

**Coercive Europeanization.  
The EU's Struggle to Contain Secessionism in the Balkans**

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Research on EU enlargement has taken a “domestic turn.” After years of prioritizing the EU as an agent of change in candidate countries, interest is growing in the domestic scope conditions of enlargement. Within the academic community, there is a growing consensus that the causal nexus between external incentives and domestic preference-building is more complex than assumed. Scholars are realizing that focusing Europeanization research mainly on the size and credibility of the EU's incentives to reform, primarily EU membership and financial aid, is reductionist. Surely, the EU's strategy of “reinforcement by rewards” strongly shapes candidate states' preferences (Schimmelfennig and Sedelmeier 2004). But the differential impact that the EU incentives had on Central and Eastern European countries demonstrates that domestic adaptation costs have to be taken into account more (Börzel 2010, Elbasani 2013).

Extra-academic change has further stimulated this shift of focus. Awareness is growing that enlargement is moving into uncharted territory. Many observers point to unfavourable domestic settings and voice concerns that the “EU has never faced problems of this scale or magnitude in previous accession contexts” (O'Brennan 2008: 508, Juncos 2012, p. 61). Freyburg and Richter (2010, p. 278) raise “serious doubts about whether the EU will be able to repeat in South Eastern Europe its success story of democratization via political conditionality,” while Pop-Eleches (2007, p. 159) expects that the success of the EU “is unlikely to be replicated in the next wave of ex-communist democratizers.” Epstein and Sedelmeier (2008, p. 799) diagnose a “significant deterioration of the EU's influence after the first two eastern enlargement rounds.”

Research has started to identify domestic factors that undermine the effectiveness of EU conditionality in the Western Balkans. So far, three are discussed: the deeply divided societies that emerged from the breakup of former Yugoslavia (Pridham and Gallagher 2000, Freyburg and Richter 2010, Subotic 2011); weak institutional capacity, including endemic corruption and criminal networks (Krastev 2002); and contested statehood (Noutcheva 2009 and 2012, Elbasani 2013).

This article focuses on secessionism, a topic which has only recently – after some early Cold War publications – gained theoretically informed academic attention beyond analyses of individual conflicts or regions. It joins the branch of external Europeanization literature which focuses on particular issue-areas, assuming that the effectiveness of Europeanization is issue-specific. Secessionism has, thus far, hardly been addressed in that literature (but see Coppieters et al. 2004, Tocci 2004, Biermann 2013), even though the EU has been confronted with secessionism throughout its history. In fact, secessionism is prevalent in all three types of Europeanization, namely (Gawrich et al. 2010) *Membership Europeanization* (pertaining to the impact of the EU on existing member states), *Accession Europeanization* (the EU's impact on post-communist countries with an accession perspective) and *Neighbourhood Europeanization* (neighbouring countries without an accession perspective). Thus, within the EU several member states face major secessionist conflicts, especially Belgium, France (Corsica), Great Britain (Northern Ireland, Scotland), Spain (Basque territories, Catalonia) and, since 2004, also Cyprus. Furthermore, unresolved territorial issues impacted the accession processes of Great Britain, Spain and Cyprus; and in the Southern Caucasus, EU Neighbourhood Policy is confronted with secessionist conflicts in all partner countries.

Assuming that the EU's leverage to contain secessionism varies along the three categories of Europeanization, this article focuses on Accession Europeanization of the Western Balkan

countries. Secessionism is often linked to identity conflict. Recent research has elucidated that identity conflicts have the potential to “undermine the power of the EU’s membership conditionality” (Epstein and Sedelmeier 2008, p. 799). Where group identities clash, even apparently “technical” issues such as reforming citizenship or issuing passports become politicized, raising the costs of compliance to a level governments are often not ready to pay (Schimmelfennig 2008, p. 932). Freyburg and Richter (2010, p. 264-266) find that governments only comply with those EU requests that pass an “identity test.”

This article builds on the literature on identity conflict, contested statehood and Europeanization. It addresses the causal nexus between secessionism and Europeanization, focusing on how secessionism affects Europeanization and vice-versa. Specifically, does the presence of secessionism in a country shape the strategies of the EU to Europeanize that country? And how much does Europeanization help to mitigate secessionist sentiment? The article builds on the debate about the specific character of the EU’s pre-accession strategy in the Balkans, in particular the extent to which the traditional mechanisms of Europeanization, i.e. conditionality and socialization, need to be complemented by coercion and imposition in order to explain EU policy (Chandler 2007, 2008, O’ Brennan 2008, Juncos 2011a). Arguing that secessionism stimulates a strongly coercive EU approach, this article focuses mainly on the interaction of the EU and the conflicting parties in secessionist settings. It specifically seeks to explain why Europeanization has been so limited in secessionist settings even when the EU resorts to strong pressure in order to change the preferences of the local parties.

It is argued here that, fourteen years after the EU extended the membership perspective to the Western Balkans, competing territorial claims based on exclusive ethnic identities still impede Europeanization. In these settings, local elites are bogged down in highly charged identity conflicts about borders and status, which erode the consensus needed for transforming a country

according to the EU's *Acquis*. The EU, sensing the profound mismatch between its own inclusionary norms and the exclusionary secessionist norms, is strongly committed to delegitimizing and marginalizing secessionism and thus push Europeanization forward. However, so far the effectiveness of this strategy has been very limited, given the profound gap between the high costs to renounce claims in secessionist conflicts and insufficient incentives to do so.

The argument unfolds as follows. First, we discuss coercion as the primary EU strategy in settings where EU norms meet strong resistance. This occurs where EU enlargement is confronted with secessionist conflict. Second, we analyse the EU's stance on secessionism in the Western Balkans in general and evaluate its ineffectiveness, pointing in particular to a *cost-incentive gap* undermining EU policy. Third, we derive three hypotheses and test them in a case study on Bosnia and Herzegovina since 1995 before drawing conclusions.

## **I. Conceptual Framework**

External Europeanization, understood here as the EU's impact on domestic politics when a candidate country adopts, imports and embeds EU policy and institutional templates<sup>1</sup>, was first studied in relation to the 2004 and 2007 Eastern enlargements of the EU. Two models dominated the academic debate: the constructivist model focusing on socialization and the rationalist model focusing on conditionality.

Socialization, the “process of inducting actors into the norms and rules of a given community”, follows the logic of appropriateness (Checkel 2005, p. 804). Actors internalize EU rules and norms because they perceive them as appropriate and legitimate. Following constructivist logic, arguing and persuasion stimulate social learning, which might cause a

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<sup>1</sup> This is the slightly revised definition of Gawrich, Melnykovska and Schweickert (2010, p. 1210).

change of identities and interests. These are long-term processes leading to sustainable compliance based on a belief in the appropriateness of the EU norms. They occur “in the absence of coercion” (Checkel 2001, p. 562). Socialization depends on the compatibility of the EU’s and domestic norms, on the perceived legitimacy of the EU’s norms and on the identification of a candidate country with the EU (Schimmelfennig and Sedelmeier 2004, p. 675-676).

The rationalist model points to conditionality as the crucial mechanism of preference change in candidate countries. Conditionality is a bargaining strategy of “reinforcement by rewards.” The EU sets the rules as conditions for receiving rewards, which are paid in the case of compliance and withheld in the case of non-compliance (Schimmelfennig and Sedelmeier 2004). The effectiveness of this strategy depends on the determinacy, size, speed and credibility of the EU’s incentives alongside the domestic adaptation costs a country has to bear. The model expects that a non-member state will adopt EU rules if the benefits of the rewards exceed the domestic costs of rule adoption. Since the EU rewards rule adoption and punishes rule violation, the candidate conforms to EU demands in order to avoid punishment and gain rewards. Similar demands by other external actors (cross-conditionality) might affect the effectiveness of the EU’s conditions (Coppeters et al 2004, pp. 56-60). EU conditionality is most effective when incentives are high and domestic adaptation costs low. Effectiveness suffers if the incentives decrease or the costs increase.

Conditionality is ambivalent. It “occupies a murky space between direct economic coercion and sanctions on the one hand, and freely entered-into contractual arrangements on the other” (Hurrell 2005, p. 39). Traditional Europeanization research downplays the exercise of power. Of course, resistance by domestic veto-players is expected and the option to withhold rewards discussed. However, the coercive character of EU conditionality is largely denied (Schimmelfennig and Sedelmeier 2004, p. 671).

This has provoked a controversial debate about the coercive character of EU enlargement. Triggered by the warnings of the 2005 report of the International Commission on the Balkans that the EU might become a neo-colonial power in places like Bosnia, Kosovo and Macedonia, David Chandler (2007, 2008) argued that the EU, hiding behind a facade of ‘partnership’ and framing its policies in terms of good governance and state-building, in fact employs conditionality in order to build an “empire” based on domination, subordination and imposition while evading accountability. The result is weak statehood with little ownership. Critics of Chandler’s claims characterize the EU as a normative or soft power and stress the EU’s power of attraction and co-optation. They emphasise the voluntary character of enlargement; candidates can, in principle, choose whether to comply with EU conditions or not. They point to evidence of contestation and partial compliance as well as to the EU’s inclination to avoid coercive intervention. They concede, though, that the challenge in the Balkans, which is “manifestly more difficult than anything encountered in previous accession contexts”, has provoked more “muscular” EU conditionality (O’Brennan 2008, pp. 513, 517).

Whilst most authors would probably agree with Juncos (2012, p. 67), who calls Chandler’s argument “rather simplistic”, several analyses indeed uncovered strongly coercive EU behaviour in the Western Balkans. Applying the normative power Europe concept to Balkan enlargement, Juncos argues that ideological and physical coercion instead of persuasion drives the EU’s unequal partnership with the region. She diagnoses “a pastoral attitude”, which “carries practices of domination” based on the “hegemonic character” of the EU’s norms (Juncos 2011b, pp. 90, 96, 98). In a study on Bosnia, Juncos (2005, p. 102) found that “normative power does not exclude the use of coercion through military or economic instruments and coercive diplomacy”, whereas persuasion “might explain just a small part of the EU’s external projection of norms.” Muehlmann’s (2008) study of the police reform in Bosnia pointed to the usage of “martial

language”, “imposed timelines” and “heavy sanctions” by the High Representative who was double-hatted as EU Special Representative. The episode prompted Juncos to introduce imposition as a third mechanism of Europeanization besides conditionality and socialization (Juncos 2011a, p. 386). Noutcheva (2009, p. 1079) proposed the term “imposed compliance” for cases where Balkan governments have “no choice” but to accept EU conditions. Her example is Kosovo’s ‘supervised independence’ after 2008. She argues that whenever the legitimacy of the EU’s norms is disputed and persuasion fails to achieve preferred outcomes, the EU tends to apply strong pressure (Noutcheva 2009, p. 1081 and 2012, p. 31, see also Coppieters et al. 2004, p. 44).

These insights complement the recent academic turn to the power of international organizations, specifically applying the four “faces” of power, which are widely discussed in sociology but still neglected in International Relations. The neglect is not only due to the dominance of the realist paradigm and its focus on ‘power as resources’ (Baldwin 2012). It is also caused by the institutionalist inclination to view international institutions, and the EU in particular, as a *force of good*, masking “relations of imposition, domination, structural determination, or cultural hegemony” (Barnett and Duvall 2005, p. 6).

Scholars who invented *sui generis* power concepts for the EU, in particular the idea of the EU as a *normative* or *civilian power*, or applied Joseph Nye’s concept of *soft power* to the EU, contributed to framing a benevolent image of the EU’s exercise of power. They portrayed the EU as “the first of the world’s civilian centres of power” (Duchêne 1972, p. 43), as a “normatively different” role model striving “to redefine international norms in its own image” (Manners 2002, p. 252). This comes close to the second face of power, agenda setting, while neglecting the coercive and structural faces of power. It is particularly problematic when analysing the high resistance scenarios the EU is facing in the Balkans.

Subsequently, I perceive EU enlargement as a process constituted by the structural positions the EU and the candidate countries find themselves in. This asymmetric relationship “allocate[s] differential capacities, and ... differential advantages, to different positions“ and shapes the “capacities, subjectivities, and interests of actors” (Barnett and Duvall 2005, p. 18). Due to internalisation of their respective statuses, both sides tend to lose awareness of the structural power this asymmetry exerts. It accords the EU considerable leverage in shaping the preferences of candidate countries, setting the agenda of cooperation and providing the standards of appropriate behaviour. Embedded within such a context, compulsory power can be exerted more effectively.

I further assume the EU is exercising compulsory power to varying degrees. This is understood here, following Robert Dahl (1957), as the ability of A to get B to do what B otherwise would not do. Compulsory power assumes conflicting preferences among the EU and candidates and the employment of superior material and ideational resources to change the preferences of the candidates. The resources of the EU to exact compliance are both negative conditionality (withholding or threatening to withhold rewards and inflicting or threatening to inflict sanctions), and imposition (directly imposing EU norms and rules while overriding the sovereignty of the candidates). While negative conditionality can be applied in all candidate countries, imposition is only possible in semi-protectorates organized by international transitional administrations exercising supreme legislative and executive authority. In such settings, the EU is, however, just one actor in a peacebuilding enterprise, where conditionality of multiple external actors interacts. In the Balkans, this pertains to Bosnia and Kosovo.

In benign accession scenarios characterized by highly valued incentives and low domestic adaptation costs the EU can rely on persuasion, emulation, and social learning to induce Europeanization. However, in adverse scenarios characterized by high resistance the

effectiveness of EU conditionality suffers and temptations rise to resort to more coercive instruments. The willingness to do so depends *inter alia* on the EU's dedication to its own norms, including coherence among the member states, and on the amount of resistance it faces in candidate countries.

Following this conceptualization, it is expected that the EU employs compulsory power when (a) EU and domestic norms in candidate countries strongly conflict and (b) the EU is highly committed to asserting its norms but (c) faces strong resistance by domestic actors. In such scenarios, persuasion should be rare. If at all, socialization should follow coercion.

Secessionism in candidate countries represents such a scenario: the norms of territorial integrity, multiculturalism and peaceful resolution of conflicts, which the EU upholds, clash with the norms pursued by local actors. The EU is highly committed to delegitimizing secession while the local norm entrepreneurs often strongly resist complying with the EU norms.

Secessionism can be defined as “an attempt by an ethnic group claiming a homeland to withdraw with its territory from the authority of a larger state of which it is a part” (Horowitz 1992, p. 119).<sup>2</sup> Secessionism always involves a claim to territory. For the purposes of this study, secession includes dismemberment, i.e. the withdrawal of territorial units from a state, which leads to the dissolution of that state. Since groups tend to move back and forth between secessionist and integrationist claims and goal definitions are often ambiguous, we also include within-state solutions, in particular various forms of autonomy (Horowitz 1992, p. 121, Tomuschat 1993a).

Secession comprises two interdependent stages: seceding from a host state and gaining recognition by the international community, including the host state. If only the first stage is

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<sup>2</sup> Secessionist moves are not necessarily motivated ethnically, though. Various definitions are discussed in Pavković and Radan (2011).

reached, we speak of *de facto* or *unrecognized* statehood (Pegg 1999, Caspersen and Stansfield 2011). This might go along with no or partial international recognition. A secessionist conflict is ongoing or incomplete until both stages are realized. Secession might be coupled with irredentism, which is “any political effort to unite ethnically, historically, or geographically related segments of a population in adjacent countries within a common political framework” (Chazan 1991, p. 1). Horowitz (1992, p. 119) offers an articulate short-hand: “Irredentism involves subtracting from one state and adding to another state, new or already existing; secession involves subtracting alone.”

An *ius secendi* is ruled out in international politics as a matter of principle (Tomuschat 1993b). Two reasons stand out. First, the norms of territorial integrity, sovereignty, and the inviolability of borders are the cornerstones of a conservative, state-protecting international order. Governments are dedicated to preserving the territorial *status quo*, on which their own survival depends. Self-determination, by contrast, has been relegated to a second-order principle since decolonization (Murswiek 1993). Second, secessionist conflict tends to diffuse, both within and across state borders, fragmenting states and overturning regional order. Governments fear both tangible spill-over effects such as trans-border refugee flows and intangible behavioural demonstration effects, which stimulate secessionist sentiment elsewhere (Biermann 2013).

These considerations are particularly momentous within the European Union, and not only because several member states face their own secessionist conflicts. More fundamentally, European integration itself is guided by the inclusionary postmodern norms of pooled sovereignty, multiculturalism, and open borders. These principles are incompatible with calls for ethnic segregation via border change. Once secession has taken place, the governments’ quest to re-integrate the *de facto state*, often involving various forms of violence, is incompatible with the

EU's norm of non-violence and peaceful resolution of conflicts. Thus, accepting new members that harbour serious secessionist sentiment is hardly compatible with the *raison d'être* of the EU.

Europeanization requires domestic elites unequivocally identifying with the EU's *Acquis*. They need to be united and dedicated to sweeping reform. In secessionist settings, these preconditions are rarely met (Coppeters et al. 2004, p. 32). Two scenarios have to be distinguished: unattained and attained statehood. Where statehood is unattained, power struggles between central governments and secessionist groups on self-rule and status rage. Once territorial integrity is at stake and governmental authority disputed, societies polarize along ethnic lines and turn inwards. Striking the painful compromises that are indispensable for transformation becomes difficult. Because "no one believes they can afford to lose" (Vasquez 1993, p. 274), conflicts often assume an all-or-nothing character, leaving little room for compromise on issues deemed secondary, such as reforms. Transformation is delayed; in extremis, it comes to a halt. Macedonia's power struggles after the armed uprising of the Albanian minority in 2001 (Dehnert and Sulejmani 2008) and Montenegro's fierce referendum debate between 2002 and 2006 illustrate the adverse effect on transformation (Noutcheva 2012, pp. 68-75).

Where *de facto statehood* is attained, the elites in the patrimonial state and in the breakaway territory tend to be preoccupied with recognition and bilateral relations. The domestic agenda in the patrimonial state is focused on regaining the lost territory and isolating the secessionists. Entrapped minorities in breakaway territories further complicate matters. The effect is likewise domestic polarization and marginalization of reform constituencies. The conflict between Serbia and Kosovo is the only ongoing Balkan case of this type.

External Europeanization aims at transforming the preferences of local elites and publics in such scenarios. However, research findings are unanimous that secessionist conflicts are strongly resistant to external preference change. These conflicts attract a disproportionate amount

of mediation efforts, but the results are depressing. Only very few conflicts are resolved peacefully. Many experience violent re-integration (Biermann 2013, p. 162). Even high external incentives might not suffice to change the conflict calculus of local actors for three reasons. First, parties in secessionist conflicts are usually strongly committed to their cause, as the EU itself had to painfully realize when the ‘Annan Plan’ on reuniting Cyprus before EU accession in 2004 failed (Tocci 2004). Many conflicts are *conflicts of indivisibility* “where the adversaries perceive the disputed resource as a unit they cannot divide” (Gilady and Russett 2005, p. 401). Because the conflicting parties tend to attribute highly symbolic meaning to the territory in dispute and perceive it as an indivisible part of their group identity, they lay an exclusive claim on that same, often barren, piece of land (Toft 2005). Even though EU conditionality frames the choices of local actors, Europeanization is but one normative orientation among others. At the end of the day, actors in secessionist conflicts might value the territory they claim higher than membership in even the most attractive regional organization.

Second, influencing secessionist groups is difficult because they are usually perceived as illegitimate non-state actors who should not be upgraded by diplomatic contact (Coppeters et al. 2004, p. 23). Once they are represented in central institutions, particularly in governments, external influencing strategies are more promising. By contrast, leveraging central governments and state patrons is easier, particularly when they are eager to join the EU.

## **II. EU Enlargement and Balkan Secessionism**

The EU’s neighbourhood in Southeastern Europe “is ridden with secessionist or irredentist ethno-political conflict” (Tocci 2004: 551), and this dates back to the time when the Ottoman Empire disintegrated. We can discern five waves: (1) the early secessions of Greece (1830), Serbia

(1875), Romania (1877) and Bulgaria (1908); (2) the Balkan Wars in 1912/3 when the remaining territories seceded from Ottoman rule, Albania and the first Yugoslavia were created, and Kosovo was re-conquered by Serbia; (3) World War II in which the first Yugoslavia disintegrated, Italy and Nazi Germany created the short-lived pan-Albanian state, and Yugoslavia was re-born; (4) the dismemberment of the second Yugoslavia in the early 1990s triggered by the secessions of Slovenia and Croatia; and (5) the most recent secessions by Montenegro in 2006 and Kosovo in 2008.

According to the Conflict Barometer database (Heidelberg 2012, p. 14-15), secessionist sentiment is the most prevalent source of dispute in Europe by far. In 2012, fourteen secessionist and thirteen conflicts over autonomy were unresolved in Europe. Nine of them were concentrated in the Western Balkans. Three of them were coded as secessionist and six as conflicts for autonomy:

Table 1. Secessionist and autonomy conflicts in the Western Balkans 2012<sup>3</sup>

<b>Country</b>	<b>Secessionist Region</b>	<b>Current Goal</b>	<b>De Facto Statehood</b>	<b>Start</b>	<b>Intensity</b>
Bosnia	Serb Republic	Secession	1992-95 (re-incorporation by force)	1995	low intensity (1)
Bosnia	Herzegovina (Croat parties)	Autonomy	1992-95 (re-incorporation via Washington Treaty)	1992	low intensity (1)
Croatia	Krajina, West and East Slavonia (Serbian Croats)	Autonomy	1991-1995 Krajina /West Slav. (re-incorporation by force) 1991-1998 East	1991	low intensity (1)

<sup>3</sup> The Conflict Barometer distinguishes five intensity levels. The numbers in brackets signal the level: 1. dispute; 2. non-violent crisis (both together are categorized as non-violent, low intensity conflicts); 3. violent crisis (medium intensity); 4. serious crisis and 5. war (the latter are high intensity conflicts).

			Slavonia (Dayton, UNTAES)		
Macedonia	Northwestern Macedonia (Albanians)	Autonomy	-	1991	medium intensity (3)
Serbia	Presevo Valley (Ablanians)	Autonomy	-	2000	low intensity (2)
Serbia	Sandzak (Bosniaks)	Autonomy	-	1991	low intensity (1)
Serbia	Sandzak (Wahabi militants)	Secession	-	2007	low intensity (1)
Serbia	Vojvodina (regional parties)	Autonomy	-	1989	low intensity (1)
Serbia	Kosovo (Albanians and Serbs <sup>4</sup> )	Secession	2008-	1989	medium intensity (3)

Source: Heidelberg 2012: 16-26.

Opinion polls, referenda, and election results confirm how much statehood remains contested in the Balkans. In 2009, 70.5 percent of the population of Albania supported the formation of a “Greater Albania”; similarly, 74.2 percent of Kosovars favoured creating a “Greater Albania” (Gallup 2009b). In Bosnia one year later, 87 percent of Serbs supported the creation of an independent state, while 44 percent of Croats were calling for a separate Croat Entity, which 86 percent of the Bosniaks dismissed (Gallup 2010a, p. 4). Likewise, 13.6 percent of Macedonians, presumably almost all Albanians in Macedonia, favoured the formation of a “Greater Albania” (ibid.). As for the Serb side, in February 2012, 99.7 percent of Serbs in Northern Kosovo voted in

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<sup>4</sup> This includes both the secession of the Kosovo Albanians and the secessionist ambition of the Serbs in Northern Mitrovica.

a referendum not to recognize Kosovar institutions. They continue to strongly oppose the Brussels Agreement Serbia and Kosovo signed in April 2013.<sup>5</sup>

Adhering to the “taboo” (Heraclides 1992) of secession both in international law and politics, the EU has opposed each case of Balkan secession so far. It has consistently tried to contain and delegitimize secessionism and promote within-state solutions as viable alternatives. When designing the Stabilisation and Association Process (SAP) the EU Commission (1999) stated that the “EU itself is a model for overcoming conflict and promoting reconciliation ..., while respecting national sovereignty and territorial integrity. States aspiring to closer relations with the EU should behave in a similar manner.” This normative stance is not least motivated by the interest to prevent a resurgence of war on European soil, avoid importing instability via accession and to prevent precedents for its own secessionist conflicts.

EU policy on Balkan secessionism evolved in three phases. Each shift was motivated by a realization that the instruments so far had proven insufficient. During the first phase, between 1991 and 1995, the EU was able to postpone Slovenia’s 1991 attempt at independence (Brioni Agreement). In 1994, together with the U.S., it managed to reintegrate the Croat *de facto state* Herzeg-Bosna into Bosnia (Washington Agreement) and re-establish Bosnia as a unitary state (Dayton Peace Accords). However, the EU-sponsored conferences on (former) Yugoslavia could neither avert the secessions of Slovenia and Croatia in 1992 nor reach a peaceful settlement of the post-Yugoslav wars. The EU painfully realized its lack of leverage to induce moderation in Milošević’s Serbia, Tuđman’s Croatia and in Croatia and Bosnia among the secessionist groups (Biermann 2004, Ahrens 2007).

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<sup>5</sup> B92, 2013. Belgrade, Priština initial agreement in Brussels. Available from: [http://www.b92.net/eng/news/politics.php?yyyy=2013&mm=04&dd=19&nav\\_id=85780](http://www.b92.net/eng/news/politics.php?yyyy=2013&mm=04&dd=19&nav_id=85780) [Accessed 14 January 2014].

During the second phase, between 1996 and 1999, the new Regional Approach mainly offered cooperation agreements and financial assistance. However, this did not suffice to open up the Milošević and the Tuđman regimes or prevent the Kosovo crisis from escalating (Council 1996a, 1997). During the third phase, between 1999 and today, the EU finally introduced the enlargement perspective into the SAP, accompanied by the Stability Pact for Southeastern Europe. It succeeded in averting the secession of Albanian-inhabited Northern Macedonia in 2001 (Ohrid Agreement). However, despite several years of EU-mediated negotiations Montenegro and Kosovo gained independence, new conflicts erupted in Southern Serbia and Northern Kosovo, and none of the former conflicts was transformed into stable peace. Even the enlargement perspective has not as of yet mobilized the forces necessary to delegitimize secessionist ambition.<sup>6</sup>

Instead, there is another pattern: EU rapprochement proceeds comparably smoothly where secessionist conflict is resolved, with Slovenia and Croatia serving as prime examples. Conversely, where secessionist conflict is unresolved, the accession process is slow and riddled with setbacks, such as in Kosovo, Macedonia, and Serbia. In 2010, 70 percent of Serbs claimed they would refuse to recognize Kosovo even if this would foreclose EU membership for Serbia, 64 percent added that Serbia should “never” accept Kosovo, and a further 25 percent indicated that Kosovo’s secession should have been prevented by force (Gallup 2010b).

The reasons for the limited effectiveness of EU conditionality boil down to a serious *cost-incentive gap*. There is a considerable mismatch between the high domestic costs of giving up secession and the limited credibility of EU policy both on enlargement in general and secession in particular.

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<sup>6</sup> Whether the Brussels agreement of 2013, which was mediated by Catherine Ashton, represents a breakthrough remains to be seen.

Multiple studies have pointed to deficits in the speed, determinacy and credibility of the EU incentive strategy for the Western Balkans. First, whereas the new Central and East Eastern member states entered the EU eleven (2004) or fourteen (2007) years after being offered membership, Bosnia, Kosovo, Macedonia and Montenegro have not even started accession negotiations after fifteen years.<sup>7</sup> Second, the EU not only gradually expanded its conditions beyond the 1993 Copenhagen criteria, but applies them inconsistently, fuelling charges of politicization and “double standards” (Juncos 2011b, p. 89). Third, due to persistent scepticism about integrating the Balkans, ambivalence is creeping into EU rhetoric, stimulating uncertainty and weakening the constituencies critical for reforms (Phinnemore 2013).

The EU’s ambivalence on secession further reduces its leverage. Neither the Regional Approach nor the SAP contains conditions explicitly ruling out secession. Surely, financial assistance, contractual relations and trade liberalization are tied to fundamental norms such as respecting human and minority rights. However, both the 1997 general conditions for all Western Balkan countries and the specific conditions for individual countries, which were reiterated and slightly expanded in 1999, contained only one demand focusing on status, namely “Effective granting of a large degree of autonomy to the Kosovo” (Council 1997).

Omitting references to territorial integrity in its strategic enlargement documents and responding on a case-by-case basis weakens conditionality. It runs counter to the interests of member states harbouring their own secessionist conflicts and it risks renewed agonizing debates such as those after Kosovo’s declaration of independence. The motivation is probably rooted in the legacy of the ‘recognition debate’ of 1991 (see Biermann 2004). The EU’s dramatic turnaround when recognizing the independence of Slovenia and Croatia rendered any future

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<sup>7</sup> Croatia joined the EU in 2013, Serbia started negotiations in January 2014.

unequivocal rejection of secession incredible. Furthermore, the prospect of new internal conflicts deterred EU members from re-opening the debate when introducing conditionality in 1997.

Thus, the EU's inconsistent track record of dealing with Balkan secessionism is hardly surprising. Enlargement and secessionism are not incompatible. Cyprus, Slovenia, and Croatia are today EU members despite their secessionist origins. Montenegro and Kosovo are likely to follow suit. The combination of an ambivalent EU enlargement perspective with an inconsistent EU record on secessionism inspires speculation about EU fickleness when sustained local resistance puts the EU's anti-secessionist rhetoric to the test.

### **III. Case Study: Bosnia and Herzegovina**

In order to test the argument, we now turn to Bosnia where the EU faces a secessionist scenario of unattained statehood. Since 1995, the ambition of the Bosnian Serbs and Croats moved back and forth between integrated participation in the common state to secession or even irredentism, corroborating Horowitz' argument (1992, p. 121) about the "convertibility of claims" of secessionist groups. The following analysis focuses on the period between 1995 and 2010, i.e. the Dayton Accords and visa liberalization for Bosnia. Three hypotheses can be derived from the discussion above. First, Europeanization slows down if power struggles among secessionist and integrationist groups spread. Second, frustration about the ineffectiveness of its conditionality stimulates the EU to increasingly resort to negative conditionality and imposition. Third, even then the EU is hardly able to delegitimize secessionist groups that are committed to their cause.

Bosnia is a most likely case to test the argument. The struggle between Europeanization and secessionism dominates the domestic discourse. Even though 83 percent of Bosnians would vote for EU membership in a referendum, Europeanization has not taken hold as was expected

(Gallup 2010a, p. 3). However, a closer look reveals that the struggle between secessionism and Europeanization has been played out differently over time. We can distinguish three phases: deadlock (1995-97), progress (1998-2003), and regression (2004-2010).

Before turning to these phases, it is important to realize that Bosnia has four specifics that limit transferability. First, the war has left a legacy that is unique in the Balkans, including a quasi-protectorate. Second, the EU is just one, though an increasingly dominant, external actor within the Dayton architecture. Cross-conditionality complicates isolating the EU's impact (see also Juncos 2013, p. 134). Third, the Dayton Accords introduced a power-sharing system, which turned out to magnify the cleavages among the ethnic groups. Fourth, there are two secessionist conflicts within Bosnia that are interacting, the Croat-Bosniak and the Serb-Bosniak conflicts, making it difficult to isolate the effects they individually have.

The first two sections of the subsequent analysis rest *inter alia* on an analysis of documents from 1996 to 1999.<sup>8</sup> The last section relies on a series of eighteen semi-structured interviews, most of them conducted on a research trip to Brcko, Sarajevo, Pale, Mostar, Belgrade and Zagreb in October 2009.<sup>9</sup>

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<sup>8</sup> The documents, most of them cables, will not be quoted individually for classification reasons. They include, for example, reports of Peace Implementation Council meetings and protocols of meetings with Bosnian politicians and high-level visits to the region.

<sup>9</sup> Confidentiality will be respected. Interviewees were: the Brcko Final Award Office; in Sarajevo the Directorate of European Integrations of the Council of Ministers, two MoD cabinet-level representatives, the Office of the High Representative (OHR), EUFOR and EUPM and an EU Embassy official; in Banja Luka the Office of the President of the Serb Republic, a civil society representative and the head of an Embassy Office; in Mostar two Croat professors of Mostar University; in Belgrade a former advisor to Prime Minister Tadić and an EU Ambassador; and in Zagreb two MFA representatives responsible for Bosnia as well as a former Assistant Minister of European Integration.

### ***The First Phase: Deadlock***

The Dayton Accords were originally portrayed as a new beginning for Bosnia. Today we know that continuity far outweighs discontinuity. There are three background conditions that impacted post-Dayton peace implementation.

First, the conflict was a war of dual secession: Bosnia seceded from Yugoslavia and the Bosnian Serbs and Croats seceded from the new state in the making. However, whereas the Bosnian Croats accepted a diplomatic compromise that brought about the Bosniak-Croat Federation, the Bosnian Serbs were militarily defeated before accepting Dayton. After two and three years of *de facto statehood*, respectively, the Croatian Republic of Herzeg-Bosna and the Serb Republic (RS) were re-integrated into Bosnia. Second, Belgrade not only shifted the power balance in favour of the Bosnian Serbs in the early days of the war; its changing conflict calculus was also instrumental for ending the war. Croatia shared Serbia's irredentist ambition but did not intervene militarily. Both came to recognize Bosnia's independence at Dayton, although they continued to supply weapons, personnel, and money to their clients.

Third, all the Bosnian ethnic groups opposed Dayton. The Bosniaks, still in a majority position, advocated a strong central government, but had to accept two semi-autonomous Entities as well as a central state with no army, police, or independent funding. They also had to accept a power-sharing system within the Bosniak-Croat Federation mirroring the complexities of decision-making on the central State level. The Bosnian Croats who were not represented in Dayton called in vain for a third (Croat) Entity. The Bosnian Serbs, likewise not at the negotiating table, had to accept the *fait accompli* Milošević imposed on them. They did get a state-like autonomy for their Entity, 49 percent of Bosnian territory, and the right to entertain "special relations" with Belgrade, but had to give up independent statehood.

After Dayton, the groups tried to win in peace what they had lost in war. Only four to seven percent of the Serbs accepted the new state (Gromes 2008, p. 8). Biljana Plavsic, chairwoman of the ruling Serb Democratic Party (SDS), declared: “We want the unification of all Serbs in one state, which will be called Serbia” (ibid.). The short-term goal was to develop the Serb Republic as a quasi-state. The Serb war-time leaders, re-elected in September 1996, tried to keep the state institutions in Sarajevo weak. This ran counter to the interests of the Bosniaks who perceived Dayton as a reward for ethnic cleansing. Their goal was to limit the power of the RS, strengthen the central institutions and make Bosnia their true homeland. The Croat allegiance to the new state fell from 65 to 31 percent within a year. Together with Zagreb they prepared for an eventual annexation of their cantons by Croatia.

With secession remaining on the agenda, the power-sharing provisions of the Dayton constitution turned into a liability. They were designed to increase legitimacy and inclusiveness by granting each of the three major ethnicities far-reaching protection, including ethnic quotas, “entity voting” and a right to veto any legislation that contravened “vital national interests.” However, these stipulations were not designed to work among groups not willing to compromise. Once power struggles spread, the system became hostage to deadlock. Thus, transformation was minimal until 1998. The joint institutions were either not established or a facade, refugees were deterred from returning to minority areas, mobility was restricted across the Inter-Entity Boundary Line and war criminals re-established their local networks.

In Dayton, the EU claimed the lead role for the civil implementation of the Dayton Accords (Daalder 2000, p. 157). In particular, it demanded that the High Representative, who had the final authority in theatre, “should come from the EU” (Council 1995). The U.S., which exhibited in Dayton “an almost total lack of interest” in civil implementation and refused “to accept virtually any powers” for the High Representative, largely agreed (Bildt 1998, pp. 130-

132; similarly Holbrooke 1998: 276). The EU henceforth nominated the High Representatives, at first the former Swedish Prime Minister and EU mediator Carl Bildt. It funded 53 percent of his budget, seconded most of his personnel and backed him noticeably. The EU Commission established a Delegation in Sarajevo, upgraded its Monitoring Mission in Bosnia and extended its Administration of Mostar.<sup>10</sup> In 1996 and 1997 the EU spent 803.28 million Euro on Bosnia (see Juncos 2013, p. 97).

Surely, the EU's influence was relative. The Office of the High Representative (OHR) was designed as a *sui generis* institution reporting not only to the Council of the European Union but also to the UN Security Council and the Peace Implementation Council (PIC). EU nominations had to be approved by the PIC and confirmed by the Security Council. Within the PIC Steering Board, which *de facto* directed international policy on Bosnia, the EU Presidency and the Commission were represented along with the major EU member states, but also Canada, Japan, Russia, the United States, and the Organization of the Islamic Conference. NATO and the U.S. dominated military implementation. However, for civil implementation Bildt relied on the Europeans. He declined to accept a U.S. Principal Deputy and was at times "furious" about U.S. interference (Bildt 1998, pp. 166, 173-174). Thus, while "the United States ... opposed the appointment of at least three nominees for the OHR (out of the seven individuals to have held the post), Europeans maintained their original choices and thus have retained *de facto* control over the OHR" (Szewczyk 2010, p. 29).

Dissatisfaction with the EU soon spread. The OHR took more than a year to start working. The EU's reconstruction efforts also had a slow start. "While the military, sixty thousand strong, met every early deadline, the civilian side ... met almost none" (Holbrooke 1998, p. 324). Governments realized that a rapid withdrawal of NATO forces would depend on

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<sup>10</sup> The EU Administration of Mostar is discussed in detail in Juncos (2013, p. 99-110).

successful reconstruction and democratization and that the refugees would only return once houses were rebuilt and new jobs created. Impatience motivated the Clinton administration to side-line the OHR by expanding the role of its own mission heads in NATO and the OSCE, sending Richard Holbrooke on several occasions back to Bosnia, and building up its Embassy in Sarajevo to the size of the OHR (see also Flügger 2002, Holbrooke 1998, pp. 315-369). EU member states such as Germany took reconstruction into their own hands by ordering their troops to start reconstruction projects in the area they controlled.

When international frustration with the obstruction by the Bosnian parties mounted, conditionality became the buzz-word. EU documents mentioned “criteria of conditionality” as early as 1995 (Council 1995). The most important conditionality for the member states was to link reconstruction aid to readiness to repatriate refugees. The 1997 criteria of the Regional Approach summed up what had previously been articulated on an inconsistent basis. This was not different from the other implementing agencies, which piled up conditions *ad hoc* over time without much coordination among them.

It is difficult to isolate the effect of EU conditionality in this phase, especially given the policy guidelines formulated within the PIC, the strong U.S. interventions and the overlapping conditionality of other actors. However, the EU did bear primary responsibility for economic reconstruction and it did control the OHR. Four aspects are noticeable. First, the problem of secessionism crept into EU statements the more separatism generated fears of Bosnia falling apart. Thus, the Florence European Council (1996b) stressed that the development of contractual relations “will be conditional upon full support for the Peace Agreement, including respect for Bosnia and Herzegovina as an independent, democratic, multi-ethnic State with secure borders.” The Council explicitly warned the Croats that the EU “rejects any attempt to revive Herzegovina governmental structures.”

Second, the EU had not expected this amount of obstruction after Dayton. It had suspended and then repealed its sanctions, recognized the Milošević regime and held two early donor conferences. The Regional Approach focused on positive conditionality, portraying a cooperation agreement, financial assistance, trade preferences and reconstruction “as an incentive” to reform (Council 1997). However, in 1997 the EU, like all other organizations, went into reverse gear. The willingness to move into outright coercion strongly increased. While the OHR froze assistance for Mostar, isolated the radical Serbs in Pale, seized and closed Serb radio stations and pushed Belgrade and Zagreb to stop meddling in Bosnia’s affairs, the EU ruled out reconstruction in the RS as long as Karadžić was in control and postponed the third donor conference. The impact of these measures was at first limited. The EU’s leverage in the RS was minimal. There was little the EU could do as long as the joint institutions in Sarajevo were not established, radicals controlled the communities, macroeconomic reforms were missing and unemployment was rampant. Pilot projects such as in Una-Sana stalled.

The introduction of the “Bonn powers” in December 1997 signalled mounting frustration (Peace Implementation Council 1997). Henceforth, the High Representative could amend constitutions, pass laws, issue executive decrees, appoint judges, freeze bank accounts, overturn judicial decisions and ban elected officials from holding public office (Szewczyk 2010, p. 30). It was a German initiative launched via the EU and the OHR (Flügger 2002, p. 198).

Overall, the first post-Dayton phase corroborates the three hypotheses advanced above to a large degree, even though cross-conditionality complicates tracing causality. Since secessionist sentiment remained wide-spread, power struggles deadlocked institution-building and inter-ethnic cooperation on the State level. Transformation hardly took off. In line with the other external actors, a disillusioned EU, while starting out relying on positive conditionality, turned first to

withholding rewards and sanctions, then imposition. The effect was minimal. Socialization effects were not yet observable.

### ***The second phase: Progress***

Once Milorad Dodik was elected RS Prime Minister in early 1998 by the Serb Assembly, hopes spread that he could win the power struggle among the Serbs and marginalize Karadžić's SDS. Dodik immediately moved to Banja Luka, froze the assets of the Pale leadership and indicated his willingness to comply with Dayton. His election was stimulated by the coercive turn of the international actors. With 70 percent unemployment, no foreign investment and reconstruction aid focusing on Bosniak and Croat communities, the RS desperately needed financial aid.<sup>11</sup> The OHR's threat to transfer authority over the Brcko corridor to the Bosniaks in the upcoming Final Award, which would cut off the Western and the Eastern part of the Serb Republic, also necessitated a more cooperative attitude.<sup>12</sup> Furthermore, the new High Representative Carlos Westendorp immediately used the Bonn powers to impose sweeping reforms, signalling that non-cooperation would be seriously punished in the future.

Finally, conditionality seemed to pay off. In order to help Dodik win the parliamentary elections in September, the EU released "rapid short-term assistance" (Council 1998). The EU also dedicated "an increased share" of reconstruction aid to the RS once it observed "progress on democratization and human rights" in the next months (Commission 1998). In June 1998 a Consultative Task Force between Bosnia and the EU was set up to pave the way for a cooperation

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<sup>11</sup> The UNHCR *open cities concept* supporting only communities, which are willing to accept multiethnic structures, complemented the EU's *focus area concept* supporting communities, which accept minority returns.

<sup>12</sup> The Final Award of March 1998 explicitly rewarded the Serb Republic for the recent turn towards cooperation and thus signaled that cooperation pays off.

agreement. According to Holbrooke (1998, p. 356), “the first few months of 1998 saw more movement than the two years since the unification of Sarajevo.”

Nonetheless, the radical SDS won the elections of September 1998 and another nationalist hard-liner became RS President. Political support and rapid aid proved insufficient to incentivize sustained cooperation. In the following years two camps emerged within the Serb Republic. Whereas one camp continued to reject the Bosnian state, the other advocated accepting Dayton as a *fait accompli* (Gromes 2008, p. 14). Overall, the Serb commitment to secession began to soften. In 2000, 32 to 41 percent of the Bosnian Serbs still favoured independence, with 27 to 29 percent advocating a merger with Serbia (ibid.). However, now even the radical SDS declared its commitment to a functioning Bosnia. The number of Croats advocating a merger with Croatia dropped to a mere 2 percent in 2004 (ibid.). The wartime parties of the Bosniaks (SDA) and the Croats (HDZ) were voted out of power in the Federation. Secession ceased to dominate the public discourse.

Once the power struggles declined, transformation accelerated. The number of sessions in the Bosnian parliament increased (Gromes 2008, p. 17). Rising legislative activity indicated a stronger impetus to reform:

Table 2. Number of Laws Passed by the Parliamentary Assembly of BiH

	1997	1998	1999	2000	2001	2002	2003	2004
Laws	11	4	7	8	25	12	40	73

Source: Gromes T (2008: 17)

Defence reform was the most widely perceived indicator of progress. It created one army out of three, eliminated the parallel chains of command, established a state-level Ministry of Defence

and reduced the Entity armed forces by 40 percent (Aybet and Bieber 2011). Observers saw a “seismic shift” within the RS (Greenwood and Hartog 2005, p. 81).

During this phase, cross-conditionality declined. Although the Clinton administration finally succeeded in installing its Principal Deputy in the OHR, its attention shifted to Kosovo once civil war broke out in early 1998 (Flügger 2002, p. 200). The EU’s leverage further increased when the enlargement perspective and the CARDS assistance programme were introduced, the Stability Pact was launched and the European Security and Defence Policy inaugurated in 1999. In subsequent years, the EU assumed responsibility for most aspects of Dayton implementation. It appointed Special Representatives who were double-hatted with the OHR (2002-2011), took over the UN police mission in 2003 and followed up NATO’s Stabilization Force in 2004 (Juncos 2013, pp. 125-162). Still, formally the High Representative remained independent. The first EUSR used this leeway extensively (Muehlmann 2008, p. 17, Juncos 2011a, p. 374).

The enlargement perspective implied a shift towards more positive conditionality. However, since the Commission (1999) continued to observe “obstruction” by the Serb Republic, “undue influence of Zagreb and Belgrade” and only “patchy” reform progress, negative conditionality and imposition were frequently employed (Commission 2000). “Fragile constitutional arrangements” required a “robust line” to avoid “further fragmentation” (Commission 2002a, p. 9). Seven years after Dayton, an increasingly impatient EU began to publicly blame “the highly decentralized structure of the BiH State”, which “has depressed parliament’s legislative record”, for blocking “effective government” (Commission 2002b, p. 4-5). The EU, backing the line of the new High Representative, Paddy Ashdown, urged the RS to “build on Dayton.” This meant, “Entity powers may have to be ceded to the State. Republika

Srpska (RS) in particular must consider that a strong state is compatible with a strong Entity” (Commission 2002a, p. 17).

Bosnia’s EU rapprochement did proceed in this phase, though. In March 2000 the EU introduced a ‘Road Map’ as an extra Bosnia-specific step before the Commission would produce a Feasibility Study on whether to start negotiations on a Stabilisation and Association Agreement (SAA). It took Bosnia until September 2002 to complete most of the requested reforms in the eighteen priority areas, much of it under “pressure”, which “remained vital for many of the reforms” (Commission 2003, p. 28). Afterwards, Bosnia’s Directorate of European Integration discussed and answered a questionnaire, which resulted in the Feasibility Study in November 2003. The start of SAA negotiations was postponed until progress in sixteen priority areas was achieved. According to an *ex post* EU assessment (Commission 2005b), the study “acted as a powerful catalyser to implement reforms.”<sup>13</sup>

Summing up, in this phase the second and third hypotheses need some refinement. As expected the power struggles receded and Bosnia “pushed forward with reforms” (Commission 2003, p. 7) once secessionist sentiment declined. However, despite the reform progress, the EU, following the lead of Ashdown, did not relax coercion.<sup>14</sup> Personalities and perceptions, especially impatience, seem to play a role here. Furthermore, the Dodik episode indicates that negative conditionality (withholding aid and threatening to transfer Brcko to the Bosniaks) as well as introducing imposition did motivate Serb cooperation, even though short-term. Likewise, the reform progress visible since 2000 can be attributed partly to the new enlargement perspective, in particular the Road Map and the Feasibility Study.

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<sup>13</sup> For a more detailed discussion of the Roadmap and the Feasibility Study see Noutcheva 2012: 60-64).

<sup>14</sup> See the graph on the use of the Bonn powers in Juncos (2013, p. 135).

However, favourable contextual factors help explain why this phase turned out to be the most cooperative. First, nine years after Dayton the secessionists were beginning to realize that the international community was about to stay, confounding the hope that it “will tire of engagement, will withdraw and will thus again open the door to the pursuit of nationalist and separatist aims” (Commission 2002b, p. 28). Second, the end of Tudman’s (1999) and Milošević’s (2000) rule buried hopes that both patrons would continue to sponsor secessionism since the new elites in Belgrade and Zagreb were eager to start their own EU accession processes. Irredentism was off the table. Third, the Kosovo escalation demonstrated that NATO was committed to imposing new sanctions if necessary and intervene militarily even against the will of Serbia and Russia. Finally, EU conditionality positively interacted with NATO conditionality. It was NATO that orchestrated the defence reform by making it a prerequisite for Bosnia’s Partnership for Peace membership (Aybet and Bieber 2011).

### ***Third phase: Regression***

Two factors seem crucial to explaining when and why the fragile positive vector reversed after the defence reform, pointing to serious EU misperceptions and mismanagement. First, the EU began to strongly press for a formal revision of the Dayton constitution. This re-introduced status issues onto the political agenda. While ascertaining “considerable progress”, in particular the “favourable” attitude of the parliament adopting EU-related legislation “in an expeditious manner”, the 2005 Progress Report discussed at length the shortcomings of the constitution. It was portrayed as “too complex and fiscally unsustainable”, hampering swift decision-making and undermining rapid progress towards EU accession (Commission 2005a, pp. 5, 9-10).

This policy change was risky. Advocating a “more functional” State required transferring competences from the Entity- to the State-level. This implied cutting back the authority of the Serb Republic while empowering the Bosniaks (Noutcheva 2012, pp. 163-164). It provoked Serb resentment and mistrust at a time when reforms were finally forthcoming. Opting for constitutional reform implied opening the “Pandora’s box” of a power-sharing system that no one was fully satisfied with but prudent politicians had refrained from contesting (Muehlmann 2008, p. 13). The International Commission on the Balkans (2005) realized these risks. It warned that “state-building in Bosnia cannot be an open-ended process of centralisation” and criticized a “tendency to see the federal system as a problem to be overcome, rather than as a promising model which allows ethnic communities to flourish side by side.” The Commission proved right. The negotiations on a package of constitutional reforms, which were rejected by Bosnia’s parliament in April 2006, sparked new nationalist sentiment.

Second, the constitutional debate interacted with the police reform which dominated the public debate in 2004 and 2005. This critical juncture set Bosnia back on the path of separatist confrontation. The ambitious initiative to create a modern, single police force operating across the Entity boundaries was a joint initiative of the EU and OHR (Juncos 2011a, p. 379). It required constitutional changes approved by a two-thirds majority within the RS Assembly. The extremely coercive and impatient manner in which Ashdown provoked a “show-down” with the Serbs and tried “to force the [Serb] SDS to its knees” (Muehlmann 2008, p. 17) provoked reservations within the EU, especially when the reform was linked to the start of SAA negotiations (Juncos 2013, p. 132). However, in the end no one openly challenged Ashdown. The focus on efficiency arguments masked that the reform was a threat to the integrity of the Serb Republic, setting a precedent in the upcoming constitutional debate (Juncos 2011a, p. 381). Ashdown overrated the leverage of EU accession. Even “the employment of almost all instruments of inducement and

coercion” did not suffice to overcome Serb resistance. When the EU finally accepted a much watered-down reform and started the SAA negotiations in November 2005, “EU conditionality ... literally broke down” (Richter 2008). Close observers (Muehlmann 2008, p. 20) realized, “neither the stick of the Bonn powers, nor the carrot of EU accession can drive top-down reforms which do not have a basis of support within Bosnian society.”

To be sure, these confrontations were not about secession, but about a Serb Republic trying to preserve the status it was granted in Dayton. However, as a result the moderate Serbs were forced to line up behind the renewed nationalist sentiment, the radical SDS re-appeared and secessionism moved back on the agenda in the campaign for the October 2006 elections. Dodik, applying for another term as RS Prime Minister, turned nationalist. While his major counterpart, Haris Silajdžić, managed to win the vote as the Bosniak representative within the State Presidency by calling for the abolition of the Serb Republic, Dodik won a landslide victory by threatening a referendum on independence. He argued that, “In terms of sentiment, it’s natural that we Serbs think of Serbia as our homeland.”<sup>15</sup>

The first ICTY rulings asserting a Serb genocide in Srebrenica, the debate on Montenegrin independence and the Kosovo status negotiations contributed to igniting renewed nationalism in 2006. 62 percent of Bosnian Serbs favoured declaring independence if Kosovo was granted independence.<sup>16</sup> After Kosovo’s independence, 43 percent of the Bosnian Serbs saw this as a precedent for the RS; even 35 percent of Bosniaks and Croats agreed (Gallup 2009b, p. 6). The RS Assembly passed a resolution condemning Kosovo’s independence, warning the state institutions not to recognize Kosovo and threatening a referendum on secession. The EU flag was burned in the streets of Banja Luka (Džihic 2008).

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<sup>15</sup> Milorad Dodik – One Foot in Bosnia, but His Heart in Serbia, 2009. *RFE/RL*, April 28, 2009.

<sup>16</sup> Partner Marketing/Reporter, 7 Oct. 2006. Available from: [http://www.angus-reid.com/polls/9153/serb\\_bosnians\\_support\\_independence/](http://www.angus-reid.com/polls/9153/serb_bosnians_support_independence/), [Accessed on 8 July 2011].

Since 2006, Dodik’s nationalist rhetoric (he also won the 2010 Presidential elections in the RS) has dominated domestic politics. Without committing himself to secession he skilfully plays the referendum card. Conversely, Bosniaks suspect that the Serbs are pursuing a “long-planned project” aiming at the “final destruction” of Bosnia.<sup>17</sup> By permanently questioning the future viability of the RS and resorting to tactics of outvoting the Croats within the Federation they continue to stimulate Serb and Croat nationalism. In 2010, only 13 percent of Bosnian Serbs identified very or extremely strongly with Bosnia, but 62 percent with the RS and 68 percent with their Serb nationality. The identity profile of the Croats was similar (Gallup 2010a, p. 5).

With secessionism on the rise, transformation stalled and legislative activity declining, the number of laws passed by the Bosnian parliament fell sharply:

Table 3. Number of Laws Passed by the Parliamentary Assembly of BiH, 2004-2012 <sup>18</sup>

	2004	2005	2006	2007	2008	2009	2010	2011	2012
Laws	73	39	37	25	40	61	27	13	15 <sup>19</sup>

Source: Source: Regular reports by the Bosnian Centre of Civil Initiatives (<http://www.cci.ba/>) monitoring the legislative activity of the Parliament according to election periods

Likewise, the number of sessions of both Houses of the Bosnian Parliament, which had peaked in 2002-2004 due to implementation of the Road Map and the Feasibility Study, declined significantly. Within the Federation, tensions between Bosniaks and Croats escalated. Fourteen months without a mayor and a budget for Mostar in 2008/9 were followed by a breakdown of the ruling coalition, bringing legislation to a “standstill” and threatening wholesale “ungovernability”

<sup>17</sup> Dodik’s War Against Bosnia and Herzegovina, News and Analysis, 2009. Bosnian Institute, July 3, 2009.

<sup>18</sup> I would like to thank Saša Konjević for his assistance in providing these data on the legislation of the Bosnian parliament.

<sup>19</sup> Until 30 June 2012.

(ICG 2009a). Croats talked about being “oppressed,” fears of “assimilation”, and a “loss of perspective”. It was the international presence, they said, that prevented a resumption of war.<sup>20</sup> Government employees in Sarajevo saw a “complete lack of willingness to compromise.”<sup>21</sup>

This turn of events motivated calls for a “much more aggressive” EU policy (McMahon and Western 2009, p. 6). The German Foreign Minister asserted that “Bosnia-Herzegovina only has one European future, not several.”<sup>22</sup> Catherine Ashton warned that the Serb Republic “can have as many referendums as it likes, but in the end, this is about one country coming together.”<sup>23</sup> The EU stipulated that the SAA which was ratified in 2011 would not enter into force unless the Dayton constitution was revised according to a European Court of Human Rights ruling in 2009 (Commission 2013). However, imposition was scaled down. The successors of Ashdown largely stopped using the Bonn powers (Juncos 2013, p. 135). Sporadic attempts were strongly resisted, overruled by Bosnia’s constitutional courts, or they lacked backing by EU governments (ICG 2011, p. 7). In parallel, the EU’s presence significantly declined. The EU Force was reduced from 7.000 troops in 2004 down to 2.000 in January 2010; the Police Mission was terminated in 2012. The closure of the OHR has been postponed repeatedly since 2006.

This dismal state of affairs affected public opinion. In 2009, less than half of the Bosnians felt that the EU actually wants Bosnia to join (Gallup 2009c). Only 34 percent of the Bosnian Serbs viewed EU membership as a “good thing” (Gallup 2009a). Seemingly, the Serbs have drawn a line in the sand. Dodik aides assert that no further competences will be transferred from Banja Luka to Sarajevo. They “do not see any kind of compromise.” EU accession will only

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<sup>20</sup> Interview at Mostar University, October 9, 2009.

<sup>21</sup> Interview with a Serb Cabinet level officer in the Ministry of Defense, Sarajevo, October 10, 2009.

<sup>22</sup> German Foreign Minister Guido Westerwelle, dpa/Reuters, August 27, 2010.

<sup>23</sup> Catherine Ashton quoted in Nedim Dervisbegovic, 2010. For Bosnia’s Dodik, Referendum Law Means it’s Make-Or-Break Time. *RFE/RL*, Feb. 11, 2010.

proceed “as long as it is compatible with our own goals.”<sup>24</sup> Dodik can present himself as the defender of Dayton, and he can wait. As a centrally organized entity, the Serb Republic has better prospects than the Federation and the central State; and the longer the crisis lasts, the more the EU might see divorce as the last resort. Thus, the Serbs “profit from permanent crisis.”<sup>25</sup>

There was one major exception: visa liberalization. In January 2008, the EU concluded visa facilitation agreements with all the Western Balkan countries, opening up the perspective of visa exemption once EU conditions were met. Roadmaps were designed to establish benchmarks for reform. Due to lack of reform progress, the EU Commission announced in July 2009 that the citizens of Bosnia, in contrast to Macedonia, Montenegro and Serbia, would not enjoy visa-free travel. The shock was so profound that within several months the parliament adopted most of the laws (ICG 2009a, p. 16).<sup>26</sup> Once EU conditions were met in October 2010, Brussels granted visa liberalization. Close observers saw “a dramatic breakthrough.”<sup>27</sup> Obviously, the Bosnians were willing to pass rapid and substantial reforms when the incentive was highly attractive. The episode confirmed that the EU’s leverage increases in “endgames” when EU rewards are imminent (Schimmelfennig 2008).

Overall, the three hypotheses are largely, but not unequivocally confirmed in this phase. The reappearance of separatist nationalism provoked new power struggles that undermined transformation. Even rigorously applied EU conditionality and imposition were not able to trigger reforms. When Ashdown forced the Serbs to choose between EU accession and retaining their state-like autonomy, they opted for the latter. However, three developments ran counter to our expectations. First, it was the EU, which inadvertently ignited the new wave of secessionism

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<sup>24</sup> Interview in Banja Luka, October 10, 2009.

<sup>25</sup> Interview with an Embassy official, Sarajevo, October 9, 2009.

<sup>26</sup> The high number of laws recorded in Table 3 for 2008 and 2009 can be attributed to visa liberalization.

<sup>27</sup> European Stability Initiative, 2009. Bosnia’s visa breakthrough and the power of Europe, Newsletter no. 8, 29 Sept. 2009.

when it confronted the Serbs with constitutional reforms and a police reform that undermined the delicate Dayton architecture. Second, scaling back the use of the Bonn powers and announcing the OHR's closure signalled less reliance on imposition in the future. Third, visa liberalization demonstrated that withholding attractive rewards can trigger considerable cooperation, particularly in an 'endgame' scenario.

#### **IV. Conclusions**

This article asked how secessionism affects Europeanization and how Europeanization affects secessionism. Specifically, does secessionism shape the strategies the EU employs to Europeanize countries affected by secessionism? And how much does Europeanization help to mitigate secessionist sentiment? We introduced three hypotheses to be tested on Bosnia since Dayton. First, Europeanization slows down if power struggles among secessionist and integrationist groups spread. Second, frustration about the ineffectiveness of its conditionality stimulates the EU to increasingly resort to negative conditionality and imposition. Third, even then the EU is hardly able to delegitimize secessionist groups that are committed to their cause. The findings are as follows.

The case study confirms the first hypothesis, which is based on a scenario of ongoing secessionist strife where statehood is not attained. The history of post-Dayton Bosnia illustrates that in secessionist conflicts the EU is confronted with a high resistance scenario where Brussels' integrationist logic and the local secessionist logic clash. Secessionism is a high-stakes, identity-laden issue, stimulating zero-sum thinking. The more the territorial integrity of the Serb Republic was at stake, the more politics in Sarajevo polarized. Competing nationalisms made striking the painful compromises necessary for Europeanization extremely difficult. While Europeanization

stalled when secessionist sentiment ran high and power struggles were intense (first and third phase), Europeanization accelerated under conditions of receding secessionist struggle (second phase).

The second hypothesis was likewise confirmed, but with qualifications. The EU was consistently committed to isolate the secessionist Serb and Croat groups, strengthen the moderates and assert its norms of territorial integrity, open borders and inter-ethnic cooperation. Once disappointment about the lack of progress spread in 1996/7, the EU turned from positive conditionality (lifting sanctions, recognition and donor conferences) to negative conditionality via denial (such as withholding aid for Pale) and punishment (closing down radio stations); finally it pushed the OHR into imposition via the Bonn powers. During the next two phases, coercion remained dominant even though positive conditionality was re-introduced with the enlargement perspective in 1999. Since the Road Map of 2002, piling extra-conditions onto Bosnia's path to EU membership became another instrument of coercion.

However, there are inconsistencies. First, frustration is subjective and can be driven by misperceptions. Although reforms took up speed between 2000 and 2004, Ashdown (and with him the EU) increasingly resorted to coercion. The main reason was Ashdown's personal impatience. It motivated him to push for constitutional reforms, which inflamed renewed separatist nationalism and stifled the reform momentum and the first signs of socialization. Contextual factors, in particular demonstration effects from Montenegro's and Kosovo's path towards independence, the ICTY rulings on Srebrenica and the election campaign of 2006, reinforced the resurgence of secessionism. Second, the most blatant instrument of coercion, imposition, was scaled down since 2006 despite the EU's growing frustration with the relapse into an openly secessionist discourse. Imposition increasingly collided with the 'ownership' principle.

The third hypothesis also needs modification, allowing for at least some more optimism. Surely, Bosnia demonstrates how difficult it is for external actors to influence the calculus of secessionist groups. The domestic arena is crucial and follows its own logic. The leverage of the EU to delegitimize secessionist groups is indeed strongly limited. Neither blatant coercion (police reform) nor rapid aid and political support (the first Dodik term in 1998) succeeded in marginalizing the radicals. However, a closer look also reveals that the EU at times did manage to push back secessionism and trigger substantial reform legislation. In early 1998, the EU's threat of dividing the Serb Republic territorially with the Brcko Final Award, the dire consequences of aid denial and the perspective of a wide-spread use of the Bonn Powers motivated the Serbs to elect Dodik and start cooperating with the other groups. Furthermore, between 2000 and 2004, the combined effects of the new enlargement perspective and the regime changes in Croatia and Serbia motivated the Bosnians to pass the reforms necessary for the Road Map and the Feasibility Study as preconditions for starting SAA negotiations. Finally, in 2009/10 the shock of withholding visa liberalization stimulated a stream of reform legislation.

If anything can be learned from the Dayton track record it is that pushing further for 'centralization', both on the State level and within the Federation, mobilizes secessionist sentiment, fans power struggles and undermines reform. Power-sharing might be an obstacle to Europeanization, but any revision needs consensus. Reforms will come about when EU accession is divided up into attractive short-term rewards with manageable conditions attached, when promises are reliable, when coercion based primarily on denial is painful, and when the context is favourable. Otherwise, the EU and its rapidly rotating personnel need to wait more patiently for socialization to take hold and temper their eagerness to demonstrate short-term success.<sup>28</sup> In the

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<sup>28</sup> Coppieters et al. argued already in 2004 (p. 35) that conditionality might drive change in the initial stages of Europeanization, but "over the longer term endogenous processes may become the main driving forces behind domestic transformation."

end, Europeanization cannot be enforced. The secessionists and their constituencies need to realize that self-isolation decouples them from the EU and its benefits while others in the Balkan neighbourhood move ahead.

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