,000 people died, and a million more were displaced¹⁰ before NATO bombing of Bosnian Serbs induced the three constituent groups, together with the Serbian and Croatian governments, to agree to a U.S.-brokered negotiated settlement in Dayton, Ohio, in 1995. Annex 4 of the Dayton Peace Agreement (DPA) established a constitution following principles of consociationalism. The settlement was designed to alleviate concerns of the Serb and Croat minorities (33 percent and 17 percent, respectively) that Bosniak Muslims (44 percent) would establish a unitary state.

The settlement included a three-member Bosnian presidency as well as radical autonomy for two entities—the federation (for Bosniak Muslims and Croats) and Republika Srpska (RS) for Serbs. Within the federation, the Croats and Bosniaks were given significant territorial autonomy

through a system of 10 cantons, which functioned as mini-states, each with its own government, parliament, courts, and police.¹¹ Serbs and Croats were permitted special relationships with Serbia and Croatia, respectively. It was hoped that the DPA represented the right balance of centripetalism (with the three-member presidency and minority vetoes in the parliament) and centrifugalism (with extensive canton- and entity-level authorities and mutual ethnic vetoes) to forge a lasting peace. The United Nations Peace Implementation Council appointed a high representative (HR) to oversee “the implementation of the civilian aspects of the peace settlement.”¹² They placed the fledgling state under international tutelage with a range of IOs in charge of implementing the terms of Dayton. Thousands of NATO troops were installed to enforce the settlement.

Macedonia

Although the war in Macedonia was relatively short and yielded far fewer casualties, prewar ethnic tolerance was significantly lower there than in Bosnia or in Yugoslavia as a whole.¹³ Macedonia declared its independence from the SFRY in 1991 following a successful referendum. The vote was boycotted by the Albanian minority, on the grounds that the preamble of the new state constitution was ethnically exclusive.¹⁴ At the heart of the struggle was the status reversal between majority Macedonians and minority Albanians, who had once been a titular nation under federal Yugoslavia but who now sought equal status within the new Macedonian state. Albanian separatists organized their own referendum on the territorial autonomy of Western Macedonia in 1992, declaring an autonomous republic of Ilirida.¹⁵ Demonstrations were held in the name of Albanian language and education rights, cultural autonomy, and territorial autonomy—a period marked by episodic violence.¹⁶ Despite these disruptions, most scholars believe ethnic harmony improved throughout the 1990s, with the government agreeing to extensive minority concessions in order to secure accession to NATO and the EU.

In 2001, former fighters from the Kosovo conflict fomented a low-intensity war in the border region under the moniker of the Albanian National Liberation Army (NLA) and quickly gained the support of many Albanians. Escalating hostilities between rebels and Macedonian security forces nearly reached Skopje, leading to dozens of casualties on both

sides. More than 170,000 civilians were displaced. The war ended when NATO and U.S. representatives pressured rebel forces and Macedonian leadership to sign separate cease-fire agreements with NATO. The NATO-negotiated Ohrid Framework Agreement (OFA) was signed in mid-2001 by the two largest Macedonian and Albanian parties. The settlement attempted to satisfy Albanian demands for self-determination by giving them *de facto*, if not *de jure*, political power, in contrast to the consociational Bosnian peace agreement. To enforce the deal, 3,500 NATO peacekeepers were installed in the tiny country and the EU appointed a special representative to oversee implementation.¹⁷

Minority autonomy in Macedonia was achieved through *decentralization*. Groups with over 20 percent of the local population were given language and educational rights in their mother tongue. In principle, any sizable minority can exercise this right, but in practice this applied only to Albanians. Consequently, Albanian was introduced as a second official language in municipalities where Albanians made up more than 20 percent of the population—principally in the northwest. The OFA also contained provisions for education in minority languages, addressing long-standing demands for higher education in the Albanian language. Mutual vetoes were introduced through double-majority voting (requiring support of a majority of delegates of both ethnic groups) on laws concerning culture, language, education, personal IDs, and the use of symbols.¹⁸ An Inter-ethnic Council was created in parliament to resolve interethnic disputes. There were centripetalist elements in the OFA as well, such as minority quotas in state administration. Although these quotas may have contributed to the growth of ethnic patronage, the OFA has generally been regarded as a success.¹⁹

Kosovo

Both during and after Yugoslav times, Kosovo had an overwhelming Albanian ethnic majority and a small Serbian minority (roughly 10 percent, according to the 1991 census). Although only an autonomous province in the Yugoslav Republic of Serbia, it enjoyed extensive autonomy—including a provincial assembly, mother tongue language, educational rights, and an Albanian language university. By the mid-1980s, the tide had shifted as Serbian politicians and pundits began to rally the Serbian public around the perceived oppression of Serbs in Kosovo. This culmi-

nated in the abolition of provincial autonomy in 1989 and a purge of Albanians from schools, hospitals, and other state institutions.²⁰ In the 1990s, the Kosovo Liberation Army (KLA) launched a guerrilla war against Yugoslav forces. A NATO air campaign induced Belgrade to withdraw from the province in 1999. UNSC Resolution 1244 set up a UN-administered transitional authority in Kosovo, with NATO-led international peacekeepers to enforce the arrangement.

At the end of the war, a large proportion of Kosovo Serbs fled to Serbia proper. Kosovo's Ibar River became the *de facto* dividing line between Serbs living in the northern breakaway territory and the southern part where Albanians lived. Serbs and Albanians now live on either side of the Ibar River, which bisects the segregated town of Mitrovica; traffic has never flowed freely across the bridge. Today, there is a Serbian enclave in the north (for many years controlled by the Serbian Interior Ministry) and scattered Serbian enclaves in the south.²¹ Serbs number approximately 120,000 or 6 percent of the Kosovo population.²² Although Serbian is an official language in Kosovo, public information and institutions are rarely accessible in Serbian.²³

To address these problems, the international community resolved to build a peaceful multiethnic state through a negotiated settlement, culminating in the so-called Ahtisaari Plan. This accord called for devolving state powers to municipalities (giving Serb enclaves *de facto* control over local affairs) and reserving seats for minorities in parliament. Stalled for many years by the Kosovo government, progress was finally made once Belgrade and Pristina started an EU-mediated dialogue to decide the status of Kosovo.²⁴ The Brussels Agreement of April 2013 attempted to integrate the breakaway northern territory into the Kosovo state. A further agreement in August 2015 established the Community of Serbian Municipalities in Kosovo, and mandated unification of the divided town of Mitrovica and integration of energy and telecommunications between the north and south.²⁵

Despite many advances in this direction, the settlement is not considered a success. Still today, the Serb and Albanian communities live parallel lives, with limited contact. In the south, Serbs are largely confined to ethnic enclaves; in the north, ethnic interaction is even rarer because of almost complete separation. Ethnic accommodation has been absent from Kosovo for decades.²⁶

COMPARING WEST BALKAN SETTLEMENTS

The three West Balkan settlements represent different mixes of centrifugalism and centripetalism, demonstrating the trade-off between satisfying minority demands and creating a functional state.

The **Bosnian settlement** tilted toward minority empowerment at the expense of state integrity. The agreement weakened the central government by devolving extensive state powers to the entities (which, in the beginning, even had their own armies) and, to a lesser extent, the cantons. The DPA also gave Bosnian Croats and Serbs the right to form special relations with their respective kin states, weakening their commitment to the central government.

On the other end of the spectrum, the **Kosovo settlement** favored state integrity at the expense of minority rights. Following costly engagements in Bosnia and Croatia, the international community had little stomach for another lengthy commitment in the Balkans. As a consequence, neither KFOR nor the UN Mission to Kosovo (UNMIK) intervened to protect Serbs from forced migration after the war in 1999 or from anti-Serb riots in 2004. They further failed to ensure the return and property restitution of Serb minority refugees and allowed former KLA fighters to integrate seamlessly into the state army—reinforcing Serb perceptions that the government was tilted against the minority.

Tilted neither in one direction nor the other, the **Macedonian settlement** struck an even balance between minority empowerment and state functionality. The plan included a mix of consociational principles, such as increasing minority representation in state institutions and the 2008 law mandating that the government include the strongest Albanian party in every ruling coalition.²⁷ By decentralizing the state along nonethnic lines, the settlement met Albanian minority aspirations without creating ethno-territorial autonomy. The notable benefit was that the Albanian minority remained strongly committed to remaining in the Macedonian state (in contrast to aggrieved minorities in Kosovo and Bosnia). This can be attributed, at least in part, to the balance the OFA struck between minority empowerment and state integrity. Key contributing factors were the international community's stabilization of the regional environment and effective management of the Macedonian government.

Figure 7.2. Comparing the Negotiated Settlements*

	<i>Kosovo (Ahtisaari Plan)</i>	<i>Macedonia (Ohrid Framework Agreement)</i>	<i>Bosnia (Dayton Peace Agreement)</i>
Power-sharing at the central level	No formal requirement.	A formal requirement since 2008, although practiced informally since 1992.	Strict rules of power-sharing among the three constitutive nations in the presidency, government, and both houses of parliament.
Reserved minority seats in parliament	Ten guaranteed seats for Serbs, 10 for other minorities (out of 120 seats).	No guaranteed seats; Albanian parties usually have around 20% of votes (i.e., 15–20 seats out of 123).	Five for each ethnic group in the upper house of 15 members.
Ethnic quotas in the public sector	Key institutions, such as the courts, police, and state-owned companies were to introduce quotas for Serbs and other minorities, but this has not been implemented. ^a	Flexible provision: the OFA mandated increased minority representation in public administration proportionate to their population share (partially implemented, improvements in some areas).	Public institutions must grant proportional representation to all constituent peoples corresponding to their prewar population share.
Minority veto	Double-majority requirement for changing the constitution and adopting laws of vital minority interest (not practiced).	Double-majority requirement was introduced in parliament on a set of issues. ^b	Double mechanism: entity veto and vital interests veto at the state and entity level.

(continued)

Figure 7.2. *continued*

Territorial autonomy	Formally not granted; minority autonomy is exercised indirectly, through the municipalities.	Formally not granted; minority autonomy exercised indirectly at the local level through decentralization.	Granted to Bosnian Serbs through the RS and de facto to Croats through cantons.
Institutionalized ties with homeland state	Kosovo Serbs have the right to receive funding from Serbia and to cooperate with Serbian institutions.	None.	RS has the right to form special relations with Serbia.
External guarantor	UN (UNMIK) International Steering Group for Kosovo (ISG), NATO (KFOR), EU (EULEX).	NATO and the EU; NATO implemented the peace agreement, while the EU appointed a special representative to oversee its implementation.	United Nations Peace Implementation Council, Office of the High Representative (OHR), EU (EUSR), U.S., NATO.

*Darker shadings indicate a relative tilt toward minority empowerment.

^a Directorate-General for External Policies of the Union, Directorate B, Policy Department, "Mainstreaming Human and Minority Rights in the EU Enlargement with the Western Balkans" (European Parliament, December 2012), 54, [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2012/457114/EXPO-DROI_ET\(2012\)457114_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2012/457114/EXPO-DROI_ET(2012)457114_EN.pdf).

^b "[C]onstitutional amendments and other laws that involve local administration, territorial division, use of languages, flags and symbols and protection of cultural identity can be changed only with a double majority that includes approval of the parliamentary representatives of the smaller ethnic communities." International Crisis Group, "Macedonia: Ten Years after the Conflict," Europe Report No. 212 (August 11, 2011), 3, <https://d2o71andvipowj.cloudfront.net/212-macedonia-ten-years-after-the-conflict.pdf>.

**DANGERS OF MINORITY EMPOWERMENT:
TERRITORIAL AUTONOMY, POWER-SHARING,
MINORITY VETOS, “HOMELAND” STATE INVOLVEMENT**

This brief comparison suggests that negotiated settlements should limit autonomy or veto power to separatist minorities as this may weaken or even break up the state.

Settlements that mandate extensive power-sharing or minority vetoes can incapacitate legislative bodies and grind the gears of government to a halt. Giving minorities territorial autonomy can create proto-states that may mobilize for secession at a later date. Permitting these units to conduct independent foreign policy with their kin states can further undermine state integrity by giving hostile neighbors license to intervene in the state’s domestic affairs to “protect” their compatriots.

Bosnia presents a textbook case on the dangers of minority empowerment. The DPA is highly imbalanced in favor of ethnic minorities at the expense of the state (see the dark-shaded cells in Figure 7.2). Each entity and most cantons have a titular minority that enjoys disproportionate political power over that jurisdiction—sometimes to the exclusion of other groups. Carl Bildt, the first international representative in Bosnia, declared that despite its flaws, the DPA “is based on the hope that over time the imperative of integration in the country and the region will be the dominant factor.”²⁸ However, the settlement has instead served to prevent the development of statewide political formations, producing a de facto partitioned state along divisions institutionalized by the peace agreement.²⁹

The Republika Srpska (RS), in particular, has functioned as a proto-state, and a number of RS leaders have amassed wealth and power through an ethnic spoils system that emerged during the war.³⁰ The RS lost little time forging ties to Serbia, an arrangement permitted under the DPA. Since then, RS leaders have continually used their veto power to obstruct efforts by the international community to strengthen the state. When the OHR tried to create a unified national Bosnian police force across ethnic lines and entity borders, the implementation was blocked by Serb leaders.³¹ RS delegates have stymied numerous legislative reforms, such as an amendment of the witness protection law in 2008, which was part of Bosnia’s European Partnership agenda. They also

obstructed modification of the law on confidential information in 2009 that would have harmonized Bosnian law with EU and NATO standards. Bosnian Serb leaders, in general, have slowed down accession to the EU. The settlement permits Bosnian leaders to profit from the state by establishing personalized control over the public sector, allowing them to extract rents from utilities, state-owned banks, privatization, public tenders, and “other sources of revenue and patronage.”³² Networks of party patronage now permeate the state. Most jobs depend on officials’ favors, and public institutions serve party interests.³³

When Serbia assumed a more moderate stance following its defeat in the Kosovo war, Bosnian Serb leaders followed a more conciliatory policy—currying favor with international actors to increase leverage within the state. But with the resurgence of nationalism in Serbia in the 2000s, RS leaders resumed their obstructionism. Milorad Dodik came to power in 2006 on a tide of demonstrations for RS secession. On his watch, the republic began to block efforts to reinforce Bosnia’s state government and institutions. Dodik repeatedly challenged Bosnia’s Office of the High Representative (OHR), threatening to declare RS independence.³⁴ Mutual vetoes have produced chronic legislative gridlock in the Bosnian parliament.

Bosnia signed its Stabilization and Association Agreement (SAA) with the EU in 2008, but ratification was delayed until 2015 due to disagreement on how to bring the constitution in line with an important court ruling. According to the ICG, a key problem is that Bosnian politicians have remained largely unaccountable to their constituents due to the state’s protectorate status; they could readily blame failures on the OHR.³⁵ In this way, international actors inadvertently undermined the Bosnian state.³⁶

Meanwhile, ethnic quotas have led to discrimination against nonconstituent ethnic groups as well as against Serbs, Bosniaks, and Croats who reside outside their designated entities or cantons. Segmenting the state in this way has allowed ethnic parties to control the distribution of benefits to their ethnic constituents. According to the ICG, Bosnia’s ethnic parties consistently field candidates who serve party rather than constituent interests, producing descriptive, but not substantive, representation of minorities.³⁷

Macedonia offers lessons in how to satisfy minority separatism without undermining the state. The OFA implemented minority autonomy on a

nonethnic basis rather than creating ethno-territorial carve-outs. Despite concerns that Macedonian decentralization would lead to separatism, the OFA did not split the state along ethno-territorial lines, but instead created crosscutting “local versus central” political cleavages and a shared identity among local elites.³⁸

Not all OFA actions have been curative. Education reforms extending the scope of teaching in Albanian has led to increased ethnic segregation in schools and a growing ethnic distance and intolerance among the youth.³⁹ Another unintended effect has been empowerment of political parties at the expense of rule of law, as well as a preference for informal practices such as coalition deals. This has paved the way for growing clientelism, nepotism, and corruption, which has undermined the legitimacy of the settlement.⁴⁰

DANGERS OF MAJORITY EMPOWERMENT: WEAK MINORITY RIGHTS, WEAK EXTERNAL OVERSIGHT, CENTRALIZED STATE

Our comparison further suggests that the lack of external checks on the majority-controlled government can endanger vulnerable minorities.

In contrast to the Bosnian case, Kosovo’s settlement illustrates the dangers of majority empowerment. The lack of adequate external monitoring and enforcement in Kosovo has created a permissive environment for minority discrimination, fueled Serbian separatism, and perpetuated ethnic tensions nearly two decades after the Kosovo conflict.

After the war, UNSC Resolution 1244 installed UNMIK in Pristina to implement the terms of the settlement. UNMIK counseled Kosovo leadership that fulfilling conditions of the settlement would be deemed an essential condition for Kosovo independence. “Standards before Status” was UNMIK’s official policy. This included protection of human and minority rights, implementing effective mechanisms in response to human rights violations, and implementing the Council of Europe’s Framework Convention for the Protection of National Minorities.⁴¹ The NATO-led Kosovo Force (KFOR) was established to enforce the agreement.

Peacekeepers, however, failed to prevent forced migration of Serbs at the end of the war. They did not intervene to halt the 2004 anti-Serb riots. Nineteen people died and thousands were displaced. Orthodox churches and shrines were destroyed. This sent a strong signal to the Serbian minority that UNMIK was a biased, rather than neutral, enforcer of the

peace agreement. Serbs fled urban centers for ethnic enclaves in the north and the south; others relocated to Serbia. This was a defensive response to a hostile Albanian majority in the context of weak external security guarantees.

The Ahtisaari Plan endeavored to address problems of majority empowerment by providing Serbs with a degree of segmental autonomy and representation in the central government. Talks commenced in Vienna between Pristina and Belgrade over the final status of Kosovo in 2006. UN special envoy Martti Ahtisaari facilitated the negotiations. The talks led nowhere due to the diametrically opposing stances of the parties. Ahtisaari presented his settlement plan to the UNSC in 2007, and Russia effectively vetoed it. Ultimately, elements of the Ahtisaari Plan were incorporated into the constitution in return for Western recognition of Kosovo statehood.⁴² However, the key provisions of the agreement remained unimplemented for many years due to governmental obstructionism.⁴³

The value of external enforcement can be seen in Bosnia after 1997. That is when the UNSC gave the OHR so-called Bonn powers to force local authorities to accept minority returns and property restitution. What followed was a notable upsurge of minority returnees.⁴⁴ In Macedonia, too, international pressure was crucial for implementing minority concessions. The EU, in particular, has played a key role in keeping the government honest. In early 2001, the Macedonian government signed the Stabilization and Association Agreement with the EU—the first step on the country's path to EU membership. Macedonia became an EU candidate in 2005. The European Commission in 2009 recommended opening accession negotiations. Macedonian authorities were notified that accession to NATO and EU hinged on increasing minority representation in state institutions. Available evidence suggests that this has had some success. Prior to the agreement, Albanians remained significantly underrepresented in the public sector, especially in security forces and the judiciary. After the OFA, Albanians increased their representation in state institutions, although equal representation has not yet been achieved.⁴⁵

Things took a turn for the worse for Macedonia at a NATO summit in 2009 when Greece threatened to veto Macedonian accession over its ongoing name dispute with Skopje. Unable to offer membership to the country in the near term, the EU and NATO lost influence in the country.

The stalemate led to an upsurge of populist nationalism. Formerly pro-Western, conciliatory Macedonian prime minister Nikola Gruevski adopted more nationalist policies and rhetoric. This shift culminated in the massively pro-Hellenic “antiquitization” public works program. Massive Byzantine structures were erected all over Skopje, greatly antagonizing the Albanian minority. No longer focused on fulfilling standards demanded by these bodies, Macedonia experienced a rapid deterioration of democratic governance and media freedoms.⁴⁶ In Kosovo, the trend went in the opposite direction. The beginning of accession talks with Serbia in 2012 led to successive agreements under which Serbia toned down nationalist rhetoric toward Kosovo and has gradually withdrawn its parallel structures, leading to a surge in Serb participation in the Kosovo state. These within-case, over-time fluctuations show that adequate and sustained international pressure must be placed on governments to ensure that minority rights are implemented, both in letter and in spirit.

DANGERS OF AN IMBALANCED EXTERNAL ENVIRONMENT

Finally, our analysis shows that conflict spillover or partisan intervention by outside actors can stall or fatally undermine negotiated settlements. All three West Balkan examples demonstrate the vital importance of a stable external environment for ensuring ongoing success of negotiated settlements.

In Bosnia, RS leaders have consistently relied on signals from their kin state of Serbia to determine how far they can push demands against the Bosnian government. Serbia has played a crucial role in Bosnian Serb politics by providing financial and political support to the RS leadership. According to the ICG, EU integration would render such clientelist arrangements illegal. This unwelcome prospect possibly has incentivized RS leaders to stall the EU integration process.⁴⁷

In Kosovo, too, the wider neighborhood has been a key source of conflict. Kosovo Serbs have consistently followed Belgrade’s political lead in talks over Kosovo’s status. Soon after the war’s end, Serbia reclaimed de facto control over Serbian enclaves in Kosovo, an arrangement the international community tolerated because they were unwilling to risk open conflict with Belgrade-backed secessionists or provoke the ire of Russia.

When Belgrade indicated that it could no longer afford to support parallel structures in the south, Serbs in the south began to vote in Kosovo elections and participate in Kosovo institutions. By contrast, Serbs in the north (where parallel structures remained) continued to hew to a hardline position, rejecting UNMIK and EULEX (the rule of law mission of the EU overseeing the transition). Belgrade finally agreed to dismantle its parallel structures in the north as part of EU accession negotiations in March 2012.⁴⁸ Soon after, northern municipalities indicated their willingness to integrate into the Kosovo state. This shows that balancing regional interests is foundational to the success of ethnic settlements.

Ethnic violence has in fact fluctuated in tandem with conflict in the wider environment. Ethnic relations between Serbs and Albanians hit bottom in 2004, the year of anti-Serb riots in Kosovo. There was a significant improvement from that point until June 2007, the period of the Vienna negotiations. Until Kosovo's declaration of independence, a rising number of Serbs thought ethnic relations were getting worse. This negative dynamic turned around in November 2008, a few months after Kosovo proclaimed independence and ethnic relations resumed the trend of improvement until June 2011. During the crisis in Mitrovica (July to November 2011), tensions were high, but declined once Belgrade began to withdraw parallel institutions from Kosovo in conformance with conditions of its SAA.⁴⁹

In Macedonia, ethnic tensions have also fluctuated in response to tensions in the wider neighborhood. In the early 1990s, the tiny republic sought international help managing ethnic tensions and protecting its borders. The United Nations sent a border-monitoring mission, UNPREDEP, to Macedonia in 1995 to prevent ethnic violence and monitor the border. Max van der Stoep, the OSCE high commissioner for national minorities, conducted mediation talks between the government and the Albanian minority during key crisis periods in the 1990s.

Although ethnic relations were fairly harmonious prior to the 2001 conflict, they quickly deteriorated when Albanian guerrillas crossed the border from Kosovo into Macedonia. Episodic violence popped up throughout the 1990s, but resulted in no major conflict. Only after the UN border mission in Macedonia was suddenly withdrawn did guerrilla fighters sneak over the border to foment conflict.⁵⁰

CONCLUSION

The West Balkan settlements offer lessons in squaring the circle of satisfying minority aspirations for self-government while protecting the capacity and territorial integrity of the state.

First, the central government must have adequate power to fulfill basic state functions such as national defense, independent foreign policy, and protection of its citizens. A state's integrity is compromised whenever other countries have a sovereign claim to its territory or citizens, or whenever its subnational units are able to undermine or obstruct any basic functions. Settlements should avoid dividing sovereignty at the domestic and regional level.

Second, successful settlements must satisfy minority self-determination without alienating the majority. While opinions on the settlements in Bosnia and Kosovo are largely divided along ethnic lines,⁵¹ the divide is much less extreme in Macedonia. According to one survey, 57 percent of Albanians thought the OFA was very important for the stability of Macedonia, while only 42 percent of ethnic Macedonians thought the same. The majority of respondents from both groups (52 percent of Albanians and 59 percent of Macedonians) agreed that the OFA primarily served the interests of Albanians. But both minority and majority were on board with the settlement, and public trust in Macedonia's public institutions increased significantly for both groups following the settlement.⁵² NATO and EU accession is sufficiently attractive to both Macedonians and Albanians that they are each willing to make serious concessions to accelerate the process.

Finally, a stable regional and international environment is essential for the effectiveness of negotiated settlements to self-determination struggles. Protection from conflict spillover from Kosovo, Serbia, or Albania was a precondition for OFA to keep ethnic peace. By contrast, negative regional dynamics, such as a deadlock in the NATO and EU integration process (Macedonia) or intermittent interventionism by a neighboring state (Serbia in Kosovo), can fuel discrimination against minorities or separatism by minority organizations. Unstable regional environments clearly undermine negotiated settlements.⁵³

To succeed, peacemakers must ensure a complex balance between majority and minority empowerment as well as between domestic and

external environments, paying close attention to how minorities and kin states interact. Successful settlements must get the institutions right and engage in continual, active recalibration of domestic and external relations as facts change on the ground. Doing this well requires a level of foresight, dedication, and luck that rarely play out in practice. It also entails years, and sometimes decades, of commitment by outside intervenors. Peacemakers should question whether they can reasonably deliver on all fronts before embarking on missions to remake a multiethnic state.

NOTES

1. Tozun Bahcheli, Barry Bartmann, and Henry Srebrnik, *De Facto States: The Quest for Sovereignty* (New York: Routledge, 2004); Robert Jackson, *Quasi-States: Sovereignty, International Relations and the Third World* (Cambridge: Cambridge University Press, 1993). See also Nina Caspersen, *Unrecognized States: The Struggle for Sovereignty in the Modern International System* (Cambridge: Polity, 2013); and Philip G. Roeder, *Where Nation-States Come From: Institutional Change in the Age of Nationalism* (Princeton, NJ: Princeton University Press, 2007).

2. In this chapter, we use “majority” to refer to the dominant group in the state, whether or not it is in the numerical majority. For a formal treatment of the bargaining dynamic, see James D. Fearon, “Rationalist Explanations for War,” *International Organization* 49, no. 3 (1995): 379–414; James D. Fearon, “Bargaining, Enforcement, and International Cooperation,” *International Organization* 52, no. 2 (1998): 269–305.

3. For example, see Stefan Wolff, “Complex Power-Sharing and the Centrality of Territorial Self-Governance in Contemporary Conflict Settlements,” *Ethnopolitics* 8, no. 1 (2009): 27–45; Hurst Hannum, *Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflicting Rights* (Philadelphia: University of Pennsylvania Press, 1996); Kjell-Åke Nordquist, “Autonomy as a Conflict-Solving Mechanism: An Overview,” in *Autonomy: Applications and Implications*, ed. Markku Suksk (The Hague: Kluwer Law International, 1996), 59–77; Ruth Lapidoth, *Autonomy: Flexible Solutions to Ethnic Conflicts* (Washington, DC: U.S. Institute of Peace, 1996); Yash P. Ghai, *Autonomy and Ethnicity: Negotiating Competing Claims in Multi-Ethnic States* (Cambridge: Cambridge University Press, 2000); Arend Lijphart, *Democracy in Plural Societies: A Comparative Exploration* (New Haven, CT: Yale University Press, 1977); and John McGarry and Brendan O’Leary, eds., *The Politics of Ethnic Conflict Regulation: Case Studies of Protracted Ethnic Conflicts* (London: Routledge, 1993).

4. See, for example, Svante E. Cornell, “Autonomy as a Source of Conflict: Caucasian Conflicts in Theoretical Perspective,” *World Politics* 54, no. 2 (2002): 245–276; Ronald G. Suny, *The Revenge of the Past: Nationalism, Revolution, and the Collapse of the Soviet Union* (Stanford, CA: Stanford University Press, 1993); Yuri Slezkine, “The USSR as a Communal Apartment, or How a Socialist State Promoted Ethnic Particularism,” *Slavic Review* 53, no. 2 (1994): 414–452; Philip G. Roeder, “Soviet Federalism and Ethnic Mobilization,” *World Politics* 43, no. 2 (1991): 196–232; Roeder, *Where Nation-States Come From*; Henry E. Hale, “The Parade of Sovereignities: Testing Theories of Secession in the Soviet Setting,” *British Journal of Political Science* 30, no. 1 (2000): 31–56; Charles King, “The Benefits of Ethnic War: Understanding Eurasia’s Unrecognized States,” *World Politics* 53, no. 4 (2001): 524–552; and Dawn Brancati, “Decentralization: Fueling the Fire or Dampening the Flames of Ethnic Conflict and Secessionism?” *International Organization* 60, no. 3 (2006): 651–685.

5. Erin K. Jenne, Stephen S. Saideman, and Will Lowe, “Separatism as a Bargaining Posture: The Role of Leverage in Minority Radicalization,” *Journal of Peace Research* 44, no. 5

(2007): 539–558; Stephen M. Saideman and William R. Ayres, “Determining the Causes of Irredentism: Logit Analyses of Minorities at Risk Data for the 1980s and 1990s,” *Journal of Politics* 62, no. 4 (2000): 1126–1144; James D. Fearon and David D. Laitin, “Ethnicity, Insurgency, and Civil War,” *American Political Science Review* 97, no. 1 (2003): 75–90; Daniel Treisman, “Russia’s ‘Ethnic Revival’: The Separatist Activism of Regional Leaders in a Postcommunist Order,” *World Politics* 49, no. 2 (1997): 212–249; Monica D Toft, *The Geography of Ethnic Violence: Identity, Interests, and the Indivisibility of Territory* (Princeton, NJ: Princeton University Press, 2003); and David S. Siroky and John Cuffe, “Lost Autonomy, Nationalism and Separatism,” *Comparative Political Studies* 47 (2014): 1738–1765.

6. Lars-Erik Cederman, Simon Hug, Andreas Schädel, and Julian Wucherpfennig, “Territorial Autonomy in the Shadow of Conflict: Too Little, Too Late?” *American Political Science Review* 109, no. 2 (2015): 354–370.

7. Arend Lijphart, the leading authority on consociationalism, has argued that such models can be used to rebuild a multiethnic state after war by combining elements designed to guarantee rights of minorities (through “segmental autonomy” and “mutual vetoes” over areas of sensitive legislation) while giving minorities a stake in the central government (through a “grand coalition” representing all ethnic groups and “proportionate representation” of minorities in state institutions). See especially Lijphart, *Democracy in Plural Societies*; Brendan O’Leary and John McGarry, eds., “State of Truce: Northern Ireland after Twenty-Five Years of War,” *Ethnic and Racial Studies*, special issue 18, no. 4 (1995); John McGarry and Brendan O’Leary, “Consociational Theory, Northern Ireland’s Conflict, and Its Agreement. Part 1: What Consociationalists Can Learn from Northern Ireland,” *Government and Opposition* 41 (2006): 43–63.

8. Sheri P. Rosenberg, “Equality after Genocide: Jurisprudence of the Legal Institutions Established in Dayton’s Bosnia,” in *Deconstructing the Reconstruction: Human Rights and the Rule of Law in Postwar Bosnia and Herzegovina*, ed. Dina Francesca Haynes (Aldershot, UK: Ashgate, 2008), 119–120.

9. Raju G. C. Thomas and H. Richard Friman, eds., *The South Slav Conflict: History, Religion, Ethnicity, and Nationalism* (New York: Routledge, 2013), 129.

10. “Bosnia War Dead Figure Announced,” BBC News, June 21, 2007, <http://news.bbc.co.uk/2/hi/europe/6228152.stm>; Internal Displacement Monitoring Center, “Bosnia and Herzegovina: Internal Displacement in Brief,” December 2013, <http://www.internal-displacement.org/europe-the-caucasus-and-central-asia/bosnia-and-herzegovina/summary>.

11. Of the 10 cantons, five have a Bosniak majority, three have a Croat majority, and two cantons have a mixed population. International Crisis Group, *Bosnia’s Future*, Europe Report No. 232 (Brussels: International Crisis Group, July 2014), 33.

12. Dayton Agreements, Annex 10: Civil Implementation, Article I-1.

13. Cvete Koneska, *After Ethnic Conflict* (Aldershot, UK: Ashgate, 2014), 59–64. The fact that ethnically integrated Bosnia should experience intense conflict while ethnically divided Macedonia had a much less intense war should be a reminder that the occurrence of ethnic violence is poorly predicted by prior ethnic relations.

14. Koneska, *After Ethnic Conflict*, 67; preamble of the constitution.

15. The referendum was declared illegal by the Macedonian authorities. Albanians, lacking external support, abandoned the idea of an autonomous republic. Maria Koinova, “Why Do Ethnonational Conflicts Reach Different Degrees of Violence? Insights from Kosovo, Macedonia, and Bulgaria during the 1990s,” *Nationalism and Ethnic Politics* 15, no. 1 (2009): 100.

16. Koinova, “Why Do Ethnonational Conflicts Reach Different Degrees of Violence?”

17. Erin K. Jenne, *Nested Security, Lessons in Conflict Management from the League of Nations and the European Union* (Ithaca, NY: Cornell University Press, 2015), 144.

18. Florian Bieber, "Partial Implementation, Partial Success: The Case of Macedonia," in *Power Sharing: New Challenges for Divided Societies*, ed. Ian O'Flynn and David Russell (London: Pluto, 2005), 116.

19. Koneska, *After Ethnic Conflict*, 70–74.

20. Ian Bache and Andrew Taylor, "The Politics of Policy Resistance: Reconstructing Higher Education in Kosovo," *Journal of Public Policy* 23, no. 3 (2003): 287.

21. Lars Burema, "Reconciliation in Kosovo: A Few Steps Taken, a Long Road Ahead," *Journal of Ethnopolitics and Minority Issues in Europe* 11, no. 4 (2012): 11.

22. W. Benedek et al., "Mainstreaming Human and Minority Rights in the EU Enlargement with the Western Balkans," European Parliament, Directorate-General for External Policies of the Union, 2012, 53.

23. Benedek et al., "Mainstreaming Human and Minority Rights," 18–19.

24. Spyros Economides and James Ker-Lindsay, "Pre-Accession Europeanization: The Case of Serbia and Kosovo," *JCMS: Journal of Common Market Studies* 53 (2015): 1028.

25. European External Action Service, "Statement by High Representative/Vice-President Federica Mogherini following the Meeting of the EU-Facilitated Dialogue," August 25, 2015, http://eeas.europa.eu/statements-eeas/2015/150825_02_en.htm. The 2015 agreement would give ethnic Serbs territorial autonomy indirectly through the creation of the community, uniting Serb municipalities under a single umbrella. However, this part of the agreement has not yet been implemented because the Kosovo parliament has refused to ratify it.

26. Burema, "Reconciliation in Kosovo," 9.

27. It should be noted that this empowered ethnic parties to distribute spoils of the OFA, which has led to the growth of clientelism and other ill effects documented further below.

28. Carl Bildt, *Peace Journey: The Struggle for Peace in Bosnia* (London: Weidenfeld and Nicolson, 1998), 392, as cited in Samantha Bose, *Bosnia after Dayton: Nationalist Partition and International Intervention* (Oxford: Oxford University Press, 2002).

29. Erin Jenne, "The Paradox of Ethnic Partition: Lessons from De Facto Partition in Bosnia and Kosovo," *Regional & Federal Studies* 19, no. 2 (2009): 273–289.

30. Michael Pugh, "Postwar Political Economy in Bosnia and Herzegovina: The Spoils of Peace," *Global Governance* 8, no. 4 (2002): 467–482.

31. International Crisis Group, *Ensuring Bosnia's Future: A New International Engagement Strategy*, Europe Report No. 180 (Brussels: International Crisis Group, February 2007), 14.

32. International Crisis Group, *Ensuring Bosnia's Future*, 12.

33. International Crisis Group, *Ensuring Bosnia's Future*, 13–14.

34. International Crisis Group, *Bosnia: What Does Republika Srpska Want?*, Europe Report No. 214 (Brussels: International Crisis Group, October 2011), 1–2.

35. Zeljko Komsic is not among them, though he was elected to the presidency twice. See International Crisis Group, *Bosnia's Future*.

36. Author's interview with Adnan Huskic, Friedrich Naumann Foundation, Sarajevo, March 30, 2015.

37. International Crisis Group, *Bosnia's Future*, 21.

38. Koneska, *After Ethnic Conflict*, 97.

39. Koneska, *After Ethnic Conflict*, 137.

40. Transparency International data show corruption in Macedonia was on the decline until 2013 and only began to increase again after 2014, 13 years after the conclusion of the OFA (see Transparency International's CPI index for Macedonia, <https://www.transparency.org/cpi2015/>). Clientelist arrangements actually predated the OFA in Macedonia by many years. Jessica Giandomenico, "Transformative Power Challenged: EU Membership Conditionality in the Western Balkans Revisited," PhD dissertation, Uppsala University, 2015, 150.

41. Burema, "Reconciliation in Kosovo," 92.

42. Under the Ahtisaari Plan, Kosovo Serbs would be given high-level local autonomy indirectly through decentralization in finance, health care, education, and culture; the right to receive funding from Serbia and to cooperate with Serbian institutions; guaranteed seats in the Kosovo assembly; and veto power over governing coalitions, constitutional amendments, and laws on a number of sensitive issues, such as the use of language, protection of cultural heritage, education, and the use of symbols. Comprehensive Proposal for the Kosovo Status Settlement, Annex I. Article 3.7, http://www.unosek.org/docref/Comprehensive_proposal-english.pdf. Key institutions, such as the courts, Kosovo police, and state-owned companies had to introduce quotas for Serbs and other minorities. Serbian became an official language in Kosovo. International Crisis Group, *Setting Kosovo Free: Remaining Challenges*, Europe Report No. 218 (Brussels: International Crisis Group, September 2012); Judith Brand and Valdete Idrizi, *Grass-Root Approaches to Inter-Ethnic Reconciliation in the Northern Part of Kosovo*, Policy Paper Series 2012/03 (Pristina: Kosovar Institute for Policy Research and Development, February 2012).

43. Helsinki Committee for Human Rights in Serbia, *Serb Community in Kosovo* (Belgrade: Helsinki Committee for Human Rights in Serbia, June 2012), 30; author interview with Shpend Emini, D4D, Pristina, July 11, 2013.

44. Erin Jenne, "Barriers to Reintegration after Ethnic Civil Wars: Lessons from Minority Returns and Restitution in the Balkans," *Civil Wars* 12, no. 4 (2010): 370–394.

45. International Crisis Group, *Macedonia: Ten Years after the Conflict*, Europe Report No. 212 (Brussels: International Crisis Group, August 2011), 15.

46. See Freedom House's "Nations in Transit" indicators.

47. International Crisis Group, *Bosnia's Future*, 15; Vedran Džihic and Angela Wiesler, "Incentives for Democratization? Effects of EU Conditionality on Democracy in Bosnia & Herzegovina," *Europe-Asia Studies* 63, no. 10 (2011): 1803.

48. This was just the beginning of a long process. The last roadblock on the Mitrovica bridge connecting the northern and southern part of the city was removed only in August 2016.

49. Beáta Huszka, "Human Rights on the Losing End of EU Enlargement: The Case of Serbia," *Journal of Common Market Studies* 56, no. 2 (March 2018): 352–367.

50. Jenne, *Nested Security*, 126–129.

51. Serbia and Kosovo Serbs rejected the Ahtisaari Plan primarily because it granted independence to Kosovo, although Serbs in the south participated in its implementation. Albanians resented the decentralization provisions of the Ahtisaari Plan, fearing that it would lead to the federalization of Kosovo along ethnic lines, creating a situation similar to that in Bosnia. See Denisa Kostovicova, "Legitimacy and International Administration: The Ahtisaari Settlement for Kosovo from a Human Security Perspective," *International Peacekeeping* 15, no. 5 (2008): 631–647. In Bosnia, the problem is not whether Serbs accept the DPA (because they do in its original form) but that they are unwilling to cooperate in its overhaul aimed at strengthening Bosnia's central institutions.

52. Marija Aleksovska, "Trust in Changing Institutions: The Ohrid Framework Agreement and Institutional Trust in Macedonia," *East European Quarterly* 43, no. 1 (2016): 55–84.

53. Jenne, *Nested Security*.