

## **Introduction**

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Managing ethnic diversity and establishing stable minority-majority relations are of central importance for stable democracies. The ability and willingness of states to generate attachment to the polity by all citizens is a central precondition for a consolidated democracy. Otherwise, multiple layers of citizenship emerge with minorities being excluded or not identifying with the state. Without a broad commitment to the state, the answer to the question “who are the people?”—who determine the democracy itself—remains unanswered. The inclusion of citizens from different ethnic backgrounds and their participation in the state is thus a core pillar of democracy in a multiethnic or multinational society.

The triangular relationship between state, nation/ethnicity and democracy in the Yugoslav successor states has been in a continuous process of transformation during the past 20 years. “Resource” ethnicity has been deployed for various political and social purposes and remains a potent force. Considering the recent violent history of ethnic conflicts and ongoing tensions between majorities and minorities in some post-Yugoslav countries, there is a need to further explore the position of ethnic minorities in their respective countries, ways of dealing with ethnic diversity and, last but not least, the impact of the European Union. It is obvious that different democratic

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environments and structural preconditions generate different state policies towards minorities and different minority-majority relations. This special issue explores the evolution of minority rights and inclusion in the Western Balkans, in the context of democratization and EU integration. Rather than assuming that both processes inherently improve the treatment of minorities, the empirically driven articles demonstrate that the transformation has often been inconsistent and limited to formal change. In addition, the legacy of conflict and fraught interethnic relations impact the state of democracy in the region, which continues to differ from more consolidated democracies in Central and Western Europe, despite being on the path towards EU integration (see *e.g.* contributions in Segert and Fassmann, 2012).

### **Dealing with ethnic diversity in the Western Balkans: some general insights**

In order to assess the state's ability to cope with diversity, one can depart from the normative strength of equal rights and equality among citizens in any functioning democracy and the need to combine this with specific measures to secure the equality of minorities. As first step, one needs to focus on legal setup and definition of state institutions. In the Yugoslav successor states, one can observe a range of different formal settings for dealing with ethnic diversity, all of them characterized by high legal standards and continuous improvements during recent years. The range of models for dealing with ethnic diversity in the region includes constitutionally secured minority rights, preservation of minority rights through political representation and cultural autonomy, consociational arrangements and power-sharing institutions in multinational states and decentralization as a form of dealing with ethnic difference, only to name a few. In effect there are few tools for accommodating ethnic diversity that have not been tried in the countries of the Western Balkans.

High legal standards are a common denominator in all these models. In Croatia, for example, all international conventions relevant for the protection of minorities are signed and ratified, the constitutional law on minorities from 2002 defines proportional representation and rights to cultural autonomy for the minorities in the country and, through a constitutional amendment in 2010, the preamble now includes the names of the country's 22 national minorities. In Serbia, similarly, constitutional provisions, specific laws on the protection of the freedoms and rights of national minorities and provisions in other laws protect the rights of minorities in the

country, including cultural autonomy through directly elected minority councils. In Bosnia and Herzegovina and Macedonia, the situation is different due to power-sharing structures and the consociational character of state institutions. In Kosovo, the institutional framework is probably the most developed and complicated, providing far-reaching protection for even the smaller minorities, including reserved seats in parliament, guaranteed inclusion in minority bodies, language rights and municipal decentralization.

Despite the establishment of high formal standards for dealing with ethnic and national diversity in the Yugoslav successor states, ethno-nationalism or politicization of ethnicity has remained strong and characterizes politics in many ethnically-diverse settings in the region. This has resulted in large discrepancies between formal standards and a more modest reality. In fact, the institutions created often resemble Potemkin's villages, where high formal standards disguise a reality of exclusion and marginalization for minorities, Roma in particular. The formal structures are frequently a product of external pressure through the EU, rather than domestic processes (Benedek *et. al.*, 2013).

These formal standards stand in contrast to—and are brought into question by—a high degree of dissatisfaction among minority members. They frequently criticize the lack of implementation and are dissatisfied with their political representation. Apart from the implementation gap, a high degree of dissatisfaction with the socioeconomic status among the minority populations is characteristic for the Western Balkans. While the difficult socioeconomic status is, generally speaking, not characteristic for minority members alone (except for particularly disadvantaged groups such as Roma), the sense of exclusion and marginalization is exacerbated by minority status. Furthermore, the difficult socioeconomic situation has repercussions on democratization. The transition to democracy has been legitimized not only through the principles of freedom and equality, but also by the expectation of better living standards and profits from a market economy. These expectations continuously lead to disappointment, resulting in high uncertainty as well as repercussions on democratic principles, such as political participation and trust in democratic institutions. In such a context, socioeconomic issues continue to put a strain on interethnic relations.

It is impossible to understand the evolution of minority rights in the post-Yugoslav space without the EU. The current institutional landscape has largely been a

product of external pressure by the EU and standard setting by the Council of Europe. By aspiring to EU membership, all countries of the Western Balkans are subject to conditionality, including in the sphere of minority rights. Minority policies have been high on EU accession agenda ever since the beginning of the EU integration processes in the Western Balkans in 1999/2000, primarily due to the legacy of recent inter- and intrastate conflicts and the instrumentalization of ethnicity for political purposes. Obviously, the EU has been significantly engaged in the promotion of improved minority protection in the framework of its political EU conditionality. Scholars have been pointing to certain general limits of EU conditionality in the region, in particular regarding policy areas that are sensitive to questions of statehood and national identity (Bieber, 2013). As has been already noted for Central and Eastern Europe, the politics of conditionality of the EU have been problematic, in particular in regard to minority rights (Hughes, Sasse, and Gordon, 2004).

The institutional arrangements do not follow a clear normative logic beyond the policies of recognition of diversity. They borrow from different approaches, as Aisling Lyon argues in this volume for Macedonia. She suggests that accommodationist and integrationist approaches towards diversity may be combined and are not mutually exclusive. So how do we then judge an institutional setup for dealing with ethnic diversity? Which are the democratic principles we have to relate to? Is a hierarchy of principles needed and if so, how do we define such a hierarchy?

We and the contributors argue that in order to understand the evolution of interethnic relations and the accommodation of minorities, as well as in order to assess the state of managing ethnic diversity, one has to devote attention to the logic and dynamics of interethnic relations in a specific country. The processes of nation and state-building influence the formal structures and democratic practices. Here we suggest that in order to understand how well democracies manage to deal with diversity, we must go further into the dynamics of these relationships and how they operate in particular countries.

### **About the volume**

The starting point for this volume is the central role of the European integration process in the evolution of minority-majority relations in the Yugoslav successor states. The articles of this special volume are empirically driven case studies that

explore the nexus between EU accession, minority-majority relations and democratization.<sup>1</sup> The topics range from general insights into external democracy promotion in ethnically diverse regions, to various aspects of minority right protection and the discrepancies between formal guarantees and factual implementation, and the EU's influence on the situation of minorities and their representation. The volume thus seeks to explore the impact of EU conditionality on the aforementioned triangular relationship of state, democracy and ethnic diversity. As such, contributions also discuss the EU policies in this field themselves. Edina Szöcsik, for example, argues that the EU itself is not a neutral arbiter of minority rights, but draws its recommendations from the local context and is thus an actor embedded in the domestic bargaining between minorities and the state.

The volume begins with general discussion of external democracy promotion in ethnically diverse Western Balkans countries. **Franziska Blomberg** puts an emphasis on the negative side effects of the EU's democracy promotion, which has mostly lagged behind its overly ambitious goals over the past two decades. Blomberg examines several programme documents of the EU against the background of the seven Western Balkan states. She concludes that the EU's external democracy promotion tools and programmes have been very slow in dealing explicitly with ethnicity and that they did not even adhere to EU's own 'do-no-harm' principle in democracy promotion. Blomberg concludes that the protracted and contested democratic consolidation in the Western Balkans requires new approaches towards democracy promotion, including guaranteeing non-discrimination in combination with fostering cooperation across ethnic cleavages and providing incentives for domestic elites and individual citizens to cooperate.

**Jelena Džankić** focuses in her contribution on Montenegro and examines the relationship between citizenship, participation and the cultural and socio-economic rights of minorities in the smallest country of the Western Balkans. Džankić reiterates that the divergence between minority policies and their implementation is not specific only for Montenegro but rather—as other contributions show—for all countries in the region. The article argues that the main challenge in minority protection in Montenegro is a consequence of the tension between norms and the inconsistent implementation of those norms, due to the conflict between some of these norms and the socio-political environment. The inconsistencies in minority-related policies and

their implementation are mirrored in the participation of minorities in Montenegrin political life and in the minority rights guarantees enshrined in Montenegro's 2006 Law on Minority Rights and Freedoms. By concluding that minority access to many cultural (group) and socio-economic (individual) rights remains rather at the rhetorical level, the article raises the important question of whether the legislative framework for the protection of minority rights is merely a beautiful façade which conceals a troubled reality of interethnic relations in an unconsolidated Balkan state.

Similar questions could be asked not only for Montenegro, but also for several other countries in the Western Balkans. The situation in Macedonia is of particular importance when dealing with issues of ethnic diversity and the relationship between majority and minority. Two contributions take a closer look at Macedonia.

The contribution by **Aisling Lyon** focuses on municipal decentralization in Macedonia and its goal to accommodate the Albanian minority through decentralization without full-fledged autonomy. This model of decentralization was first agreed upon in the Ohrid Framework Agreement in 2001 and has been implemented gradually over the past decade. As recent interethnic incidents demonstrate, the Ohrid Framework Agreement and its subsequent (often flawed) implementation have not been able to fully address the grievances at the core of the dispute. By focusing on the implementation of the Ohrid Framework Agreement and identifying divergence from the original intentions of the Agreement, Lyon is able to show that the process of decentralization differs substantially both in terms of formal provisions and implementation from the originally envisioned reforms in Ohrid. In addition to this detailed empirical analysis, the article also makes an important theoretical contribution: Lyon offers convincing arguments for giving up on the dichotomy between the accommodationist and integrationist approach for managing ethnic and cultural pluralism and differences and argues for a combination of methods.

**Simonida Kacarska's** article continues to explore Macedonian cases by putting an emphasis on the link between minority policies and EU conditionality. She rightly claims that despite the EU's involvement in shaping minority policies, the question of how external pressures have affected and interacted with domestic institutional and policy changes remains not well understood. The article sheds light on this debate by analyzing the interactions between the EU and national actors based on two concrete examples: the adoption of the law on the use of languages and the

policy of equitable representation of non-majority communities. These two examples illustrate the changes of conditionality over time, the lack of consensus between stakeholders on the conditions and its unwanted effects. Finally, Kacarska's contribution underlines the need for contextualised analysis of the EU's impact, particularly in the field of dealing with ethnic diversity and minorities.

**Edina Szöcsik's** article similarly focuses on the influence of EU conditionality on minority rights and minority protection. She focuses on the evolution and emergence of the EU conditions and how these conditions relate to the demands of ethnic minority parties. Her empirical cases focus on the Hungarian minority in Romania and Serbia. Szöcsik's conclusions confirm the inconsistencies in EU conditionality observed by other authors in this volume: The EU has imposed different conditions in the field of minority protection towards two different countries. Those conditions, according to the article, seem to reflect the domestic acceptance of certain demands of the ethnic minority parties and the already existing levels of minority protection, which results in different standards towards two countries.

### *Notes*

1. First drafts of the articles published in this volume were first presented at a conference co-organized by the Research Platform Potreba of the Institute for Political Science of the University of Vienna and the Centre for Southeast European Studies of the University of Graz in Vienna, November 2010.

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